

BEFORE THE STATE OF CALIFORNIA

OFFICE OF TAX APPEALS

COUNTY OF SACRAMENTO

JOSHUA LAMBERT, ADMINISTRATIVE LAW JUDGE

In the Matter of:)
)
JOSHUA K. RINDLISBACHER,)
) CASE ID NO. 21057758
Appellant.)
)

CERTIFIED COPY

TRANSCRIPT OF PROCEEDINGS
Sacramento, California
Tuesday, October 18, 2022

Reported by:

Maria Esquivel-Parkinson
CSR No. 10621, RPR

Job No. :
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JOSHUA K. RINDLISBACHER,)
Appellant.) CASE ID NO. 21057758
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TRANSCRIPT OF PROCEEDINGS, taken at
400 R Street, Sacramento, California,
commencing at 1:54 p.m. on Tuesday,
October 18, 2022, reported by
Maria Esquivel-Parkinson, CSR No. 10621,
RPR, a Certified Shorthand Reporter in
and for the State of California.

1 APPEARANCES:

2
3 PANEL MEMBERS:

4 JOSHUA LAMBERT

5 MIKE LE

6 SARA HOSEY

7
8 FOR THE APPELLANT:

9 ANASTASIA MARTYANOVA

10
11 FOR THE FTB:

12 JOEL SMITH

I N D E X

E X H I B I T S

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(FTB's Exhibits A-H were received at page 6)

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1 SACRAMENTO, CALIFORNIA, TUESDAY, OCTOBER 18, 2022

2 1:54 P.M.

3
4 ADMINISTRATIVE LAW JUDGE LAMBERT: We are now
5 on the record in the Office of Tax Appeals oral hearing
6 for the appeal of Joshua Rindlisbacher, Case No.
7 21057758. The date is October 18th, 2022, and the time
8 is 1:54 p.m.

9 My name is Josh Lambert, and I'm the lead
10 administrative law judge for this hearing, and my
11 co-panelists today are Judge Sara Hosey and Judge Mike
12 Le. Judge Hosey is replacing Judge Kwee on the panel
13 due to Judge Kwee being unavailable today, and there
14 were no objections by the parties.

15 For FTB, could you please introduce yourself
16 for the record.

17 MR. SMITH: Yes. My name is Joel Smith.

18 ADMINISTRATIVE LAW JUDGE LAMBERT: Thank you.

19 And for Appellant, could you both introduce
20 yourselves.

21 MS. MARTYANOVA: My name is Anastasia
22 Martyanova.

23 APPELLANT RINDLISBACHER: Good afternoon. My
24 name is Joshua Rindlisbacher.

25 ADMINISTRATIVE LAW JUDGE LAMBERT: Thank you.

1 And thank you everyone for attending. As agreed to by
2 the parties, the issue is whether Appellant has
3 demonstrated error in FTB's determination denying
4 Appellant innocent spouse relief under R&TC Section
5 18533, subdivision (4) for the 2016 tax year.

6 As discussed at the conference, Appellant does
7 not dispute FTB's determination under R&TC Section
8 18533, subdivisions (b) and (c), and FTB's stated that
9 it agreed Appellant meets the threshold conditions under
10 Revenue Procedure 2013-34, Section 4.01, and Appellant
11 is seeking to qualify for relief under the factors
12 provided by Revenue Procedure 2013-34, Section 4.03 and
13 not Section 4.02. FTB provides Exhibits A through H,
14 and Appellant provides exhibits 1 through 16.

15 (FTB's Exhibits A through H admitted.)

16 (Appellant's Exhibits 1 through 16 admitted.)

17 ADMINISTRATIVE LAW JUDGE LAMBERT: As
18 discussed, FTB objected to the original Exhibit 16 and
19 that objection was sustained. So Exhibit 17 has become
20 Exhibit 16. And that evidence is now in the record.

21 FTB will not be presenting any witnesses, but
22 Mr. Rindlisbacher, do you still plan to testify as a
23 witness today?

24 APPELLANT RINDLISBACHER: Yes, I do.

25 ADMINISTRATIVE LAW JUDGE LAMBERT: Okay. So I

1 will swear you in before your presentation.

2 And, Ms. Martyanova, you'll have 30 minutes to
3 give your presentation, including the witness testimony.

4 And, Mr. Rindlisbacher, can you please raise
5 your right hand.

6 And do you solemnly swear or affirm to tell the
7 truth, the whole truth, and nothing but the truth?

8 APPELLANT RINDLISBACHER: Yes, I do.

9 ADMINISTRATIVE LAW JUDGE LAMBERT: Thank you.
10 And afterwards FTB may ask you some questions. Is that
11 okay?

12 APPELLANT RINDLISBACHER: Yes, that's fine.

13 ADMINISTRATIVE LAW JUDGE LAMBERT: Thank you.

14 So, Ms. Martyanova, this is your opportunity to
15 explain Appellant's position, and you have 30 minutes.
16 Thanks.

17 MS. MARTYANOVA: Okay. May I ask one question
18 before that?

19 ADMINISTRATIVE LAW JUDGE LAMBERT: Sure.

20 MS. MARTYANOVA: I just want to clarify that
21 we're disputing subdivision (b), (c), and (f); is that
22 correct? Was that mentioned --

23 (Reporter clarification)

24 MS. MARTYANOVA: Okay. We dispute subdivision
25 (b), (c), and (f) of Section 18533.

1 ADMINISTRATIVE LAW JUDGE LAMBERT: So now
2 you're stating that you are disputing (b) and (c) also?

3 MS. MARTYANOVA: Yeah. It was stated in the
4 prehearing conference that we dispute knowledge factor
5 which is present in --

6 (Reporter interrupted)

7 MS. MARTYANOVA: Sure. At the prehearing
8 conference it was stated that we dispute knowledge
9 factor, which is present in subdivisions (b), (c), and
10 (f).

11 ADMINISTRATIVE LAW JUDGE LAMBERT: Okay. So
12 you're stating that you're not just disputing equitable
13 relief but --

14 MS. MARTYANOVA: Yeah. That's right.

15 ADMINISTRATIVE LAW JUDGE LAMBERT: Okay. So
16 that's a change since the conference and your briefing.

17 MS. MARTYANOVA: It was stated in the minutes
18 and order that we dispute knowledge factor in (b) and
19 (c).

20 ADMINISTRATIVE LAW JUDGE LAMBERT: Do you mean
21 the knowledge factor in Section 4.03 on --

22 MS. MARTYANOVA: No. Section 18533,
23 subdivision (b) and (c).

24 ADMINISTRATIVE LAW JUDGE LAMBERT: Okay.

25 FTB, didn't we discuss at the prehearing

1 conference that (b) and (c) were not at issue or --

2 MR. SMITH: My recollection was that Appellant
3 was going -- that that was not a definitive answer, and
4 Appellant was going to decide if those were at issue. I
5 don't remember that it was definitive that that was not
6 going to be an issue.

7 ADMINISTRATIVE LAW JUDGE LAMBERT: Okay.
8 That's fine if you want to dispute those, and you can
9 include that in your presentation.

10 MS. MARTYANOVA: Okay.

11 ADMINISTRATIVE LAW JUDGE LAMBERT: Okay. You
12 may proceed.

13 MS. MARTYANOVA: Thank you.

14
15 OPENING STATEMENT

16 BY MS. MARTYANOVA, Representative for Taxpayer:

17 This appeal started with an innocent spouse
18 relief request. The acceptance of an innocent spouse
19 relief request is fact-based yet somewhat subjective.
20 The rules are complicated and the different phrasing of
21 concept within rules, they are confusing. If you look
22 at older versions of the innocent spouse relief
23 provision, you will see that they had a much stricter
24 set of requirements. By changing the text of the
25 sections the legislator intended to make such relief

1 easier to achieve to more taxpayers.

2 Marriage is an important institution in society
3 that the government on all levels protects. This
4 includes protecting innocent spouses in a marriage as
5 well as ex-spouses regarding what have occurred during
6 prior marriage.

7 MS. MARTYANOVA: After divorce, Appellant found
8 out about his ex-spouse's misclassification of income
9 resulting in a big tax bills in years following the tax
10 year in question. Appellant had no reason to suspect or
11 know that his ex-spouse could underreport his income or
12 understate his tax liabilities.

13 The rest of the facts of the case we will cover
14 during the witness testimony, and we will invite
15 question at the end of our presentation.

16
17 OPENING STATEMENT

18 BY MR. RINDLISBACHER, Appellant:

19 Good afternoon. Thank you, guys, for allowing
20 me to be here. My name is Joshua Rindlisbacher and my
21 ex-spouse is Eric Bradford who was the other taxpayer on
22 this return. I'm originally from Utah. We were married
23 in 2014 and then moved to California in March of 2015.
24 We separated in April 2018, and our divorce was
25 finalized in January of 2019. I've had minimum, if any,

1 contact with Eric since our separation, and he's chosen
2 to completely cut me out, ignore me since the divorce.

3 In the spring of 2020, I received a notice from
4 the Franchise Tax Board saying that there was an error
5 in our 2016 filing and that a balance of 9693 -- \$9,693
6 was due to the State of California.

7 After receiving the notice, I began trying to
8 contact Eric to resolve the matter. Although we had not
9 been in communication for some time, I confirmed through
10 family and mutual friends that his contact information
11 was still the same. Despite my many efforts and
12 attempts to contact him through multiple avenues I did
13 not hear anything back from him. He refused to respond.

14 I sent multiple letters in the mail with
15 tracking verification that he received them, emails from
16 multiple email addresses in case he had blocked an email
17 address. Even sent a letter to his family, his mother
18 in Utah, which I know she received as well. So I did
19 make every attempt I could to reach out to him to help
20 resolve this.

21 After not hearing from him, I then engaged the
22 help of Nova Tax Services in Napa, California, to
23 identify where the error was. I wanted to see where
24 this, you know, tax bill was coming from. The
25 individual that helped me, her name was Tami Patterson.

1 Through reviewing our returns and the information we
2 had, it was discovered that Eric removed his \$97,000 of
3 income from Kaiser Permanente off the returns, and
4 that's what resulted in the tax being owed.

5 When we filed our 2016 taxes, we used the Turbo
6 Tax software. My taxes were fairly simple, just a W-2.
7 I entered that information myself. Eric then entered in
8 all of his earnings. And at the end of both of us
9 inputting our information, it showed that we owed about
10 \$8,000 to the IRS for the federal and that we were due
11 about an \$8,000 refund from the State of California. So
12 it was pretty much a break-even situation, which is
13 similar to previous years where we didn't really owe
14 anything but we didn't receive much of a refund either.
15 So nothing raised any major flags for me there. I
16 certainly didn't think there was any lack -- or income
17 being misrepresented, underreported because we still did
18 owe 8,000 for federal IRS for federal taxes.

19 During that time, I also reached out to Turbo
20 Tax to see if there was an error in their software.
21 They reviewed it and verified that there was still no
22 problems on their end with the way it was calculated
23 through Turbo Tax.

24 A side note to be aware of is in 2016 Eric was
25 diagnosed with tongue cancer and was out of work for a

1 number of months. During this time he was receiving
2 payments from multiple sources, including his employer,
3 Kaiser, disability insurance he may have had. He was
4 also getting a number PTO -- excuse me -- PTO hours
5 donated to him through coworkers, which he needed to
6 keep his insurance active with Kaiser. So it was a
7 little bit of a complex situation with where all of his
8 income was coming through during that time.

9 That I'm being from Utah, I'm not familiar with
10 California Tax Code, especially regarding disability and
11 insurance payments. I had never experienced that or had
12 anything to do with that in the past so I was not aware
13 of it.

14 Eric had mentioned that he had been having
15 regular conversations with his employer, his HR
16 representative about what needed to be included in his
17 income reporting. He's a pediatric nurse with a
18 bachelor's degree and an overall intelligent person.
19 That, and the fact that, you know, we had been together
20 for about five years at this point, I had no reason to
21 doubt that he, you know, had done his due diligence with
22 his employer and knew what he was supposed to input and
23 put into Turbo Tax to accurately report his income for
24 the year.

25 I did have a ballpark idea of what his annual

1 income was. But given that he was an hourly employee,
2 it would vary slightly based off of how many hours he
3 was working. We did have a joint bank account that was
4 used for our mutual expenses where we both deposited
5 about \$2,000 per month from our sources of income into
6 that joint account, covered our rent, car payments
7 insurance, cable bills, things like that, utilities.

8 For a few months during his leave from work, he
9 either deposited no money into that account or less than
10 the agreed-upon 2,000 just because his income was kind
11 of all over the place with him being out of work for his
12 treatment period.

13 (Reporter interrupted)

14 APPELLANT RINDLISBACHER: Yeah. So during that
15 period of his treatment period, there was times that he
16 did not deposit the full 2,000 per month and just
17 because his income was fluctuating based on his
18 different sources of income he was receiving.

19 Does that clarify it for you? Thank you.

20 On the months -- that there was not the full
21 2,000 from his part put into the account, I was making
22 up the difference out of my own personal expenses. For
23 the 8,000 that we owed to the IRS due on our 2016
24 filing, there was not enough money in our joint account
25 to cover that. And Eric has never been very good with

1 money. He was not managing his money well. So I
2 covered the \$8,000 initially for the IRS, that tax that
3 was owed, which was later compensated back to me by the
4 \$8,000 refund that we received from the State.

5 My goal is to amenablely resolve this with Eric
6 and review all of our documents to ensure the accuracy
7 and to identify a solution. However, without his
8 cooperation, I was left trying to put pieces together on
9 my own. Since it's shown that the amount being assessed
10 by the FTB was a result of Eric's inaccurate
11 self-reported income and that I had no access or way to
12 verify his 2016 documents, his W-2s, anything he
13 received from his disability stuff and his unwillingness
14 to respond, I made the request for innocent spouse
15 relief and provided dozens of pages of evidence with my
16 request to the FTB. That was initially denied, which
17 led to my appeal here.

18 And just a little bit additional information.
19 So around the same period during his cancer treatment,
20 we had received a letter from the IRS saying that we
21 owed approximately \$4100 in taxes from our 2014 federal
22 filings. With everything that was going on at the time,
23 I just went ahead and paid that balance, again, out of
24 my own personal income because -- my own personal
25 finances because there was not adequate --

1 ADMINISTRATIVE LAW JUDGE LAMBERT: And also,
2 Mr. Rindlisbacher, make sure you speak into the mic.
3 You can slow down just a tad too. Thanks.

4 APPELLANT RINDLISBACHER: Okay. No problem.

5 So that 2014 bill that was due to the IRS, I
6 just went ahead and paid it. Didn't really look into
7 it. There was just a lot going on then and I just
8 wanted to have it resolved. So I paid for that out of
9 my personal finances because again, there was not enough
10 money in our joint account. Later in 2021 -- so this is
11 after the divorce -- I received a call from a collection
12 agency saying that we owed the State of Utah from our
13 2014 filings as well.

14 Apparently, we had been sent a notice in 2018,
15 which is when we separated, and neither of us received
16 that notice or responded because we were both moving
17 around. And I never saw it. If he saw it, I don't
18 know, but I never did. Our inaction led to the State of
19 Utah filing a tax lien against us in Utah for the
20 balance that was owed to them for the 2014 filing. So I
21 called the collection agency. I spoke with them. They
22 put me in touch with the Utah State Auditor. I went to
23 the auditor, got all the information about the 2014
24 filings of where this bill was being owed, why there was
25 an error in our 2014 reporting. And it came to my

1 knowledge that Eric had tapped into his 401(k) accounts
2 during 2014. Never paid the penalties for that. Never
3 reported that income. And so this is where that amount
4 was due.

5 After doing a little bit more research, I put
6 two to two together that the \$4100 that I had paid to
7 the IRS previously was the result of this 2014 filing as
8 well and it was just the State now finally catching up
9 to the federal taxes that were owed a couple years
10 later, you know, for the same thing of his 401(k)
11 withdrawals that he never paid the penalties for.

12 So my point in sharing that is it shows a
13 history on his part of misreporting his income and
14 having a pattern of the same behavior.

15 Ever since receiving the notice from the FTB in
16 2020, I've made every effort to communicate with the FTB
17 and with Eric to settle the matter. Throughout the
18 course, I've provided hundreds of pages of evidence to
19 the FTB, multiple packets of mailings, my filings, all
20 my communications, every attempt I've made to amenably
21 resolve this with Eric and have been very proactive from
22 the beginning on coming to a solution.

23 That's all I have. I thank you for your time
24 and welcome any questions. Thank you.

25 MS. MARTYANOVA: We'll invite other questions

1 at the end or our --

2 (Reporter interrupted)

3 MS. MARTYANOVA: We will invite questions at
4 the end of our presentation, but I have a follow-up
5 question for you right now.

6
7 EXAMINATION

8 BY MS. MARTYANOVA, Representative for Appellant:

9 Q Did you know how much income exactly your
10 spouse was receiving during 2016?

11 A I don't know the exact number. I knew a
12 ballpark of what he made, but, again, with him, you
13 know, being off work for a number of months and I didn't
14 have access to his personal finances, I just knew that
15 at -- for a period there he was not depositing the full
16 2,000 amount per month into our joint account so I was
17 making up for those differences during that period.

18 Q Okay. And during your testimony, you mentioned
19 that to your understanding your ex-spouse was receiving
20 income from multiple sources and that his situation was
21 a little bit more complicated than yours when you always
22 used a W-2 to report your income. Have you suggested
23 getting help of a tax professional?

24 A When I started -- when he went on leave
25 initially and started getting, you know, a lot of

1 different documents in the mail from insurance and
2 disability and things like that, I had mentioned to him,
3 "Hey, you know your taxes are probably going to be a
4 little bit more complicated this year. It might be to
5 our advantage to use a tax preparation service," and
6 then again -- which, you know, we both said, "Okay,
7 maybe we'll do that," but had he told me that he had
8 been talking to his HR company and he feels pretty good.
9 We'll see how things, you know, play out throughout the
10 rest of time off on leave. And then again, once we
11 filed our taxes early in 2017, you know, I mentioned the
12 same thing to him and he assured me that he was
13 comfortable with what he was doing based on his
14 conversation with his employer and knowing what needed
15 to be reported and what not to be reported. So we did
16 not use a tax service at that time, just filed it
17 ourselves with Turbo Tax.

18 Q Okay. Did you see your ex-spouse's W-2 when
19 filing your tax return?

20 A No, I did not.

21 Q Did you see your ex-spouse paystubs when filing
22 tax returns?

23 A No, I did not.

24 Q Did you have any access to either W-2 or
25 paystubs of your ex-spouse when filing your tax return?

1 A I could have accessed it had I asked him, but I
2 didn't see it. I trusted what he was putting was
3 accurate and went from there.

4 Q Did you or your ex-spouse have prior experience
5 reporting paid family leave income, disability income?

6 A No.

7 Q Do you know how such income is taxable?

8 A No, I do not.

9 (Reporter interrupted)

10 Q Do you know how that income is taxable?

11 A I do not.

12 Q Did you know at the moment when you were
13 submitting your tax return?

14 A Did I know if it was taxable? No.

15 Q Okay. Did you file your tax return online or
16 did you mail it?

17 A It was filed online electronically.

18 Q And did you save your tax return somewhere?

19 A It's stored in Turbo Taxes' thing so I can go
20 back in and access the filing through the history there,
21 yeah.

22 Q Did you save it anywhere on your laptop?

23 A I saved a copy on my email address, in my
24 email.

25 Q Did those copies include a W-2 for each of you?

1 A No. It was just the actual filing to the
2 State. It wasn't scanned, our other information.

3 Q Okay. Thank you so much.

4 A Um-hum.

5 Q Oh, sorry. I have another follow-up question.
6 You said you had a joint account. Did your spouse
7 contribute money to the joint bank account every month
8 of the 2016?

9 A No. There was a number of months where it was
10 either less than the 2,000 or some months nothing just
11 based off of what he was receiving from his sources of
12 income during the time.

13 Q Okay. Did you have to cover the joint expenses
14 since your ex-spouse did not contribute?

15 A Some of them, yes.

16 MS. MARTYANOVA: Okay. Thank you.

17
18 CLOSING ARGUMENT

19 BY MS. MARTYANOVA, Representative for Appellant

20 We believe Appellant is entitled to innocent
21 spouse relief for the 2016 tax year because
22 Mr. Rindlisbacher did not have the requisite knowledge
23 of ex-spouse's possible reporting error, and it would be
24 inequitable to hold him liable for the ex-spouse's
25 understatement when the appellant did not benefit from

1 the ex-spouse's possible understatement but instead
2 experienced a financial detriment because he was taking
3 care of his ill spouse.

4 These two factors, the knowledge factor and the
5 equity factor, are the only factors in dispute under
6 Provision Subdivision Subsection 18533.

7 Before I go into my argument, let me briefly
8 summarize Appellant's testimony and the evidence we have
9 presented.

10 On the knowledge factor, both Exhibit 2, email
11 from Turbo Tax, and 12, letter to FTB explaining
12 Appellant lack of knowledge of the tax understatement
13 and Appellant's testimony establish that at the time of
14 signing the 2016 tax return, Appellant did not know or
15 had a reason to know about tax understatement on the tax
16 return. Only after receiving the notice from the FTB
17 Appellant turned for help to tax professionals to see
18 what was wrong with the 2016 filing.

19 With the equity factor, Exhibit 1, 15 bank
20 statements; 6, verification and tracking of request; 10
21 payment receipts for Nova Tax Consultants --

22 (Reporter interrupted)

23 APPELLANT RINDLISBACHER: -- 10 payment receipt
24 Nova Tax Consultants. And Appellant's testimony shows
25 that given all facts and circumstances it's not

1 equitable to hold him liable for the understatement due
2 to his ex-spouse misclassification of income.

3 Now, moving on to our legal positions,
4 knowledge factor requires Appellant to establish that in
5 signing the return he or she did not know of and had no
6 reason to know of the understatement. It's real
7 important to understand the meaning of the term
8 "understatement." As we know, a term can have different
9 meanings under different provisions of the Code.
10 Luckily the section in question has a definition of the
11 term "understatement" that has a meaning given to that
12 term by Section 6662 (d)(2)(a) of the Internal Revenue
13 Code.

14 So the term understatement means "the excess of
15 the amount of the tax required to be shown on the return
16 for the taxable year, over the amount of the tax imposed
17 which is shown on the return, reduced by any rebate."
18 Thus, spouse must not know about the income itself but
19 about the difference between the tax required to be
20 shown on the tax return and the tax payable to the State
21 minus any credits. The spouse must know about the fact
22 that they owe taxes to the State at the moment of
23 signing the tax return. All that Appellant knew is that
24 they were owed a refund from the State and that was
25 consistent with their prior Federal and State filings.

1 It was stated earlier Appellant did not know whether a
2 non wage income is taxable or not on the State return.

3 Respondent in its brief offers to further
4 explain what term understatement means and how the
5 knowledge factor is interpreted. So I have to address
6 the regulation and case law referenced in the brief.

7 If you look at the Federal Regulation 26 CFR
8 1.6015-2(c), they give an understatement the same
9 meaning as Section 18533, meaning understatement
10 constitutes the excess of tax required to be shown and
11 the tax actually payable to the State. Respondent on
12 page 4 of its opening brief refers to Infelis case. The
13 Court in that case ruled that a taxpayer has a reason to
14 know when he knows about an income-producing activity
15 yet signed a tax return.

16 First of all, in that case non-appealing spouse
17 was doing extensive gambling business for more than five
18 years, which does not go in any comparison with one-time
19 payments received by non-requesting spouse in our case.

20 Second, the income of the spouse was not shown
21 on the tax return at all, unlike here in our case where
22 all his ex-spouse's W-2 income at issue was fully
23 reported on the tax return as part of their State wages
24 and then as part of joint federal AGI but it was just
25 subtracted as nontaxable paid leave family benefits for

1 which the ex-spouse said was proper based on his
2 discussion with his HR department.

3 Third, the case -- that case was decided in
4 1998 when the statute did not include the definition of
5 the understatement, as it does now. So this case is
6 irrelevant here.

7 Additionally, Respondent states that Appellant
8 knew about the earned wages because he shared the joint
9 account with his spouse. Again, this does not show that
10 Appellant knew what those payments were for, how they
11 are taxable, and hence, about the understatement of tax
12 on the 2016 tax return.

13 Now moving on to the equity factor, the equity
14 factor requires that taking into account all facts and
15 circumstances it would be inequitable to hold the
16 requesting spouse liable for the deficiency attributable
17 to the understatement of his ex-spouse. During the year
18 in question, his ex-spouse was receiving cancer
19 treatment and was not contributing to the joint bank
20 account; thus, the financial burden of all the related
21 expenses were on the appellant.

22 In our reply brief on page five we state that
23 while the remaining amount of unpaid tax is not
24 significant enough for either former spouse, the initial
25 assessed amount of unpaid tax equaled to approximately

1 10 percent of Mr. Rindlisbacher's income and 9 percent
2 of his ex-spouse's income for the year in question.
3 Ex-spouse benefited significantly by paying only half of
4 the assessed amount, which is 2000 less than what he was
5 supposed to pay in State income tax according to his
6 W-2, and that does not include his interest.

7 Moreover, the amount that Mr. Rindlisbacher and
8 the ex-spouse received as a refund was used to pay
9 federal tax liability; thus, ex-spouse benefited from
10 underpayment of his California tax liability by using
11 the money from the State tax return to pay his federal
12 tax liability. This disproves FTB's determination that
13 the ex-spouse wages were likely to benefit Appellant.
14 So this factor also weighs in favor of relief.

15 As for subdivision (c), Respondent disputes
16 only the knowledge requirement. According to the second
17 requirement of subdivision (c), the individual seeking
18 relief must have no actual knowledge of the items that
19 gave rise to the deficiency at the time the individual
20 signs the joint return.

21 Revenue Procedure 2013-34 uses the term
22 "deficiency" and "understatement" interchangeably, thus,
23 we believe that requirement was met for subdivision (c)
24 as well.

25 Finally, subdivision (f), equitable relief

1 provides that the Franchise Tax Board may relieve the
2 individual of the liability where taking into account
3 all the facts and circumstances it is inequitable to
4 hold the individual liable for any unpaid tax or any
5 deficiency.

6 The FTB agrees that eligibility for equitable
7 relief is analyzed under Revenue Procedure 2013-34 and
8 that Appellant meets the threshold conditions under that
9 Procedure Section 4.1. We are seeking to qualify for
10 relief under the factors provided by Revenue Procedure
11 2013-34, Section 402.

12 The FTB and Appellant agree on the first
13 factor, marital status, and the sixth factor, compliance
14 with the laws weighing in favor of relief. We agree on
15 the neutrality of the second factor, economic hardship,
16 and neutrality of the seventh factor, mental or physical
17 health. We are in dispute regarding the knowledge
18 factor, significant benefit, and the factor relating to
19 the non-requesting spouse legal obligation.

20 The knowledge factor was discussed earlier. A
21 requesting spouse must know about not income but the
22 understatement of tax while signing the tax return.
23 Appellant had no knowledge as to how his ex-spouse
24 income must be treated for tax purposes and a reasonable
25 person in similar circumstances would trust their spouse

1 to fill out their portion of the tax return. The
2 non-requesting spouse legal obligation factor requires
3 to weigh whether the requesting spouse or non-requesting
4 spouse has a legal obligation to pay the outstanding
5 income tax liability.

6 The FTB in its opening brief refers to a wrong
7 provision of the agreement between the parties.
8 Clearly, the text of the agreement between parties
9 provided in Exhibit 4 was intended to encompass all
10 obligations including financial. That's one of the main
11 reasons for signing such an agreement.

12 The provision that directly addresses financial
13 obligations is the second one that states "All
14 individual debts, loans, and financial obligations
15 entered into by each party shall remain the sole
16 responsibility of that party."

17 The significant benefit factor was also
18 previously discussed when evaluating fourth requirement
19 under subdivision (b), equity factor. During the year
20 of 2016, Appellant focused on supporting his spouse
21 through his cancer treatment both emotionally,
22 physically, and financially as a reasonable person is
23 expected to behave in similar circumstances.

24 Even if the OTA does not find that the
25 knowledge factor has been met, Revenue Procedure does

1 not give any considerate weight to any one particular
2 factor. So even if OTA finds this factor, the knowledge
3 factor, not being met, the summary will be as follows:
4 Two factors are neutral, four factors weigh in favor of
5 relief, and one factor weighs against relief.
6 Considering all evidence provided and given the complex
7 issue of knowledge in this case, Mr. Rindlisbacher has
8 established that he should be granted innocent spouse
9 relief for his 2016 tax liability. Thank you. And we
10 invite questions.

11 ADMINISTRATIVE LAW JUDGE LAMBERT: Thank you,
12 Ms. Martyanova. And, Mr. Rindlisbacher, for testifying.

13 And, Mr. Smith, did you have any questions for
14 Mr. Rindlisbacher?

15 MR. SMITH: I do not.

16 ADMINISTRATIVE LAW JUDGE LAMBERT: Okay.
17 Thanks.

18 And, Judge Le, did you have any questions?

19 ADMINISTRATIVE LAW JUDGE LE: Yes.

20 How many months was the cancer treatment?

21 APPELLANT RINDLISBACHER: The treatment was
22 only a few -- I think about two months, but he was off
23 work for recovery doing multiple appointments and
24 everything for close to six months that he was out of
25 work.

1 ADMINISTRATIVE LAW JUDGE LE: Okay. Thank you.
2 No further questions.

3 ADMINISTRATIVE LAW JUDGE LAMBERT: Thanks.

4 And, Judge Hosey, do you have any questions?

5 ADMINISTRATIVE LAW JUDGE HOSEY: Yes.

6 Can you hear me?

7 Do you remember ever receiving anything from
8 the Employment Development Department regarding paid
9 family leave or any sort of benefits?

10 APPELLANT RINDLISBACHER: Yes. I saw stuff in
11 the mail that said EDD on them. They were not addressed
12 to me. I did not read them. I did see them come to our
13 house, yes.

14 ADMINISTRATIVE LAW JUDGE HOSEY: Okay. Thank
15 you.

16 That's all I have.

17 ADMINISTRATIVE LAW JUDGE LAMBERT: Thanks. And
18 I'll save my questions for later, I think, after I hear
19 FTB's presentation.

20 So, Mr. Smith, you have ten minutes to give
21 your presentation and you can proceed when you're ready.

22 MR. SMITH: One quick item. When I said ten
23 minutes, that was when I thought it was just (f). Could
24 I get 15 total since we're doing (b), (c), and (f)?

25 ADMINISTRATIVE LAW JUDGE LAMBERT: Sure.

1 MR. SMITH: I promise I won't do all 15.

2 ADMINISTRATIVE LAW JUDGE LAMBERT: Okay. Yeah,
3 15 minutes.

4 MR. SMITH: All right.

5 ADMINISTRATIVE LAW JUDGE LAMBERT: That's fine.

6 MR. SMITH: Thank you, Judge Lambert.
7

8 OPENING STATEMENT

9 BY MR. SMITH, FTB Counsel:

10 Good afternoon. My name is Joel Smith. I'm
11 with Respondent Franchise Tax Board. The issue today as
12 has been stated is whether Appellant has demonstrated
13 error in Respondent's determination to deny him innocent
14 spouse relief.

15 The facts that got us here are pretty
16 straightforward. Appellant and his then-spouse filed a
17 timely 2016 tax return as married filing jointly. On
18 that return, they subtracted all of Appellant
19 then-spouse's \$97,000 of W-2 income on their Schedule C,
20 A. Turns out this income is taxable income, so
21 Respondent issued a notice of proposed assessment which
22 nobody protested so it went final. After it went final,
23 Appellant requested innocent spouse relief, and
24 Respondent denied that request.

25 When a joint return is filed by a married

1 couple, each spouse is jointly and severally liable for
2 the entire tax due for that year. California law does
3 provide for innocent spouse relief where a taxpayer may
4 not be held liable for their spouse's tax liability if
5 certain provisions are met. These provisions are
6 outlined in Revenue and Taxation Code Section 18533.

7 There are three types of innocent spouse
8 relief: Traditional relief, separate reliability relief
9 and equitable relief. There are multiple factors for
10 each types of relief. I will only address in my
11 presentation those factors that are at issue or most
12 important. If the panel has questions concerning those
13 factors or others not discussed, they're all discussed
14 in the briefing or you can ask questions here today.

15 We'll start with traditional relief under
16 subdivision (b). There are five factors. The two
17 factors that weighed against relief are whether the
18 requesting spouse did not know or have reason to know
19 when signing the return of the understatement of tax and
20 whether it is inequitable to hold the requesting spouse
21 liable.

22 The United States Tax Court has held a taxpayer
23 has reason to know when he had knowledge of the
24 income-producing activity yet signed a joint return that
25 understated the income.

1 Here Appellant knew his then-spouse received
2 wages yet signed a tax return that failed to report any
3 of those wages as taxable income in California. This is
4 income that was reported on the federal tax return, so
5 it's difficult to understand how one knows about the
6 income for purposes of filing a federal tax return and
7 signing that return but does not know about this income
8 when they sign and file a state tax return. Also,
9 Appellant and his then-spouse maintained a joint bank
10 account, so Appellant had knowledge of the income at
11 issue.

12 Further, it would not be inequitable to hold
13 Appellant liable as he received benefit from not paying
14 the full California tax as due for the 2016 tax year.
15 So Appellant -- excuse me -- Respondent properly denied
16 relief under subdivision (b).

17 Separate liability relief under subdivision
18 (c), there are four requirements or factors. The factor
19 that was not met is that Appellant had no knowledge of
20 the items that gave rise to the deficiency when signing
21 the tax return. Treasury Regulation 1.6015-3 provides
22 guidance on how to handle the knowledge factor with
23 separate liability relief.

24 It is "Respondent must establish, by a
25 preponderance of evidence, that the requesting spouse

1 had actual knowledge." The Treasury Regulation defines
2 actual knowledge in the case of omitted income as
3 knowledge of the item -- as knowledge of the item,
4 meaning the income, includes knowledge of the receipt of
5 the income.

6 So in this particular instance, knowing that
7 the spouse was employed and had a job would, therefore,
8 mean the knowledge factor is imputed that he knows his
9 spouse received income.

10 Example 3: In Treasury Regulation
11 subsection (c) part 4, Example 3 goes -- there are many
12 examples in this Treasury regulation. First off, none
13 of the examples are as straightforward as this where
14 there's dispute as to whether a spouse has knowledge of
15 W-2 wage income that the spouse had a job. Typically,
16 it's the spouse has, you know, a secret life or has
17 secretly invested funds. The other requesting spouse
18 has no clue that these funds have been invested or that
19 there's been a business created that they had no part in
20 or had no knowledge of. That's typically where this
21 knowledge factor comes into play. It's not when someone
22 has wage income from their employment.

23 But specifically, Example 3 addresses signing a
24 return where the Schedule C was blank but the spouse
25 knew that the other spouse had a Schedule C business.

1 The knowledge is imputed to that spouse that they know
2 that there is income associated with the Schedule C.

3 So when all is said and done as it relates to
4 the separate liability relief, Respondent has met its
5 requirement to establish by a preponderance of the
6 evidence that Appellant had knowledge of the items that
7 gave rise to the deficiency; therefore, relief under
8 subdivision (c) was properly not granted.

9 The final type of relief is equitable relief
10 under subdivision (f). This takes into account all
11 facts and circumstances. If it is inequitable to hold
12 Appellant liable for any unpaid tax or deficiency,
13 Respondent may relieve the taxpayer of the liability.
14 This is modeled after Internal Revenue Code Section
15 6015, Subsection (f).

16 As mentioned by Appellant, there is Revenue and
17 Procedure 2013-34, which provides procedural guidance on
18 how to apply the equitable relief standards in a given
19 situation. There is no dispute regarding the factors of
20 4.01. Appellant must meet those to continue with the
21 analysis. Appellant has met all those factors. That's
22 not in dispute.

23 With regard to 4.02, which concerns a
24 streamlined determination, there are three factors, two
25 of which Appellant has not met, the first being that

1 Appellant will suffer economic hardship if relief is not
2 granted. That has not been -- has not really been
3 talked about. There's no evidence in the record to
4 suggest that would be the case. And two, that Appellant
5 did not know or have reason to know there was an
6 understatement on the joint tax return.

7 Again, as evidenced by Exhibit A, page 10 --
8 excuse me -- as evidenced by Exhibit A, which includes
9 page 10 which is the W-2 at issue, there's nothing on
10 that W-2 to indicate this was anything other than
11 taxable wages, the \$97,000. Again, this was income that
12 was reported on the federal return. So a streamlined
13 determination would not be proper.

14 So then we move down to 4.03, which is a non
15 exhaustive list of factors to balance and consider.
16 Here there were two factors Respondent weighed heavily
17 to deny relief. The first is knowledge or reason to
18 know. I've kind of gone over that quite a bit. If you
19 have further questions as it relates to that, I can go
20 into it further.

21 The second issue is the non-requesting spouse's
22 legal obligation. The Appellant's Exhibit 4, which is
23 the allocation of assets and property, is silent to
24 specifically tax matters; however, .4 specifically
25 reads -- and I'm quoting the exhibit -- "All current

1 obligations which both parties have entered into
2 together will remain the responsibility of both parties
3 equally."

4 As mentioned at the beginning, Appellant and
5 his then-spouse filed a joint tax return. All
6 liabilities associated with 2016 they are severally and
7 jointly liable for.

8 Therefore, again, Respondent properly denied
9 relief under the equitable relief standards of
10 subdivision (f).

11 In conclusion, based on California tax law and
12 the evidence in the record, Respondent properly denied
13 Appellant's request for innocent spouse relief. I can
14 answer any questions you have. Thank you for your time.

15 ADMINISTRATIVE LAW JUDGE LAMBERT: Thank you.
16 Thank you, Mr. Smith. And I'm going to turn to my
17 panel -- the panel and ask if they have any questions.

18 Judge Le, did you have any questions?

19 ADMINISTRATIVE LAW JUDGE LE: No questions.
20 Thank you.

21 ADMINISTRATIVE LAW JUDGE LAMBERT: And, Judge
22 Hosey, do you have any questions?

23 ADMINISTRATIVE LAW JUDGE HOSEY: No questions.
24 Thank you.

25 ADMINISTRATIVE LAW JUDGE LAMBERT: And I was

1 just wondering, so these are just regular wages that
2 were on the W-2, basically? And was there any -- is it
3 just wages or was there any paid family leave issued or
4 any disability payments issued that you're aware of?

5 MR. SMITH: So with Appellant and his
6 then-spouse tax return, which is Exhibit A, Respondent's
7 Exhibit A, page 10 is the W-2 at issue. The amount of
8 income that was not reported on the tax return, it was
9 actually subtracted out. So again, there is knowledge
10 of this if it's actually on the return and subtracted
11 out. It was \$97,574 from Box 1.

12 With regard to paid family leave payments, I
13 mean, those are typically not on a W-2. Those would be
14 issued by EDD on like a 1099G. There's nothing on
15 Exhibit A, page 10 to suggest that backing out all the
16 income is appropriate, let alone any of it.

17 ADMINISTRATIVE LAW JUDGE LAMBERT: Okay. Thank
18 you.

19 And I just was going to ask Appellant,
20 Mr. Rindlisbacher, and Ms. Martyanova, just is there
21 anything that we could look to in the record, evidence
22 of any sort of payments or that your former spouse was
23 on leave or took time off of work? Or what can we look
24 at to support what you were stating about your belief in
25 terms of that there was paid family leave that it should

1 have been deducted, could have been deducted out of the
2 return? Is there anything to look at?

3 APPELLANT RINDLISBACHER: Well, there's the
4 fact that he didn't deposit the 2,000 per month in the
5 account for those months. And I believe we submitted
6 that exhibit. I don't know that we submitted any
7 medical documentations, but I certainly have plenty of
8 pictures and proof of him going through his treatments
9 if that's relevant at all so --

10 ADMINISTRATIVE LAW JUDGE LAMBERT: Okay.
11 Thanks. And --

12 MR. SMITH: Can I answer that sort of?

13 ADMINISTRATIVE LAW JUDGE LAMBERT: Sure. Yes.

14 MR. SMITH: Exhibit A, page 9 is a W-2 from an
15 insurance company that's checked the box third-party
16 sick pay of \$1600. That amount was not included when
17 FTB issued the notice of proposed assessment. Again, I
18 don't -- I can only go with what's in the record, but
19 there is that information.

20 MS. MARTYANOVA: What exhibit?

21 MR. SMITH: Exhibit A, page 9.

22 ADMINISTRATIVE LAW JUDGE LAMBERT: I see that.
23 Thank you.

24 And, Mr. Rindlisbacher, so did you review the
25 return or you didn't know that he did not include the

1 wages as taxable and he just kind of submitted it
2 himself; is that what you were stating?

3 APPELLANT RINDLISBACHER: Correct. So I had
4 entered my information first, then he had entered his
5 after, and I saw the bottom line of us owing
6 approximately 8,000 to the IRS and receiving approximate
7 8,000 back from the State. I did not know that he had
8 deducted his income. And to prove that point, when I
9 received the notice in 2020 from FTB with the initial
10 assessment after I couldn't get a hold of Eric, I had to
11 go out and get a tax professional to help me find out.
12 That's when I found out that it was deducted. It was
13 not during our filing. And that's been verified with
14 the receipts I submitted that no tax helped me determine
15 that that \$97,000 was removed. And then with his income
16 of not knowing how much he made, yes, we did have the
17 joint bank account where we were depositing the 2,000 a
18 month each -- which he had deposited that every month,
19 which he didn't, that would have been \$24,000 for the
20 year.

21 I did not have access to his personal accounts.
22 I did not see his paystubs. I did not know exactly what
23 he made. Again, I had a ballpark idea, but he was an
24 hourly employee. He was out of work for half the year.
25 I don't know what the end result was. And I didn't have

1 any verification from him without him cooperating and
2 providing me with his documentation to verify anything
3 that he'd put in.

4 ADMINISTRATIVE LAW JUDGE LAMBERT: Okay. Thank
5 you. And just one more question I had, was -- there was
6 an IRS audit also. And was that -- were you stating
7 that that was related to the same issue of the wages not
8 being included or that was a separate --

9 APPELLANT RINDLISBACHER: Yes. That was in our
10 2014 filings when we still lived in Utah, and that audit
11 was from Eric not reporting that he had withdrawn his
12 401(k) retirement account and taken that money out. So
13 when we filed that year, none of that income that he
14 received from his retirement accounts was accounted for
15 or the penalties paid on any of that. And so that's
16 where that audit came down the road a couple years later
17 when the IRS finally caught up with us and said, "Hey,
18 there's 4100 approximately due for the 2014 filings,"
19 which I later found out that was what it was from, when
20 the Utah filings came -- or the Utah tax letter came to
21 us as well saying also from your 2014 filings there's an
22 amount owed to the State of Utah.

23 ADMINISTRATIVE LAW JUDGE LAMBERT: Okay. Thank
24 you for clarifying those things.

25 APPELLANT RINDLISBACHER: Thank you.

1 ADMINISTRATIVE LAW JUDGE LAMBERT: And now,
2 Ms. Martyanova, you have five minutes for your closing
3 remarks and to respond to anything the FTB stated or
4 give your final presentation. Thanks.

5
6 CLOSING ARGUMENT

7 BY MS. MARTYANOVA, Representative for the Appellant:

8 So at the time of signing, Appellant, of
9 signing tax return, Appellant had no reason to know that
10 his spouse would understate their income or taxes in
11 2016. Our client did not suspect that his ex-spouse's
12 responses in Turbo Tax produced an understatement on the
13 2016 joint return.

14 The relationship was based on trust and respect
15 for a long period of time. Appellant knew about the
16 income but not how to report it. When you look at the
17 tax return, you see that it was -- income was reported
18 but it was misclassified.

19 And that differentiate our case from examples
20 in the federal regulations, which mostly they all refer
21 to omitted income on a tax return.

22 Appellant did his due diligence but wasn't able
23 to discern if the regular W-2 was for nontaxable paid
24 family leave or disability benefits given that factually
25 the ex-spouse was off work for cancer treatment for

1 about half a year, and legally W-2s can include
2 non-taxable paid family leave or disability benefits.

3 Also, there is still the factual possibility
4 the W-2 did include nontaxable paid family leave or
5 disability benefits, but Appellant is just unable to
6 prove it due to ex-spouse refusal to cooperate, which a
7 lot of our exhibits show. The income may be properly
8 classified for all we know because ex-spouse was sick
9 and was getting all the benefits.

10 So, additionally, as I stated, it will be
11 inequitable to hold Appellant liable for the deficiency.
12 Appellant suffered a financial detriment while taking
13 care of his spouse receiving cancer treatment. The
14 financial burden was completely on Mr. Rindlisbacher for
15 several months of the treatment.

16 We would like to highlight that only in 2018
17 they signed a postnuptial agreement while they were
18 already in the divorce proceeding.

19 With regards to Utah taxes, only in late 2017
20 Appellant received a notice from the IRS with tax due in
21 the amount of 4,000 -- approximately 4,000. However,
22 because of then-established trust between the partners,
23 Appellant did not question his spouse reporting his
24 income correctly and paid the amount from his personal
25 account. You could see that the account transcript,

1 Exhibit 3, was requested on July 6, 2021, years after
2 the divorce.

3 So we strongly believe that the FTB's decision
4 denying innocent spouse relief to Appellant must be
5 reversed and relief must be granted. Thank you.

6 ADMINISTRATIVE LAW JUDGE LAMBERT: Thank you,
7 Ms. Martyanova.

8 And I'm going to ask my co-panelists if they
9 have any final questions of either party.

10 Judge Le, any questions?

11 ADMINISTRATIVE LAW JUDGE LE: No final
12 questions. Thank you.

13 ADMINISTRATIVE LAW JUDGE LAMBERT: And, Judge
14 Hosey, do you have any questions?

15 ADMINISTRATIVE LAW JUDGE HOSEY: No further
16 questions. Thank you.

17 ADMINISTRATIVE LAW JUDGE LAMBERT: I have no
18 further questions either. So if there's nothing
19 further, I'm going to conclude the hearing. And I want
20 to thank both parties for appearing today and Mr.
21 Rindlisbacher for testifying. And we'll issue a written
22 opinion within 100 days. The record is now closed.

23 MS. MARTYANOVA: Thank you.

24 MR. SMITH: Excuse me. Real quick. I realize
25 you just closed it. Is there a chance --

1 ADMINISTRATIVE LAW JUDGE LAMBERT: Okay.
2 That's new. I think we have to restart the stream.
3 Okay. We're not going to restart the stream, but what
4 did you want to respond to specifically? Well, let's
5 open the record back up again. Sorry.

6 And what did you want to respond to? And it's
7 this new evidence that was just submitted last week?

8 MR. SMITH: No. Just the testimony related to
9 the care for the spouse and under -- specifically under
10 subdivision (c) and the omitted income versus a
11 deduction. There may be a distinction with a -- there
12 may be a distinction, there may not be. I'm just --

13 ADMINISTRATIVE LAW JUDGE LAMBERT: Okay. So
14 you're requesting to do additional post-hearing briefing
15 and have 30 days to respond and then Appellant would
16 have 30 days to respond? Is that what you're proposing?

17 MR. SMITH: Sure.

18 ADMINISTRATIVE LAW JUDGE LAMBERT: Okay. Hold
19 on. Okay. I could keep the record open for now, and we
20 could issue a letter giving you an opportunity to
21 provide additional briefing on those issues.

22 And, Judge Hosey or Judge Le, did you have
23 anything to add or comments?

24 ADMINISTRATIVE LAW JUDGE LE: No.

25 ADMINISTRATIVE LAW JUDGE HOSEY: Sorry. Just a

1 clarification. We're under (c), separate liability --
2 sorry. Is that me?

3 The knowledge factor, is that what we need
4 additional briefing on?

5 MR. SMITH: Correct.

6 ADMINISTRATIVE LAW JUDGE HOSEY: Okay.

7 MR. SMITH: Subdivision (c), which is the
8 separate --

9 ADMINISTRATIVE LAW JUDGE HOSEY: Yeah. Okay.

10 MR. SMITH: Specifically the knowledge.
11 Because subdivision (c), it's Respondent's burden to
12 establish by a preponderance of the evidence that there,
13 you know, the lack of knowledge. This isn't a burden
14 that's on the taxpayer. So again, some of the facts as
15 it relates to Appellant's care, I'm not entirely sure.
16 I don't want to wing it.

17 ADMINISTRATIVE LAW JUDGE HOSEY: Right. Okay.

18 MR. SMITH: But I would need to look into it
19 further as it relates to that knowledge factor.

20 ADMINISTRATIVE LAW JUDGE HOSEY: And it's the
21 evidence regarding the cancer treatment from the
22 ex-spouse?

23 MR. SMITH: Correct.

24 ADMINISTRATIVE LAW JUDGE HOSEY: Okay.

25 MR. SMITH: And Appellant's involvement in

1 that.

2 ADMINISTRATIVE LAW JUDGE HOSEY: Okay.

3 ADMINISTRATIVE LAW JUDGE LAMBERT: And,
4 Ms. Martyanova, did you have any comments on that or
5 issues with that, or would that be okay with you if we
6 kept the record open and FTB submits a brief and then
7 you can provide a response?

8 MS. MARTYANOVA: Yeah.

9 ADMINISTRATIVE LAW JUDGE LAMBERT: Okay. Then
10 we'll do that and keep the record open for now. And
11 then we'll issue something after -- an order or
12 discussing additional briefing after the hearing. Okay.

13 MR. SMITH: Thanks.

14 ADMINISTRATIVE LAW JUDGE LAMBERT: Okay. All
15 right. Well, everyone, have a nice day. And the
16 hearing is over again. Thank you.

17 (Conclusion of the proceedings)

18 --oOo--

REPORTER'S CERTIFICATE

STATE OF CALIFORNIA)
) ss.
COUNTY OF SACRAMENTO)

I, MARIA ESQUIVEL-PARKINSON, do hereby certify
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the times and places shown I recorded verbatim in
shorthand writing all the proceedings in the following
described action completely and correctly to the best of
my ability:

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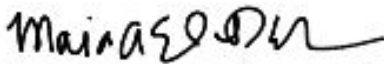
CASE: In the Matter of the Appeal of:
 Joshua Rindlisbacher, Taxpayer

DATE: Tuesday, October 18, 2022

I further certify that my said shorthand notes
have been transcribed into typewriting, and that the
foregoing 47 pages constitute an accurate and complete
transcript of all my shorthand writing for the dates and
matter specified.

I further certify that I have complied with CCP
237(a)(2) in that all personal juror identifying
information has been redacted if applicable.

IN WITNESS WHEREOF, I have subscribed this
certificate at Sacramento, California on this 7th day of
November, 2022.



Maria Esquivel-Parkinson
CSR No. 10621, RPR

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