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APPEARANCES:

Panel Lead: ALJ JOSHUA ALDRICH

Panel Members: ALJ DANIEL CHO
ALJ TERESA STANLEY

For the Appellant: JOLONDA WALSH

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

NALAN SAMARAWICKREMA
CHAD BACCHUS
JASON PARKER

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I N D E X

E X H I B I T S

(Department's Exhibits A-K were received at page 8.)

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California; Thursday, December 29, 2022

1:00 p.m.

JUDGE ALDRICH: So this is Judge Aldrich. We're opening the record in the Appeal of United Thrift Stores, LLC, doing business as Redlands Thrift Store before the Office of Tax Appeals, OTA Case Number 19024371. Today's date is Thursday, December 29th, and it's approximately 1:00 p.m. This hearing is noticed for a virtual hearing consistent with our August 29th, 2022 minutes and orders.

And this hearing is being heard by a panel of three Administrative Law Judges. My name is Judge Aldrich. I'm the lead Administrative Law Judge for purposes of conducting the hearing. I'm joined by Judges Daniel Cho and Teresa Stan. During the hearing, Panel members may ask questions or otherwise participate to ensure that we have all the information needed to decide this appeal. After the conclusion of the hearing, we three will deliberate and decide the issue presented.

As a reminder, the Office of Tax Appeals is not a court. It is an independent appeals body. The Panel does not engage in ex parte communications with either party. Our opinion will be based off the party's arguments, admitted evidence, and the relevant law, and we look forward to hearing your arguments today.

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Who is present for Appellant? Ms. Walsh?

MS. WALSH: That's myself. Yeah. Jolonda Walsh.

JUDGE ALDRICH: Thank you.

And for the Department or CDTFA.

MR. SAMARAWICKREMA: Nalan Samarawickrema,
Hearing Representative for the Department.

JUDGE ALDRICH: Thank you.

MR. PARKER: Jason Parker, Chief of Headquarters
Operations Bureau with CDTFA.

MR. BACCHUS: Chad Bacchus with CDTFA's Legal
Division.

JUDGE ALDRICH: Great. Welcome, again, everyone.

The issue to be decided is as follows: Whether
Appellant has shown that adjustments are warranted to the
audited understatement of reported taxable sales. And
there's three sub-issues, which were also identified on
our December 12th, 2022, minutes and orders. I wanted to
ask whether those summaries were correctly summarized.
I'll start with Appellant.

Do you have any objection to those summaries?

MS. WALSH: I don't know if they are objections.
It's just that the whole process has been very confusing
for a business owner to go backwards, you know. The whole
process has been really confusing.

JUDGE ALDRICH: Thank you. I understand that.

1 I'm not sure what do you mean by backwards. But as I
2 mentioned earlier, the Office of Tax Appeals, we're a
3 separate agency from CDTFA. And so maybe that's where
4 some of the confusion is coming from, or maybe it's from
5 the underlying CDTFA appeals process. But you're welcome
6 to address that in your opening presentation.

7 Right now we're just trying to figure out whether
8 the issues that are being decided or the issue is correct.
9 And that didn't sound like an objection to my reading, but
10 let me ask the Department real quick.

11 And so the Department was that your understanding
12 of the issue?

13 MR. SAMARAWICKREMA: This is Nalan
14 Samarawickrema. Yeah, that's our understanding.

15 JUDGE ALDRICH: Okay. And it doesn't -- it
16 didn't seem you stated an objection, Ms. Walsh, rather you
17 expressed a concern regarding the process; is that right?

18 MS. WALSH: Yeah. The process and the statute of
19 limitations.

20 JUDGE ALDRICH: Right. And that was one of the
21 sub-issues regarding the timeliness of the Notice of
22 Determination, and we can talk about that more, or you can
23 talk about your position regarding that during your
24 presentation.

25 But -- so next I wanted to switch gears regarding

1 exhibits. The Department, they submitted exhibits
2 alphabetically, Exhibits A through K, and they submitted
3 timely.

4 Ms. Walsh, do you have any objections to
5 admitting the Department's exhibits into evidence?

6 MS. WALSH: No, I don't have any objections. I
7 might have something to say on some of them.

8 JUDGE ALDRICH: That's fine. Understood.

9 And since there's no objections, I'm going to get
10 and move those into evidence.

11 (Department's Exhibits A-K were received in
12 evidence by the Administrative Law Judge.)

13 For you, Ms. Walsh, we didn't receive any
14 exhibits or an exhibit index. Are you asking to try to
15 submit something or is that still --

16 MS. WALSH: No.

17 JUDGE ALDRICH: Okay. Thank you.

18 And so regarding the hearing process I'm just
19 going to go over how we plan this to proceed. You know,
20 as stated in our minutes and orders, Appellant, or
21 Ms. Walsh, you'll have 30 minutes approximately. If you
22 don't need that time, you can waive that time. But then
23 after that the Department will have approximately
24 30 minutes to present a combined opening and closing.
25 We'll follow that up with questions from the Panel

1 members, and then, Ms. Walsh, you'll have about 5 to
2 10 minutes to present a rebuttal or closing remarks.
3 Okay.

4 MS. WALSH: Okay.

5 JUDGE ALDRICH: Next I wanted to talk a little
6 bit more about witness testimony. So during the
7 prehearing conference you had mentioned that you wanted to
8 make an argument and not testimony, but I was hoping to
9 add a little bit of clarity there. The Office of Tax
10 Appeals may generally only consider admitted evidence, so
11 that includes sworn testimony from a witness. That
12 includes party admissions or stipulations or facts which
13 have been taken under official notice when we make a
14 factual finding.

15 In other words, if a party wanted us to consider
16 what they're saying during an appeal, when making a
17 factual finding, they would need to provide testimony --
18 sworn testimony. Is it still your position that you want
19 to provide argument only, Ms. Walsh?

20 MS. WALSH: Yes.

21 JUDGE ALDRICH: Okay. No problem.

22 And the Department isn't going to be presenting
23 any witnesses today either. Is that correct,
24 Mr. Samarawickrema?

25 MR. SAMARAWICKREMA: This is Nalan

1 Samarawickrema. That's correct, Judge.

2 JUDGE ALDRICH: Great.

3 So at this time we're ready to transition into
4 opening arguments or opening and combined arguments.

5 Ms. Walsh, are you ready to proceed?

6 MS. WALSH: Yeah, I guess so.

7 JUDGE ALDRICH: Okay. Go ahead when you're
8 ready.

9 MS. WALSH: Okay.

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PRESENTATION

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MS. WALSH: So the way that we used to log in our sales tax for those businesses that were purchasing from us that we didn't have to charge sales tax to the general public, we had a regular cash register, and we would code them under a certain number for those that were buying for resale. So when we got audited, they basically -- the State was saying that that wasn't adequate enough, that we had to provide resale -- verification resale, which we did.

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We had a -- at that time, we had a binder that we kept everybody's resale number with their I.D. So that was kind of the standard at the time. Then when the audit happened, they said, "You have to be able to identify every wholesaler with that particular receipt for that

1 time period," which we couldn't -- we couldn't identify
2 each individual person, but we could identify -- we could
3 give the State the report of all of the non-sales for the
4 month or the year or -- for the whole time period we could
5 do that, but that standard was not adequate for them.

6 Then they said, "If you are able to provide us a
7 specific receipt that connected the wholesaler to that
8 receipt, we will give you credit for that. Well, we also
9 had a live auction that was a monthly live auction in our
10 store. So we actually had a point of sale system that was
11 more than just a cash register. It was actually able to
12 provide this individual receipt to the wholesaler. So we
13 provided them all that. And they were like, okay, now we
14 have -- you have -- the only way we're going to give you
15 credit for that is you have to send these X Y Z reports
16 out.

17 So now we're working backwards to -- I
18 think we're at 2016 at this time, and we're going back to
19 wholesalers from 2012 to '15. So some of them are no
20 longer in business. You know, whatever the situation is
21 they -- some of them don't return. So I can't remember
22 what percentage, but it was next to hardly anything that
23 the State gave us credit for even though we were able to
24 meet the standard that they told us that we were supposed
25 to meet.

1 So the whole process has been kind of frustrating
2 because, you know, as far as the business owner, we were
3 doing our deal -- our due diligence to do what we were
4 supposed to do, you know. And I guess my -- you know,
5 besides my regular frustration, is how long does the State
6 has to continue this process, 'cause we're going now into
7 the tenth year.

8 And basically that's my time. That's all I
9 wanted to say.

10 JUDGE ALDRICH: Thank you, Ms. Walsh. And just
11 to be clear, that was a statement how long this process
12 was taking, rather than a question directed at us.

13 MS. WALSH: Okay.

14 JUDGE ALDRICH: I'm asking you to distinguish if
15 it's a statement or a question.

16 MS. WALSH: It's technically a question.

17 JUDGE ALDRICH: Okay. So I think that CDTFA will
18 probably address some of that in their argument because
19 you brought up the issue of the Notice of Determination,
20 the timeliness, but we can visit it later before your
21 closing remarks. Does that work?

22 MS. WALSH: Okay.

23 JUDGE ALDRICH: Okay. And just so just to be
24 clear, that concludes your presentation for now?

25 MS. WALSH: Correct.

1 JUDGE ALDRICH: Okay. Thank you very much.

2 So now we'll switch over to the combined opening
3 and closing for the Department.

4 Mr. Samarawickrema, are you ready to proceed?

5 MR. SAMARAWICKREMA: Yes, Judge.

6 JUDGE ALDRICH: All right. Go ahead when ready.

7

8 PRESENTATION

9 MR. SAMARAWICKREMA: Appellant is a California
10 limited liability company that operates a store selling
11 clothes, furniture, electronics, and other home goods in
12 Redlands, California. In addition, Appellant holds
13 auctions at the store with buyers bidding in the store and
14 on the phone. Appellant sold item at retail and
15 wholesale.

16 Appellant's predecessor, a sole proprietorship,
17 opened a seller's permit on December 1st, 2004, which it
18 never closed. Appellant filed its Articles of
19 Organization on January 24th, 2006, but did not open a new
20 seller's permit until March 21st, 2016. Appellant filed
21 its sales and use tax return under the predecessor's
22 account, and that will be on your Exhibit J. On or around
23 March 11, 2016, which was during the Department's audit of
24 the predecessor, the Department became aware that
25 Appellant was not reporting its sales under the correct

1 entity, and that will be on your Exhibit J.

2 On March 25th, 2016, the Department closed the
3 predecessor's seller's permit, effective December 31,
4 2005, and updated the start date of Appellant's seller's
5 permit effective January 1st, 2006. The audit period at
6 issue in this appeal is July 1st, 2012, to September 30th,
7 2015. During the audit period, Appellant reported around
8 \$2.7 million as total sales, and claimed around \$1 million
9 as sales for resale, and around \$420,000 as sales in
10 interstate or foreign commerce resulting in reported
11 taxable sales of around \$1.3 million; and that will be on
12 your Exhibit A pages 17 and 18.

13 During the audit, Appellant failed to provide
14 complete sales reports such as sales invoices, credit card
15 sales receipts, resale certificates, shipping documents,
16 payment information from its customers, sales journals,
17 and sales summaries to support its reported total taxable
18 and nontaxable sale for the audit period. In addition,
19 Appellant failed to provide any purchase invoices or
20 purchase journals. As a result Appellant was unable to
21 explain how it reported its sales on its sales and use tax
22 returns, specifically, what sources it relied upon.

23 The Department completed two verification methods
24 to evaluate the reasonableness of Appellant's reported
25 total taxable and claimed nontaxable sales. Ultimately,

1 the Department was unable to verify Appellant's claimed
2 amounts. First, the Department compared Appellant's
3 reported total sales with sales reflected on Appellant's
4 2012 and 2013 federal income tax returns. No material
5 difference was noted, and that will be on your Exhibit B,
6 page 76.

7 The Department also compared reported total sales
8 of around \$1.2 million to the cost of goods sold around
9 \$462,000 reflected on Appellant's federal income tax
10 returns and calculated an overall reported bookmark up of
11 around 264 percent. Accordingly, the Department
12 considered this reported bookmark up as reasonable for
13 Appellant's type of business. Therefore, the Department
14 accepted Appellant's reported total sales for the audit
15 period.

16 Second, the Department reviewed Appellant's sales
17 and use tax return for the audit period and determined
18 that around 48 percent of all sales were reported as
19 taxable. 36 percent were claimed as sales for resale, and
20 16 percent was claimed as sales in interstate or foreign
21 commerce; and that will be on your Exhibit A, page 49.
22 However, based on the audited taxable sales, the taxable
23 sales percentage was around 91 percent; that will be on
24 your Exhibit D, page 50.

25 Therefore, the Department examined Appellant's

1 claimed nontaxable sales. Appellant claimed around
2 \$1 million as sales for resale for the audit period. That
3 will be on Exhibit A, page 18. Appellant did not provide
4 detailed listings of the claimed resales to support the
5 claimed sale for resale from the audit period. Therefore,
6 to verify the claimed sales for resale, the Department
7 performed a block test of sales invoices for the first
8 three quarters of the year 2015; and that will be on your
9 Exhibit A, pages 51 and 52.

10 The Department noted that the majority of these
11 sales invoices reference the customer seller's permit
12 number. The Department accepted all of Appellant's
13 claimed sales for resale where a resale certificate was
14 provided; and that will be on your Exhibit A, pages 45
15 through 48. The Department also allowed sales for resale
16 where it could determine that the buyer was in the
17 business of selling the type of items it actually
18 purchased from Appellant; and that will be on your
19 Exhibit A, pages 45 through 48.

20 In addition, the Department allowed Appellant to
21 send out X Y Z letters, and accepted the responses where
22 one was provided; and that will be on your Exhibit A,
23 pages 45 through 48 and Exhibit D. The Department
24 disallowed customer invoices that had no indication that
25 the purchases were for resale. For example, of the

1 disallowed customer invoices, the Department noted that
2 the item at issue were unique items. In other words, the
3 customer invoice themselves based on type of item or
4 quantity did not suggest that the transaction was sales
5 for resale in fact.

6 For the test period, the Department identified
7 valid sales for resale totaling around \$50,000, which were
8 used to calculate a percentage of valid sales for resale
9 for the test period of around 25 percent; and that will be
10 on your Exhibit A, pages 44 through 48. This percentage
11 was then applied to the remainder of the total claimed
12 sales for resale for the audit period, which determined
13 audited sales for resale of around \$240,000; and that will
14 be on your Exhibit A, page 43.

15 The Department then compared the claimed sales
16 for resale of around \$1 million with audited sales for
17 resale of around \$240,000 to calculate the disallowed
18 unsupported sales for resale of around \$725,000 for the
19 audit period; and that will be on your Exhibit A, page 43.
20 In response to the audit resales, and during the appeals
21 process, Appellant contended that much of its inventories
22 deprived from estate sales and at auctions, and that its
23 business has changed since the audit period.

24 Appellant notes that during the audit period, it
25 had lots of semi-local resellers located in nearby areas

1 where they purchased large amounts of items from Appellant
2 to resell in their stores. Appellant stated that only a
3 small portion of these resellers were able to stay in
4 business and that this fact, along with the possibility
5 that the X Y Z letter recipients may not have been able to
6 respond to the X Y Z letter inquiries resulted in a low
7 response rate to the X Y Z letters.

8 Appellant has not met its burden of proof that a
9 sale at issue are valid sales for resale. Why? Appellant
10 contends that most of her sales were for resale. It has
11 not provided valid resale certificates or any evidence
12 that it has -- that its customers actually resold the item
13 at issue. Furthermore, the Department's review of
14 Appellant's more recent claimed sales for resale from
15 period after the audit period give a lower sales for
16 resale percentage than what was calculated during the
17 audit period; and that will be on your Exhibit A, page 51.

18 Based on the foregoing, the Department has no
19 basis to adjust the disallowed claim for sale resale on
20 Appellant's sales and use tax return for the audit period.
21 Appellant claimed sales in interstate or foreign commerce
22 of around \$420,000; and that will be on your Exhibit A,
23 page 18. During the audit, the Department determined that
24 Appellant had no supporting documents showing that these
25 sales were shipped to an out-of-state location and

1 disallowed the entire amount; and that will be on your
2 Exhibit B, page 78.

3 In response to audit results and during the
4 appeals process, Appellant explained that these
5 out-of-state sales were made through an online website,
6 such as Amazon and eBay and considered that it has no
7 shipping information to substantiate these claimed
8 nontaxable sales. Appellant asserted that its shipping
9 documentation were in a storage unit, which subsequently
10 burned down. Appellant also noted that its business
11 changed after the audit period, and it is no longer
12 selling online; and that will be on your Exhibit A,
13 page 51.

14 Therefore, the Department determined the
15 disallowed unsupported claimed sales for resale of around
16 \$725,000 and disallowed unsupported claimed interstate or
17 foreign commerce of around \$420,000, which resulted in
18 total unsupported claimed sale of around \$1.1 million for
19 the audit period; and that will be on your Exhibit A,
20 page 38. The disallowed unsupported exempt sales were
21 compared with reported taxable sales of around
22 \$1.3 million to calculate the error rate of 88 percent for
23 the audit period.

24 Appellant contends that the Notice of
25 Determination is barred by statute of limitations because

1 it is more than seven years from the date of the start of
2 the audit field work on/or around October 13, 2015; and
3 that will be on your Exhibit A, page 13. Please note that
4 the Notice of Determination was issued on October 21st,
5 2018, within the statute of limitations and less than
6 seven years.

7 Instead, we understand Appellant's argument to be
8 that the length of the overall appeals process from the
9 beginning of the audit until to this hearing has taken
10 more than seven years, which it believe is too long. Any
11 contention that the appeal process has taken too long is
12 one of the interest relief. In preparation for this
13 hearing, the Department performed an analysis of the case
14 and the specific time spent during the audit appeals and
15 settlement process. Pursuant to this review, the
16 Department recommends a relief of interest for the periods
17 of October 2017 through December 2017 and February 2018
18 through March 2018. Appellant would need to submit a
19 Request For Relief of Interest form signed under penalty
20 of perjury for this recommendation to take effect.

21 Appellant has not provided any reasonable
22 documentation or evidence to support any additional
23 adjustment to the audit findings. Therefore, for all
24 these reasons, the Department requests the appeal be
25 denied.

1 This concludes our presentation. We're available
2 to answer any questions the Panel may have. Thank you.

3 JUDGE ALDRICH: Thank you. I had a question. So
4 regarding the timeliness of the Notice of Determination,
5 under 6487 there's generally a three-year or eight-year or
6 indefinite depending on certain factual circumstances. Is
7 the argument that the Notice of Determination is timely
8 within the three-year period?

9 MR. SAMARAWICKREMA: This is Nalan
10 Samarawickrema. The taxpayer filed its first two returns
11 late, and the Department obtained the waiver of limitation
12 and the taxpayer agrees to extend the period. And it
13 was -- it was -- it was included in Exhibit --

14 JUDGE ALDRICH: In Exhibit K.

15 MR. SAMARAWICKREMA: And also the copies of the
16 sales tax returns were included as Exhibit J to show, you
17 know, the first few returns were filed late. And the
18 waivers were obtained before expiring of those dates.

19 JUDGE ALDRICH: Okay. All right.

20 MR. PARKER: Judge Aldrich, this is Jason Parker.
21 I just wanted to add something on real quick.

22 JUDGE ALDRICH: Yeah.

23 MR. PARKER: The third quarter 2012 return was
24 filed February 22nd, 2013. So the three-year statute for
25 that would February 22nd, 2016. So the original waiver

1 that we got for that period was signed, I believe,
2 January 11th of 2016. So that holds the period open.

3 JUDGE ALDRICH: Yeah. Okay. Thank you.

4 Ms. Walsh, does that explanation help you
5 understand the timeliness issue, or do you still have
6 questions or disputes on it?

7 MS. WALSH: Yeah. There's a couple of things
8 there. The State basically told me that I had to sign the
9 waiver or there was going to be -- like, the process was
10 going to take longer. So I signed it, you know. So it
11 was just another -- I don't know how to say -- or just --
12 I didn't under the process. I just wanted to get through
13 it.

14 JUDGE ALDRICH: Okay. And then I guess I had
15 another question for you, Ms. Walsh. So the Department
16 indicated that they -- for a partial interest relief you
17 would need to sign and submit a request for -- an interest
18 relief under penalty of perjury. Is that something you
19 would like to do? Would you like us to leave the record
20 open so that you would have time to submit that request
21 for interest relief?

22 MS. WALSH: Sure. Yeah, I would like to do that.
23 So anyway their -- that was kind of janky [sic] the way
24 the State did that with the extending of another quarter.
25 Because the way it's kind of explained to me now, it kind

1 of seems like there was some type of an advantage for the
2 State which, you know, to me I just want to get it done
3 and over with. But I don't know. The way I kind of hear
4 it just doesn't sound -- it doesn't come across right.

5 And the other thing that didn't come across
6 really and it kind of sounded strange was we -- we are an
7 LLC doing business under Redlands Thrift. When we applied
8 for our resale number, we -- our permit, we didn't -- we
9 weren't an LLC yet. But when we got our LLC, we didn't
10 change the resale number, but we did file our returns.
11 And this -- the auditor had us change I think in 2016 from
12 our -- from Redlands Thrift to our LLC filings, but the
13 whole -- that whole time there was filings.

14 We paid our sales tax. So I want to make sure
15 that was clear because of the way it kind of came across
16 was we weren't paying -- we weren't filing. Well, we were
17 filing, and we were paying. It was just the auditor had
18 us change it from Redlands Thrift to our LLC, and I --

19 JUDGE ALDRICH: Thank you, Ms. Walsh.

20 MS. WALSH: Yeah.

21 JUDGE ALDRICH: Thank you, Ms. Walsh.

22 At this time, I wanted to see if the Panel
23 members had questions for either of the parties. I'm
24 going to start with Judge Cho.

25 Did you have any questions for either of the

1 parties?

2 JUDGE CHO: This is Judge Cho. Not really a
3 question but more of a request for the Department. Would
4 you mind sending Ms. Walsh the Request For Relief of
5 Penalty form that she doesn't need to kind of create
6 something, that she'll understand how to make that request
7 for relief of penalty. I believe it's still CDTFA 735,
8 correct?

9 MR. SAMARAWICKREMA: This is Nalan
10 Samarawickrema. Yes. We can send the form to her.

11 JUDGE CHO: Okay. So Ms. Walsh, what the
12 Department is going to do is send you a form. It's a form
13 that's designed to help taxpayers make these kinds of
14 requests, and you can just check the box for interest
15 relief and under penalty of perjury. And hopefully that
16 will expedite your request for relief of interest in this
17 case. That's the only question that I had. Thank you
18 very much.

19 MS. WALSH: Okay. Thank you.

20 JUDGE ALDRICH: Thank you, Judge Cho.

21 And, Judge Stanley, did you have any questions
22 for either of the parties?

23 JUDGE STANLEY: I don't have any questions.

24 Thank you.

25 JUDGE ALDRICH: Thank you. Ms. Walsh, would you

1 like to make a closing statement or rebut something that
2 the Department said or share something else with us?

3

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CLOSING STATEMENT

5 MS. WALSH: Maybe just a final statement that,
6 you know, I feel like the State could have -- especially,
7 at that time, I think there's a lot of systems in place
8 now that were not in place then that could help the
9 business owners. You know, now there's -- we can get
10 online and we can check and see if the reseller is
11 actually reselling and blah, blah, blah, and all that
12 stuff. But back then we didn't have that.

13 And the State, really, if they're issuing a
14 license, they should kind of probably work hand-in-hand
15 with the business owners to make sure that they're doing
16 what they're supposed to do too, because going backwards
17 it's just really frustrating.

18 JUDGE ALDRICH: Thank you, Ms. Walsh. Are you
19 ready to conclude?

20 MS. WALSH: I conclude.

21 JUDGE ALDRICH: Okay. So I just wanted to thank
22 everyone for their time. We're ready to conclude the
23 hearing. The record will be held open for 30 days for
24 Ms. Walsh to submit that CDTFA 735.

25 The Department, if you could email that to

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Ms. Walsh, that would be appreciated.

And after the record closes, we will meet and decide the opinion based off of the evidence and the arguments. And the 100-day deadline will take from that 30-day from now closing.

And with respect to the other hearings for today, there's one more hearing today. Hearings will resume in approximately 15 minutes. Excuse me. Correction. That will be the hearing -- the next hearing will start at 2:30 p.m.

And thank you everyone and have a Happy New Year. Please cut the live stream when you can.

(Proceedings adjourned at 1:39 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 9th day of January, 2023.

ERNALYN M. ALONZO
HEARING REPORTER