

BEFORE THE OFFICE OF TAX APPEALS

STATE OF CALIFORNIA

IN THE MATTER OF THE APPEAL OF,)
)
METRO MORTGAGE GROUP, LLC,) OTA NO. 230713826
)
)
 APPELLANT.)
)
)
 _____)

TRANSCRIPT OF ELECTRONIC PROCEEDINGS

State of California

Wednesday, September 18, 2024

Reported by:
ERNALYN M. ALONZO
HEARING REPORTER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE OFFICE OF TAX APPEALS

STATE OF CALIFORNIA

IN THE MATTER OF THE APPEAL OF,)
METRO MORTGAGE GROUP, LLC,) OTA NO. 230713826
APPELLANT.)
_____)

Transcript of Electronic Proceedings,
taken in the State of California, commencing
at 1:56 p.m. and concluding at 2:31 p.m. on
Wednesday, September 18, 2024, reported by
Ernalyn M. Alonzo, Hearing Reporter, in and
for the State of California.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES:

Administrative Law Judge: NATASHA RALSTON

For the Appellant: DORELLE PETERS

For the Respondent: STATE OF CALIFORNIA
FRANCHISE TAX BOARD

ALISA L. PINARBASI
TOPHER TUTTLE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

E X H I B I T S

(Appellant's Exhibits 1-10 were received into evidence at page 7.)

(Department's Exhibits A-M were received into evidence at page 9.)

P R E S E N T A T I O N

	<u>PAGE</u>
By Ms. Peters	10
By Ms. Pinarbasi	20

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

California; Wednesday, September 18, 2024

1:56 p.m.

JUDGE RALSTON: We are opening the record for the hearing in the Appeal of Metro Mortgage Group, LLC, Office of Tax Appeals Case No. 230713826. Today's date is September 18th, 2024, and the time is approximately 1:56 p.m. My name is Judge Ralston, and I am the Administrative Law Judge who will be conducting the hearing for this case. The Office of Tax Appeals is not a court but is an independent appeals body, which is staffed by tax experts and is independent of any tax agency, including the Franchise Tax Board or FTB.

As I mentioned, this hearing is being live streamed to the public and is also being recorded. So we ask that the -- excuse me. So the transcript and the video recording are part of the public record and will be posted on our website. So we ask that you don't use the chat function and also, don't show any sensitive information on the screen.

Also present is our stenographer Ms. Alonzo who is reporting this hearing verbatim. To ensure that we have an accurate record, we ask that everyone speaks one at a time and does not speak over one another. Even if you think you know what I'm going to ask, please let me

1 finish my question so we can get a clean transcript.
2 Also, please speak clearly and loudly. When needed,
3 Ms. Alonzo will stop the hearing process and ask for
4 clarification. After the hearing, Ms. Alonzo will produce
5 the official hearing transcript, which will be available
6 on the Office of Tax Appeals website.

7 We held the prehearing conference in this matter
8 on August 26, 2024, and Appellant submitted exhibits
9 labeled 1 through 5. Actually -- yes. Appellant
10 initially submitted exhibits labeled 1 through 5, and the
11 Respondent FTB did not have any objections to Appellant's
12 Exhibits 1 through 5. So we're going to admit Appellant's
13 Exhibits 1 through 5. They are admitted without
14 objection.

15 Is that still the case, Ms. Peters? You had just
16 the Exhibits 1 through 5?

17 MS. PETERS: No. I then submitted additional
18 exhibits before the deadline that were acknowledged.

19 JUDGE RALSTON: Let me just double check that.
20 Okay. Oh, right. Oh, okay. I have them. So you have
21 Exhibits 1 through 10?

22 MS. PETERS: Correct.

23 JUDGE RALSTON: Yes. Okay. That is right. I do
24 have those and have reviewed them. So let me just check
25 with FTB.

1 Did you receive the Appellant's Exhibits 6
2 through 10?

3 MS. PINARBASI: Yes, we received them.

4 JUDGE RALSTON: And did you have any objections?

5 MS. PINARBASI: No objections.

6 JUDGE RALSTON: Okay. So Appellant's Exhibits 1
7 through 10 are admitted without objection.

8 (Appellant's Exhibits 1-10 were received
9 in evidence by the Administrative Law Judge.)

10 JUDGE RALSTON: And then we had Respondent
11 submitted Exhibits A through M.

12 Ms. Peters, did you receive Respondent's
13 Exhibit M?

14 MS. PETERS: Was that an additional exhibit?

15 JUDGE RALSTON: Yes. That was an additional
16 exhibit that was also submitted before the deadline.

17 MS. PETERS: I did not receive that.

18 JUDGE RALSTON: It was labeled "Comment Details."

19 MS. PETERS: That was not forwarded to me.

20 JUDGE RALSTON: Okay. Then we're going to take a
21 few minutes -- take a few minutes break so that we can --

22 FTB, are you able to forward that exhibit to
23 Ms. Peters?

24 MS. PINARBASI: Yes, I can forward it. Just give
25 me a couple of minutes.

1 JUDGE RALSTON: Okay. We're going to take a
2 break for about five minutes to give you time to get you
3 that exhibit and take a look at it, and then we'll come
4 back on the record. So the live stream will continue, so
5 please make sure that your audio and video are muted. And
6 we'll come back and -- it's -- my clock says exactly
7 2:00 o'clock, so we'll come back at 2:05.

8 (There is a pause in the proceedings.)

9 JUDGE RALSTON: We are back on the record.
10 Ms. Peters, did you receive that Exhibit M?

11 MS. PETERS: I did.

12 JUDGE RALSTON: Okay. And did you have a chance
13 to look at it?

14 MS. PETERS: Yeah. It's -- it's pretty brief,
15 and I have no objection.

16 JUDGE RALSTON: Okay. Thank you.

17 Actually, let me back up a little bit. Can I
18 have the parties introduce themselves and who they
19 represent for the record, starting with Ms. Peters.

20 MS. PETERS: Yes. Dorelle Peters. I am the
21 managing member of Metro Mortgage Group, LLC, and I
22 represent me, myself, and I.

23 JUDGE RALSTON: Thank you.

24 And then for Respondent.

25 MS. PINARBASI: Alisa Pinarbasi for the Franchise

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Tax Board.

JUDGE RALSTON: Thank you.

MR. TUTTLE: My name is Topher Tuttle representing Franchise Tax Board.

JUDGE RALSTON: Okay. Thank you.

So back to the exhibits. We have -- FTB has submitted exhibits A through M, and there are no objections. So we are going to admit Respondent's Exhibit A through M, are admitted without objection.

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

JUDGE RALSTON: So at the prehearing conference in this matter, Ms. Peters, we talked about you may be testifying under oath. Did you want to testify under oath, or did you just want to present your statement today?

MS. PETERS: I think I'll just present my statement. I don't see any need to testify.

JUDGE RALSTON: Okay. And you had no other witnesses?

MS. PETERS: No.

JUDGE RALSTON: Okay. Thank you.

And Ms. Pinarbasi, you also had no witnesses?

MS. PINARBASI: Correct.

JUDGE RALSTON: Okay. Thank you. So the

1 Appellant has asked for 20 minutes to present their case.
2 Respondent will have 20 minutes to present their case, and
3 then the Appellant will have 5 minutes for a rebuttal. I
4 may ask questions at any time.

5 And did anyone have any questions before we
6 begin? No. Looks like there's no questions.

7 So, Ms. Peters, begin. You have 20 minutes.

8

9

PRESENTATION

10 MS. PETERS: All right. So before hiring a
11 remote limited engagement clerical assistant, who is
12 personally based in California, we reviewed the California
13 statutes related to hiring such an employee, relying on
14 the information provided by the FTB on their website as it
15 relates to doing business in California. Exhibits 1 and 2
16 illustrate that information. Given that Metro Mortgage
17 Group, LLC, is not licensed to conduct its core business
18 and only income producing activity, namely mortgaging --
19 brokering mortgages in the State of California, has no
20 property in California, and the payroll for the employee
21 in question is well under the compensation threshold.

22 The company determined and has shown that it does
23 not meet the sales property or compensation thresholds
24 under Code Section 23101(b). We also concede that Metro
25 Mortgage Group, LLC, is not in the business of selling

1 personal tangible property and is, therefore, not
2 protected under Public Law 86-272. We're left with
3 Section 23101(a), which defines doing business as actively
4 engaging in any transaction for the purpose of financial
5 or pecuniary gain or profit in California.

6 The question is whether the section code applied
7 to Metro Mortgage, LLC, and our limited engagement
8 California-base clerical assistant. Our ongoing
9 interactions with the FTB have, frankly, been much like a
10 game of whack a mole, as we argued that in our case there
11 is no transaction for financial or pecuniary gain in the
12 case of our limited engagement California-based employee.
13 The FTB has responded with an ever-changing list of
14 justifications for classifying Metro Mortgage Group, LLC,
15 as doing business in California.

16 Before addressing these various changing
17 arguments forwarded by the FTB, it's important to present
18 the specific federal regulations that limit and define the
19 activities of Metro Mortgage Group, LLC, and our
20 employees. The very nature of the mortgage brokerage
21 business is regulated by the CFPB, the federal agency
22 overseeing mortgage brokers and their licensing. These
23 regulations preclude us from engaging in any transaction
24 for the purpose of financial gain or profit in any state
25 in which the business and its mortgage brokers are not

1 licensed by state agency responsible for such licensing.

2 Metro Mortgage Group is only licensed in Colorado
3 and Vermont and is legally excluded from conducting our
4 business in California. In addition, our limited
5 engagement employee, who resides in California, is not
6 licensed to originate mortgages by the CFPB or by NMLS or
7 any state agency and can, therefore, not engage in any
8 activity to originating mortgages. The CFPB, NMLS, or any
9 state agency and can, therefore, not engage in any
10 activity that contributes to originating mortgages. The
11 CFPB regulation 1008.103(e)(4) clearly states that an
12 individual who performs only purely administrative or
13 clerical tasks on behalf of a loan originator is exempt
14 from licensing. Exhibit 6 shows that statute.

15 Our assistant's clerical duties include such
16 tasks as organizing our electronic files throughout the
17 year and can hardly be construed as contributing to
18 transaction for the purpose of financial gain or profit.
19 Metro Mortgage Group is only licensed in Colorado and
20 Vermont and is, therefore prohibited from engaging in
21 brokering mortgages in California. And as an unlicensed
22 individual, the limited scope an employee can legally only
23 perform clerical tasks. When examining the various
24 arguments presented by FTB, it's important to understand
25 these federal limitations placed on Metro Mortgage Group's

1 remote limited engagement clerical assistant.

2 Let's examine the arguments presented by the FTB
3 in their opening brief, Exhibit 5. All of the
4 precedential cases cited examine the nature of
5 transactions engaged in by the company or employee for
6 financial gain or profit. These cases all involve profit
7 or income driven activities, whether they resulted in
8 actual profit. None of these cases involve the
9 determination that simply having a California-based
10 employee is de facto, a transaction for financial gain or
11 profit. And while not a legal argument, good sense would
12 dictate that simply paying an employee is not what is
13 meant by actively engaging in a transaction for financial
14 or pecuniary gain or profit.

15 This case is cited at the Appeal Knoll
16 Pharmaceutical. I included it in Exhibit 7. This case
17 specifically involves a stock of goods owned by Knoll
18 Pharmaceutical and maintained in California for which they
19 received benefits and protection, as well as having detail
20 men based in California who were directly involved in
21 orders and processing inventory. There was emphasis given
22 to the benefit and protection given to the goods owned by
23 the Appellant and maintained in California. Metro
24 Mortgage Group, LLC, has no goods, property, or assets in
25 California that derive benefit and protection from the

1 state. And we have no employees directly involved in our
2 product, which is brokering mortgages.

3 In Hise v McColgan, this is a case of liquidator
4 who is given broad powers with respect to California
5 businesses or corporations being liquidated, including
6 access to all business, property, and assets in
7 California. Again, Metro Mortgage Group has no business,
8 assets, or property in California. In the case of Cagan
9 Homes, Exhibit 9, this is a case where the transactions in
10 question are purchases of sale -- purchases and sales of
11 stock in the company. Again, these transactions have the
12 express purpose of financial gain or property. In each of
13 these cases, there were actual active business
14 transactions, which were determined to be the
15 transactions -- excuse me -- that qualify the business as
16 doing business in California. None of these cases
17 involved a company with no active business transaction or
18 physical presence in California who employ a single remote
19 clerical worker not involved in any of the company's
20 actual business transactions.

21 Metro Mortgage Group is legally precluded from
22 any business transaction, whatsoever, in California based
23 on federal licensing requirements. In addition, there is
24 no action or task limit our limited engagement-based
25 employee can legally undertake that would contribute in

1 any way to a business transaction for financial gain or
2 profit. None of these cited cases support the
3 determination that simply having a California-based
4 employee establishes a physical presence in California, or
5 that we were actively engaged in a transaction for the
6 purpose of financial gain in California under
7 section 23101(a).

8 Turning to the non-precedential appeal by
9 ProPharma Sales, Exhibit 10, which the FTB uses to support
10 the idea that simply having a single California-based
11 employee determines that a company is doing business in
12 California. In this appeal, the FTB cites California
13 employee met the activity requirement required under
14 section 23101(a) simply because the taxpayer had a
15 physical presence in California. However, the following
16 material facts differentiate the non-precedential ruling
17 from the current matter.

18 First and foremost, the ProPharma Sales case
19 hinges on a filed federal Form 941, which listed a
20 California address for the company. In this case, listing
21 a California business address established a physical
22 business presence and nexus. The ruling itself states,
23 "California employee met the activity required under
24 23101(a) simply because the taxpayer had a physical
25 presence in California." The ruling does not state the

1 company met the activity required simply because the
2 taxpayer had a California-based employee.

3 Metro Mortgage Group, LLC, has never listed a
4 California address in any filing or form, federal or
5 state, and has never had a physical business presence in
6 California, making this case irrelevant to the question at
7 hand. It is also important to know that when considering
8 the Appeal of ProPharma Sales, the OTA itself explicitly
9 inquired about the specific activity of the employee. I
10 quote, "Office of Tax Appeals requested additional
11 briefing from the parties. In particular, OTA requested
12 that Appellant describe the activities it performed in
13 California during the 2014 tax year, including the
14 activities, if any, performed at its Aliso Viejo,
15 California address, per it's federal fourth quarter Form
16 941, and by its California employees at that address or
17 elsewhere in the state."

18 In this case, the Appellant didn't respond to the
19 OTA's request. The very fact that the OTA inquired about
20 the activities ProPharma Sales and its employees performed
21 in California explicitly implies that the activity itself
22 is a factor in determining whether a company is doing
23 business in California. If simply having an employee who
24 lives in California were sufficient to determine that a
25 company is doing business in California, the inquiry about

1 the actual activities performed by the company and
2 employee would be irrelevant, and the OTA would not have
3 inquired about those activities.

4 In this present appeal, the limited clerical
5 nature of the activities performed by our employee who
6 lives in California and the fact that there has never been
7 a California location or address for Metro Mortgage Group,
8 LLC, support the determination that Metro Mortgage Group
9 has not actively engaged in any transaction for the
10 purpose of financial gain or profit in California and is,
11 therefore, not doing business in California. To
12 summarize, Metro Mortgage Group, LLC, is not legally
13 licensed to do business in California. Our limited
14 engagement clerical assistant who lives in California is
15 not licensed to originate mortgages and is not allowed to
16 perform anything other than clerical or administrative
17 activities for Metro Mortgage Group, LLC, as federally
18 regulated by the CFPB.

19 All of the precedential cases cited by the FTB
20 involve the company owners or employees actively engaging
21 in actual business transactions for gain or profit in
22 California. None of these cases define business
23 transaction as the simple act of paying an employee. The
24 non-precedential Appeal of ProPharma hinge on the company
25 having a physical business location and presence in

1 location in California. Metro Mortgage Group does not and
2 never has had a physical presence in California.

3 And finally, the limited activities as regulated
4 by the CFPB that the clerical assistant can perform do not
5 and cannot contribute to any of the company's business
6 transactions. We believe that it was shown clearly that
7 Metro Mortgage Group, LLC, does not qualify as doing
8 business in California under section 23101(a). We ask
9 that the OTA rules that one, the Appellant does not owe
10 the annual limited liability tax for the 2019 tax year;
11 two, the Appellant has established a basis to abate the
12 delinquent-filing penalty; three, the Appellant has
13 established a basis to abate the demand penalty; and four,
14 the Appellant has established a basis to abate the filing
15 enforcement fee.

16 Let me conclude also that by saying that as a
17 business owner, the process and attempts to gain clarity
18 with the FTB have often appeared arbitrary and capricious.
19 I finally undertook the expense of hiring an attorney to
20 help me navigate this dialogue, and their experience was
21 equally arbitrary and ever-changing. If their stance is
22 that the simple choice to pay anyone any amount for any
23 activity who lives in California, de facto means that the
24 company is doing business in California, the FTB should
25 clearly state that on their website and in the information

1 they provide to businesses to help them determine whether
2 they are doing business in California and are required to
3 file California tax returns and pay the annual Franchise
4 tax. The total lack of disclosure and publication is
5 arbitrary and unfair to any business attempting to make
6 informed business decisions.

7 And finally, anyone I've shared my experience
8 with, either business owners or other legal professionals,
9 has discouraged me from pursuing this appeal because the
10 overwhelming experience has been that the FTB is a
11 powerful agency that does not engage in any real dialogue
12 and that no one ever wins an appeal against them
13 regardless of the circumstances and facts. They all
14 suggest that I should just pay the \$800 a year since there
15 is no hope in fighting for an appeal. However, this has
16 become a matter of principle for me to stand up for what
17 is clearly a correct decision about my business, even
18 though I am up against a Goliath of a state agency.

19 Thank you, Your Honor, for your time and your
20 unbiased consideration.

21 JUDGE RALSTON: Okay. Thank you.

22 We're going to turn FTB now. You have 20 minutes
23 for your presentation. Please begin when you're ready.

24 ///

25 ///

1 specific conditions, which if satisfied, will establish a
2 taxpayer is doing business in California. Appeal of GEF
3 specifically states that these conditions are not minimum
4 thresholds and do not provide any safe harbor from the
5 general definition of doing business in subsection (a).
6 FTB agrees that Appellant does not satisfy any of the
7 conditions in subsection (b) for doing business. However,
8 as your office stated in Appeal of GEF, this does not
9 prevent FTB from finding Appellant is doing business under
10 subsection (a).

11 In this case, FTB received information from the
12 Employment Development Department that Appellant had an
13 employee in California during the 2019 tax year.

14 Appellant has not denied that it had an employee in
15 California during this time period, and this activity
16 clearly meets the definition of subsection (a). Simply
17 stated, Appellant actively engaged in a transaction in
18 California by hiring a California resident. This
19 transaction was for the purpose of financial or pecuniary
20 gain or profit because hiring employees furthers
21 Appellant's business and is, therefore, motivated by
22 profit or gain.

23 While the hiring of a California employee clearly
24 meets the plain language test in subsection (a), I will
25 also discuss various findings of your office's

1 predecessor, The Board of Equalization or BOE, when
2 interpreting the language of subsection (a). In Appeal of
3 Know Pharmaceutical, the BOE found that a taxpayer does
4 not need to be engaged in a regular course of business.
5 Instead, the inquiry was only whether that the state had
6 provided anything for which it can ask return. In Appeal
7 of Cagan Homes, the BOE found that one single profit
8 motivated transaction is enough to be doing business in
9 California. The transaction does not need to result in
10 any actual profit as long as it was in the furtherance of
11 financial or pecuniary gain.

12 Applying these findings to this case further
13 solidifies the finding that Appellant was doing business
14 in California. Appellant argues that its only activity in
15 California was hiring an employee to do light
16 administrative work, and the employee's work did not
17 result in any actual business in California. However, as
18 little as one transaction can meet the test in
19 subsection (a), and that transaction does not need to
20 actually result in profit. Therefore, it is immaterial
21 whether the tasks performed by the employee directly
22 resulted in Appellant's financial gain.

23 Lastly, I will discuss the non-precedential case,
24 Appeal of Recruiting partners GP. In this case, the BOE
25 found that a taxpayer whose only California activity was

1 employing a California resident that it paid \$196 in wages
2 for the tax year at issue, was doing business under
3 subsection (a). While this non-precedential case is not
4 binding, pursuant to Microsoft Corp v Franchise Tax Board,
5 it is informative and can be looked to when determining
6 how to apply the law.

7 In conclusion, Appellant was doing business under
8 subsection (a) because the plain language of the statute
9 indicates it was. The BOE has previously found that a
10 taxpayer engaging in even one single transaction that did
11 not result in profit is doing business, and the BOE and
12 your office have on multiple occasions found that
13 taxpayers with a single employee in California are doing
14 business in California.

15 Next, I will discuss whether Appellant has
16 established a basis to abate the late-filing penalty and
17 the demand penalty. Both the late-filing and demand
18 penalties were properly imposed because Appellant failed
19 to timely file a tax return by the due date and failed to
20 do so upon notice and demand by FTB. Appellant has not
21 alleged error in the imposition or calculation of the
22 penalties, only that it did not have a filing requirement.
23 Even if the taxpayer is unaware of a filing requirement,
24 ignorance of the law is not an excuse for failing to file
25 a timely return, or failing to file a return upon notice

1 and demand. As such, Appellant has not established
2 reasonable cause to abate either the late-filing penalty
3 or the demand penalty.

4 Finally, I will discuss the filing enforcement
5 fee. FTB notified Appellant it had a filing requirement,
6 and Appellant failed to file a return by the prescribed
7 due date. As such, FTB properly imposed the filing
8 enforcement fee. Once the filing enforcement fee is
9 properly imposed, there is no provision that excuses the
10 imposition of the fee. As such, Appellant has failed to
11 establish a basis to abate the filing enforcement fee.
12 Therefore, based on the facts and evidence in the record,
13 FTB respectfully requests you sustain its position.

14 I'm happy to address any questions you may have.

15 JUDGE RALSTON: Thank you.

16 Ms. Peters, you have five minutes for rebuttal,
17 if you would like.

18 Ms. Peters, your microphone is muted.

19 MS. PETERS: Apologies. I think in my
20 presentation I addressed the issues relating to all of the
21 cases cited by the FTB and really have nothing further to
22 add, unless you have questions of me.

23 JUDGE RALSTON: Thank you. I do have one
24 question. So when you say that the employee in California
25 engaged in, like, clerical and administrative acts, like,

1 do you have some examples of things the employee would do?

2 MS. PETERS: Yeah. So most of -- most of their
3 work literally was -- I have compliance requirements
4 federally imposed and imposed by the state to retain
5 certain documents for a certain period of time. And so he
6 would spend time, when I had finalized a loan, and make
7 sure that all of the documents that I am required to
8 retain are in my electronic files and properly organized.
9 So he's -- by CFPB statute, he is not even allowed to see
10 loan information that is personal information of my
11 clients. So he can only do very, very peripheral things
12 by law.

13 JUDGE RALSTON: Okay. Thank you. And the
14 employee in California, did they have any physical
15 documents or everything was electronic?

16 MS. PETERS: Everything is electronic. Yes.

17 JUDGE RALSTON: Okay. Thank you. Just tidying
18 up my notes.

19 MS. PETERS: Sure.

20 JUDGE RALSTON: So we are ready to conclude this
21 hearing. Today's hearing in the Appeal of Metro Mortgage
22 Group, LLC, is now adjourned, and the record is closed.

23 I will review the submitted information and will
24 send you a written opinion of the decision within
25 100 days.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Thank you everyone for attending, and that concludes our hearings for today. Thank you.

(Proceedings adjourned at 2:31 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 14th day of October, 2024.

ERNALYN M. ALONZO
HEARING REPORTER