

**OFFICE OF TAX APPEALS  
STATE OF CALIFORNIA**

In the Matter of the Appeal of:

**L. ROBLES**) OTA Case No. 230112412  
) CDTFA Case ID: 003-106-149  
)  
)  
)  
)**OPINION**

Representing the Parties:

For Appellant:

Kiara Robles, Representative

For Respondent:

Courtney Daniels, Attorney

For Office of Tax Appeals:

Steven Kim, Attorney

L. KATAGIHARA, Administrative Law Judge: Pursuant to Revenue and Taxation Code (R&TC) section 6561, L. Robles (appellant) appeals a decision issued by respondent California Department of Tax and Fee Administration (CDTFA)<sup>1</sup> denying appellant's petition for redetermination of a Notice of Dual Determination (NODD) dated August 2, 2021. The NODD is for tax of \$550,471.51, plus applicable interest, and penalties of \$110,674.89 for the period January 1, 2015, through September 30, 2019 (liability period).<sup>2</sup> The NODD reflects CDTFA's determination that appellant is personally liable as a responsible person for the unpaid sales and use tax liabilities of El Pollo Auto, Inc. (El Pollo Auto) associated with the liability period.

Appellant waived the right to an oral hearing; therefore, the matter was submitted to the Office of Tax Appeals (OTA) on the written record pursuant to California Code of Regulations, title 18, section 30209(a).

---

<sup>1</sup> Sales and use taxes were formerly administered by the State Board of Equalization (board). In 2017, functions of the board relevant to this case were transferred to CDTFA. (Gov. Code, § 15570.22.) For ease of reference, when this Opinion refers to events that occurred before July 1, 2017, "CDTFA" shall refer to the board.

<sup>2</sup> The penalties include a negligence penalty, either a failure to file penalty or a second negligence penalty, and two finality penalties, each of which amounted to 10 percent of the tax liability at the time of imposition.

### ISSUES

1. Whether appellant is personally liable for El Pollo Auto's unpaid sales tax liabilities for the liability period pursuant to R&TC section 6829.
2. Whether an adjustment to the measure of El Pollo Auto's unreported taxable sales is warranted.

### FACTUAL FINDINGS

1. El Pollo Auto was a California corporation that operated a used car dealership in La Puente, California. Appellant submitted an Application for Seller's Permit dated October 19, 2009, to CDTFA, listing himself as the president, sole corporate officer, and person who maintains the business's records. CDTFA issued the seller's permit to El Pollo Auto, Inc. on October 29, 2009.
2. On November 19, 2012, appellant sent CDTFA a letter declaring that he was the owner of, and financial decision maker for, El Pollo Auto (2012 letter). Appellant also signed the 2012 letter as "CEO."
3. El Pollo Auto's Statements of Information filed with the Secretary of State (SOS) on October 10, 2014, and August 7, 2018, reflect that appellant was the sole officer and director, as well as the agent for service of process, for the business.<sup>3</sup> Appellant signed both Statements of Information as El Pollo Auto's president. Records from the Employment Development Department (EDD) also list appellant as the owner of the business between 2015 and 2019.
4. CDTFA conducted an audit of El Pollo Auto for the period January 1, 2015, through December 31, 2017 (audit 1). Based on an examination of DMV Report of Sale (ROS) data, auction house data, and El Pollo Auto's reported sales, CDTFA determined El Pollo Auto negligently failed to report \$3,344,545 of its taxable sales.
5. As a result, on February 8, 2019, CDTFA issued El Pollo Auto a Notice of Determination (NOD) for tax of \$299,029, plus accrued interest, and a negligence penalty of \$29,902.88. On February 25, 2019, appellant and El Pollo Auto's representative, R. Zugasti, met with CDTFA (at CDTFA's field office) to both appoint R. Zugasti as El

---

<sup>3</sup> The August 7, 2018 Statement of Information indicates there was no change to the information contained in the last Statement of Information filed.

- Pollo Auto's power of attorney and discuss entering into an installment payment agreement for the determined tax liability.<sup>4</sup>
6. El Pollo Auto neither paid nor filed a petition for determination of the February 8, 2019 NOD, so the NOD became final on March 11, 2019.
  7. In or around May 2019, appellant e-mailed CDTFA. In this e-mail, appellant informed CDTFA he was attempting to obtain a personal loan to pay the liability owed by El Pollo Auto and that he would make weekly payments of \$600 until the loan was secured.<sup>5</sup> Appellant also attached to the e-mail a copy of a May 6, 2019 letter from N. Zugasti, stating she granted appellant a \$400,000 loan and that the funds would be delivered to appellant on June 6, 2019.<sup>6</sup>
  8. On December 23, 2019, CDTFA contacted R. Zugasti, who informed CDTFA that the business closed on November 15, 2019, and that he was no longer El Pollo Auto's representative. SOS records reflect that the Franchise Tax Board suspended El Pollo Auto's corporate status on October 1, 2020.<sup>7</sup>
  9. CDTFA then audited El Pollo Auto for the period January 1, 2018, through September 30, 2019 (audit 2). Audit 2 revealed El Pollo Auto reported \$2,748,712 more in sales to the DMV than it reported to CDTFA. El Pollo Auto's records also indicated that although El Pollo Auto purchased vehicles for resale, El Pollo Auto failed to report certain resale transactions to both the DMV and CDTFA. Therefore, CDTFA applied a markup to El Pollo Auto's purchase price of the unreported vehicles to calculate an additional measure of \$21,608.<sup>8</sup> In addition to a negligence penalty, CDTFA also

---

<sup>4</sup> On February 25, 2019, appellant signed a power of attorney appointing R. Zugasti as El Pollo Auto's representative for the period "2010-current."

<sup>5</sup> El Pollo Auto submitted an online payment to CDTFA on May 6, 2019.

<sup>6</sup> OTA is relying upon CDTFA's translation of the letter to determine its contents.

<sup>7</sup> The Franchise Tax Board may suspend a corporation for failing to file franchise or income tax returns or pay taxes. (R&TC, § 23301.) A suspended corporation forfeits its corporate powers, rights, and privileges, and cannot legally conduct business in California. (*Ibid.*)

<sup>8</sup> "Markup" is the amount by which the cost of merchandise (i.e., the retailer's purchase price) is increased to set the retail price. For example, if the retailer's cost is \$0.70 and it charges customers \$1.00, the markup is \$0.30.

- recommended the imposition of a failure to file penalty because El Pollo Auto did not file a sales and use tax return (SUTR) for the third quarter of 2019 (3Q19).<sup>9</sup>
10. On or before December 22, 2020, CDTFA discussed the findings of the audit with appellant. During this discussion, appellant informed CDTFA that he disagreed with the audit findings and implied that he was unable to tend to the business during the last quarter of the business's operation due to medical emergencies.
  11. On March 3, 2021, CDTFA issued an NOD to El Pollo Auto for tax of \$256,635, plus accrued interest, and a penalty of \$25,663.53.<sup>10</sup> El Pollo Auto did not petition the March 3, 2021 NOD, so the determination became final on April 2, 2021.
  12. For audit 1 and audit 2, El Pollo Auto provided documentation to CDTFA reflecting El Pollo Auto had a history of charging and collecting sales tax reimbursement on its sales. Such documentation includes a "Deal Recap," sales worksheets, and a sales contract pertaining to particular transactions made in 2011, 2013, and 2014; and sales tax reports for 3Q12, September 2019, October 2019, and November 2019.
  13. Appellant also prepared and filed each SUTR on behalf of El Pollo Auto during the liability period. Appellant, on behalf of El Pollo Auto, also effectuated each of the prepayments of sales tax made during the liability period. However, appellant did not submit the requisite payment when he filed El Pollo Auto's SUTR for 1Q19, despite reporting sales tax due.
  14. Records pertaining to El Pollo Auto also reflect that throughout the liability period, El Pollo Auto paid \$134,290 in wages and/or employment tax, purchased more than \$2.7 million in vehicles from auction houses, received at least \$548,000 in payments from credit card processors, and in 2015, deposited more than two million dollars into its bank account.
  15. On August 3, 2021, CDTFA issued the NODD to appellant for El Pollo Auto's unpaid tax liabilities arising from audit 1, audit 2, and the self-assessed (but unpaid) tax for 1Q19.

---

<sup>9</sup> Although CDTFA recommended both penalties be imposed, the penalty amount on the NOD reflects only one penalty was imposed (see FN 11).

<sup>10</sup> The March 3, 2021 NOD states CDTFA imposed both a negligence and failure to file penalty, at a rate of 10 percent of the tax liability for each. However, the amount of the penalty listed in the NOD is for only 10 percent of the tax liability, which indicates only one of the penalties was imposed.

16. On August 27, 2021, appellant filed a timely petition for redetermination with CDTFA disputing the NODD.
17. On July 7, 2022, appellant's daughter, K. Robles, e-mailed CDTFA on behalf of appellant and confirmed that El Pollo Auto had closed.<sup>11</sup>
18. On November 21, 2022, CDTFA issued its decision denying the petition for redetermination, and this appeal followed.

### DISCUSSION

#### Issue 1: Whether appellant is personally liable for El Pollo Auto's unpaid sales tax liabilities for the liability period pursuant to R&TC section 6829.

California imposes sales tax on a retailer's retail sales of tangible personal property sold in this state measured by the retailer's gross receipts, unless the sale is specifically exempt or excluded from taxation by statute. (R&TC, §§ 6012, 6051.) Although the sales tax is imposed on the retailer, there are situations when other persons may also be held personally liable for a retailer's unpaid tax liabilities. As relevant here, R&TC section 6829 provides that a person is personally liable for the tax, penalties, and interest owed by a business entity, such as a corporation, if all of the following four elements are met: (1) the corporation's business has been terminated, dissolved, or abandoned; (2) the corporation collected sales tax reimbursement on its sales of tangible personal property and failed to remit such tax reimbursement to CDTFA; (3) the person had control or supervision of, or was charged with the responsibility for, the filing of returns or the payment of tax, or had a duty to act for the corporation in complying with the Sales and Use Tax Law; and (4) the person willfully failed to pay taxes due from the corporation or willfully failed to cause such taxes to be paid. (R&TC, § 6829; Cal. Code Regs., tit. 18, § 1702.5.) CDTFA must prove these elements by a preponderance of the evidence. (Cal. Code Regs., tit. 18, § 1702.5(d).)

#### *Element 1 (Termination of Business)*

Appellant, through his current representative, K. Robles, confirmed to CDTFA that the business is closed. CDTFA was also notified through El Pollo Auto's former representative,

---

<sup>11</sup> On December 19, 2022, appellant submitted a power of attorney form to OTA appointing K. Robles as his power of attorney for this appeal.

R. Zugasti, that the business closed on November 15, 2019. Therefore, the first element is satisfied.

*Element 2 (Collection of Sales Tax Reimbursement)*

El Pollo Auto produced sales tax reports listing the amount of sales tax associated with its vehicles sales during 3Q12, September 2019, and the first two months of 4Q19. In addition, a “Deal Recap” from a December 15, 2011 sale, sales worksheets from May 8, 2013, and a sales contract from April 4, 2014, each itemize the charges associated with the sale of the particular vehicle listed in the document. In each of these documents, there is a separate line item for sales tax. Therefore, the evidence reflects El Pollo Auto collected sales tax reimbursement in the ordinary course of business during the liability period.

Appellant argues that the aforementioned documentation is from outside of the liability period, and thus, cannot be relied upon. Although some of the documents are dated outside of the liability period, those documents were not used to establish the measure of El Pollo Auto’s tax liability. Instead, the documents were used to establish that El Pollo Auto collected sales tax reimbursement in the ordinary course of business. Said differently, because these documents show El Pollo Auto routinely collected sales tax reimbursement between 2011 and 2014, it is more likely than not that El Pollo Auto continued to collect sales tax reimbursement throughout the liability period. Consequently, the second element is satisfied.

*Element 3 (Responsible Person)*

A “responsible person” means any officer, member, manager, employee, director, shareholder, partner, or other person having control or supervision of filing returns and paying tax, or who has a duty to act for a corporation in complying with the Sales and Use Tax Law. (Cal. Code Regs., tit 18, § 1702.5(b)(1).) Personal liability may only be imposed if appellant was a responsible person at the time the corporation sold tangible personal property, collected sales tax reimbursement, and willfully failed to remit it to CDTFA. (R&TC, § 6829; Cal. Code Regs., tit. 18, § 1702.5(a).) The fact that a person was an officer, director, manager, or shareholder of the corporation is not, in and of itself, sufficient to establish that the person is a “responsible person.” (Cal. Code Regs., tit. 18, § 1702.5(b)(1).)

Here, appellant was the sole director and officer of El Pollo Auto from its inception to the time it ceased operating, as evidenced by the 2012 letter, the Statements of Information, and

Application for Seller's permit. EDD filings further confirm that appellant was the owner of El Pollo Auto between 2015 and 2019. In addition, the 2012 letter also indicates that appellant was the person responsible for making all financial decisions for El Pollo Auto. All of El Pollo Auto's SUTRs were filed, and all prepayments of sales tax were made, by appellant during the liability period. Appellant also discussed making installment payments to pay El Pollo Auto's tax liabilities with CDTFA, and even secured (or attempted to secure) a personal loan to do so.

On appeal, appellant argues that the 2012 letter is prior to the liability period and cannot be relied upon. However, appellant has neither alleged nor provided evidence that someone other than appellant was responsible for filing returns and paying tax on behalf of El Pollo Auto during the liability period. In any event, the evidence in the record, such as the filed SUTRs and prepayments of sales tax, provide ample evidence that appellant was in control of filing the SUTRs, paying the tax, and ensuring that El Pollo Auto was in compliance with the Sales and Use Tax Law.

Appellant also asserts that CDTFA did not take into consideration that the e-mail and corresponding attachment regarding the personal loan (see Factual Finding 7) was not signed by appellant and was instead signed by N. Zagasti. First, the e-mail includes appellant's signature block. Second, the e-mail was not signed by N. Zagasti; the letter confirming that a loan was provided to appellant, which was attached to appellant's e-mail, was signed by N. Zagasti. Third, whether or not appellant actually secured a loan is not tantamount to a finding that appellant was a responsible person. Rather, the e-mail provides further evidence that appellant made efforts to ensure El Pollo Auto complied with its Sales and Use Tax Law obligations. Fourth, even if OTA disregards this evidence, the evidence in the record (as described above) still supports CDTFA's finding that appellant is a responsible person. As such, the third element is satisfied.

*Element 4 (Willful Failure to Pay)*

The final requirement for a person to be held personally liable pursuant to R&TC section 6829 is that the person must have willfully failed to pay the liabilities or cause them to be paid. For these purposes, "willfully fails to pay or to cause to be paid" means that the failure was the result of an intentional, conscious, and voluntary course of action. (R&TC, § 6829(d); Cal. Code Regs., tit. 18, § 1702.5(b)(2).) This failure may be willful even if it was not done with a

bad purpose or motive. (Cal. Code Regs., tit. 18, § 1702.5(b)(2).) In order to show willfulness, CDTFA must establish all of the following:

- (A) On or after the date the taxes came due, the responsible person had actual knowledge that taxes were due but not being paid.
- (B) The responsible person had the authority to pay the taxes or to cause them to be paid (i) on the date the taxes came due and (ii) when the responsible person had actual knowledge as defined in (A). A responsible person who was required to obtain approval from another person prior to paying the taxes at issue and was unable to act on his or her own in making the decision to pay the taxes does not have the authority to pay the taxes or to cause them to be paid.
- (C) When the responsible person had actual knowledge as defined in (A), the responsible person had the ability to pay the taxes but chose not to do so.

(Cal. Code Regs., tit. 18, § 1702.5(b)(2).)

As previously explained, appellant was the sole person responsible for El Pollo Auto's financial decisions and sales and use tax compliance the entire time it operated. The record further shows that appellant was involved in both audits of El Pollo Auto and was aware of the resulting liabilities assessed against El Pollo Auto. Moreover, appellant filed El Pollo Auto's SUTRs throughout the liability period and was therefore aware of the total sales El Pollo Auto was reporting to CDTFA. Given appellant's extensive involvement in the filing of the SUTRs, and that he was the sole officer for the business, appellant was undoubtedly aware that the amount he was reporting and paying to CDTFA was considerably less than the amount he reported to the DMV and/or recorded in El Pollo Auto's business records. In addition, as the only person who filed El Pollo Auto's SUTRs and paid El Pollo Auto's taxes, appellant knew that El Pollo Auto neither filed a SUTR for 3Q19 (i.e., its final SUTR before ceasing operations) nor paid the taxes for its 1Q19 self-assessed liability. Based on the foregoing, appellant had actual knowledge that taxes were due but were not being paid at the time he filed El Pollo Auto's SUTRs.

As the sole director and officer, and the person who paid taxes on behalf of El Pollo Auto, appellant also had authority to pay El Pollo Auto's tax liabilities. In fact, appellant effectuated each of the prepayments of sales tax made during the liability period. Moreover, there is no evidence in the record that anyone other than appellant had such authority during the time El Pollo Auto was operating.



Finally, OTA must determine whether CDTFA has established that appellant had the ability to pay the taxes at the time he had actual knowledge that the taxes were due but not being paid (i.e., at the time appellant filed the SUTRs on behalf of El Pollo Auto). First and foremost, El Pollo Auto collected sales tax reimbursement on its taxable sales, so it had the funds available to pay its taxes when those taxes became due. Second, CDTFA offered evidence establishing that, throughout the liability period, El Pollo Auto paid \$134,290 in wages and/or employment tax, purchased more than \$2.7 million in vehicles from auction houses, received at least \$548,000 in payments from credit card processors, and in 2015, deposited more than two million dollars into its bank account. Based on the foregoing, CDTFA has established that appellant had the ability to pay El Pollo Auto's taxes at the requisite time but used the funds for other purposes. Therefore, appellant willfully failed to pay El Pollo Auto's taxes.

Appellant contends that the element of willfulness is not satisfied for several reasons. Appellant first argues that he was intermittently hospitalized during the liability period and that business decisions were not made under his control or authority. However, the record shows that appellant was the sole person with the authority to act for El Pollo Auto, that he consistently filed the business's SUTRs, and that he made prepayments of tax on a regular basis for the business. As such, appellant's medical condition (for which appellant has not provided any evidence) does not excuse his failure to pay the tax when due. In addition, there is no evidence that another individual exercised their authority over El Pollo Auto in a manner that would have prevented appellant from making the requisite payments.

Second, appellant argues that he was "constantly in the office making payments and trying to arrange payment plans." As previously stated, a taxpayer may be found to have willfully failed to pay taxes even if the failure was not done with a bad purpose or motive. Here, although El Pollo Auto was making payments and prepayments, appellant, on behalf of El Pollo Auto, was not paying the total amount of its tax liability. Appellant's attempts to pay or enter into an installment payment agreement, especially when El Pollo Auto was collecting sales tax reimbursement with its sales, does not negate a finding of willfulness.

Next, appellant argues that R. Zugasti was making unauthorized business decisions for El Pollo Auto.<sup>12</sup> However, in addition to the existence of a signed Power of Attorney form designating R. Zugasti as El Pollo Auto's representative, CDTFA's records show that appellant,

---

<sup>12</sup> Appellant has not identified the alleged unauthorized business decision(s).

as the corporate officer, arrived in person to CDTFA's field office to designate R. Zugasti as his power of attorney for matters before CDTFA. Moreover, appellant has neither explained how, nor presented evidence showing that, R. Zugasti's alleged unauthorized business decisions (whatever they may have been) prevented appellant from paying El Pollo Auto's tax liabilities.

Last, appellant argues that a "Willfulness Chart" created by CDTFA is unsupported. The chart is a breakdown listing, by quarter, the amount of bank deposits, auction house purchases, and unreported taxable sales made by El Pollo Auto; the amounts El Pollo Auto received from credit card processors; and the aggregate amount of wages El Pollo Auto paid to its employees. The information in the chart is, in fact, supported by documentation provided by CDTFA (e.g., a report of El Pollo Auto's filings with the EDD, the audit working papers for the two audits, the auction house data, etc.). As such, OTA rejects appellant's contention.

Accordingly, OTA finds appellant is personally liable for the unpaid tax liabilities of El Pollo Auto for the liability period.

Issue 2: Whether an adjustment to the measure of El Pollo Auto's unreported taxable sales is warranted.

California imposes upon all retailers a sales tax measured by the retailer's gross receipts from the retail sale of tangible personal property in this state, unless the sale is specifically exempt or excluded from taxation by statute. (R&TC, §§ 6012, 6051.) All of a retailer's gross receipts are presumed subject to tax unless the retailer can prove otherwise. (R&TC, § 6091.) If CDTFA is not satisfied with the accuracy of the sales and use tax returns filed, it may base its determination of the tax due upon the facts contained in the returns or upon any information that comes within its possession. (R&TC, § 6481.) It is the retailer's responsibility to maintain and make available for examination complete and accurate records necessary to determine the correct tax liability, including bills, receipts, invoices, or other documents supporting the entries in the books of account (i.e., books and records). (R&TC, §§ 7053, 7054; Cal. Code Regs., tit. 18, § 1698(b)(1).)

When a taxpayer appeals an NOD, CDTFA has a minimal, initial burden of showing that its determination was reasonable and rational. (*Appeal of Talavera*, 2020-OTA-022P.) Once CDTFA has met its initial burden, the burden of proof shifts to the taxpayer to establish that a result differing from CDTFA's determination is warranted. (*Ibid.*) The applicable burden of proof is by a preponderance of the evidence. (Cal. Code Regs., tit. 18, §§ 30219(b), 35003(a).)

Unsupported assertions are not sufficient to satisfy a taxpayer's burden of proof. (*Appeal of Talavera, supra.*)

Here, CDTFA's review of El Pollo Auto's records and SUTRs for both audit 1 and audit 2 revealed material differences between the amount of taxable sales El Pollo Auto reported to CDTFA and the amount it reported to the DMV. Consequently, CDTFA analyzed DMV ROS data and auction house data and compared that information to El Pollo Auto's reported taxable sales to compute the unreported taxable sales measures for both audits. As such, CDTFA calculated appellant's taxable measures using objective, reliable, and verifiable data. CDTFA also discovered, for audit 2, that El Pollo Auto failed to report certain sales transactions to both the DMV and CDTFA. To account for those unreported taxable sales, CDTFA applied a markup to El Pollo Auto's purchase price of those vehicles. The markup method is a recognized and standard accounting procedure.<sup>13</sup> (*Appeal of Amaya*, 2021-OTA-328P.) Therefore, OTA finds that CDTFA has met its initial burden to show its determinations were reasonable and rational, and the burden of proof shifts to appellant to establish a result differing from CDTFA's determination is warranted.

Appellant contends that CDTFA did not conduct its audit thoroughly or in good faith, that CDTFA tried to find fault even when there was contradictory evidence, and that the measures of unreported taxable sales were improperly calculated. In support of these arguments, appellant refers to two specific statements made by CDTFA: (1) reviewer comments on Schedule 12A-1 of audit 1 stating "the impact on the overall unreported taxable sales is immaterial"; and (2) CDTFA's dual memorandum stating that El Pollo Auto did not consume tangible personal property or willfully fail to report and pay use tax.

However, CDTFA's statement that "the impact on the overall unreported taxable sales is minimal" refers specifically to El Pollo Auto's purchases from other used car dealerships, not to CDTFA's finding of total unreported taxable sales. The full context of this statement reveals that CDTFA considered appellant's purchases from other used car dealerships to be minimal, and therefore, including such sales in the audit would have an immaterial impact on the overall unreported taxable sales. Furthermore, CDTFA's finding that El Pollo Auto did not consume

---

<sup>13</sup> Although not binding legal authority (see *Appeal of Micelle Laboratories, Inc.*, 2020-OTA-290P), CDTFA's Audit Manual further provides that the use of DMV sales data and auction house data is a recognized and standard audit methodology for auditing used car dealers. (See CDTFA Audit Manual, §§ 0605.00; 0606.00; 0607.00.)

tangible personal property and willfully fail to report and pay tax was regarding *use tax*, not sales tax. It is undisputed that El Pollo Auto does not have a use tax liability, as neither the NODs nor the NODD include a measure for use tax.

Appellant has not provided any evidence to support its assertion that the audited tax liabilities were improperly calculated or that the audit was not thorough, and unsupported assertions are not sufficient to satisfy a taxpayer's burden of proof. (See *Appeal of Talavera, supra*.) Appellant has neither identified any specific errors in CDTFA's computation of the audited taxable sales nor otherwise established that a result differing from CDTFA's determination is warranted. Therefore, OTA finds that appellant has failed to satisfy his burden of proof to show that adjustments are warranted to the measure of unreported taxable sales.

### HOLDINGS

1. Appellant is personally liable for El Pollo Auto's unpaid sales and use tax liabilities for the liability period.
2. An adjustment to the measure of El Pollo Auto's unreported taxable sales is not warranted.

### DISPOSITION

CDTFA's action is sustained.

DocuSigned by:

*Lauren Katagihara*

F395B34010D6470...

Lauren Katagihara

Administrative Law Judge

We concur:

DocuSigned by:

*Michael F. Geary*

1A9B52EF38AC4C7...

Michael F. Geary

Administrative Law Judge

DocuSigned by:

*Josh Lambert*

CB1F7DA37831410...

Josh Lambert

Administrative Law Judge

Date Issued: 3/8/2024