

State of California Office of Tax Appeals

Introduction

The Taxpayer Transparency and Fairness Act of 2017 established the Office of Tax Appeals (OTA) to provide a neutral forum for fair and impartial resolution of tax disputes between taxpayers and the state's tax agencies. OTA is an independent office that is separate and distinct from the state's tax agencies. OTA is dedicated solely to the adjudication of tax disputes and has no functions or purposes other than deciding tax appeals for California taxpayers.

OTA Appeals in General

An appeal to OTA presents the final opportunity for taxpayers to resolve their tax disputes with the state's tax agencies administratively, without going to court. In general, final determinations made by the state's tax agencies — such as an assessment of additional tax liabilities or the imposition of tax-related penalties — may be appealed to OTA. OTA has jurisdiction for appeals

related to various taxes administered by the California Department of Tax and Fee Administration (CDTFA) and the Franchise Tax Board (FTB), including, but not limited to:

- *Personal income taxes*
- *Corporate franchise taxes*
- *Sales and use taxes*
- *LLC taxes and fees*
- *Fuel and other excise taxes*

Options Other Than Appeal

CDTFA and FTB have administrative processes that allow taxpayers to resolve differences over the proper assessment of tax and the imposition of any penalties. Those agencies offer settlement programs, offers in compromise, and payment plans. OTA has no authority over any of these programs. If a taxpayer elects to participate in any of these programs before or during the OTA appeals process, OTA will defer the appeal as necessary while the taxpayer and tax agency work toward an agreement.

Process for an Appeal

In the event a taxpayer disagrees with a final tax determination of CDTFA or FTB, taxpayers may appeal to OTA. Appeals may

be made by a simple letter request to OTA, accompanied by any supporting documents. The OTA appeal process is governed by OTA's regulations, which may be found on the OTA website at ota.ca.gov.

Taxpayers may request to have an oral hearing on their appeal at the OTA office of their preference or may choose to have their appeal decided based only on written documents submitted to OTA. Regardless of their choice, OTA will issue a written decision on the appeal. Prior to the hearing, taxpayers should provide all relevant documents to OTA and may ask, or be asked, to participate in a pre-hearing conference.

Hearing Panels

Each tax appeal is heard by a panel of three impartial and professional administrative law judges (ALJs), each of whom has significant experience with tax law. One ALJ will be designated as the lead ALJ for the purposes of the hearing, but every panel member will participate equally in the hearing, deliberations and decision.

After the Hearing

Generally, the ALJ panel will prepare the written decision and mail it to the taxpayer within 100 days of the hearing, along with information about further steps that may be taken if the taxpayer disagrees with OTA's decision.