

Oklahoma Tax Commission Regular Meeting Minutes
July 17, 2018

1. The regularly scheduled meeting of the Oklahoma Tax Commission convened at 1:30 p.m., on the above date, in the Oklahoma City office. Notice of said meeting and the agenda therefor were posted in prominent public view at the Commission's principal office in Oklahoma City from and after 1:30 p.m., on July 16, 2018.

Chairman Burrage called the meeting to order. Other members present were Vice-Chairman Jolley and Secretary-Member Kemp. Also present were Lee Pugh, General Counsel and Ernest Short, Counsel to Commissioners.

2. Vice-Chairman Jolley moved to approve the minutes of the regular commission meeting of July 10, 2018. Secretary-Member Kemp seconded the motion. Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
3. There was no report from the Executive Director.
4. Chairman Burrage moved that the Commission resolve into Executive Session for the purpose of discussing confidential taxpayer matters and proceedings and pending litigation. Vice-Chairman Jolley seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.

An executive session was held, after which the Commission returned to open meeting.

7. Recommendations from Executive Session:

- 1) Chairman Burrage moved that the Commission grant a partial release, as recommended by the Division, in Case No. PR-18-061. Secretary-Kemp seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 1) Vice-Chairman Jolley moved that the Commission grant a waiver of remaining delinquent interest in the amount of \$4206.20, upon payment of three-fourths delinquent interest, under estimation interest, delinquent penalty, tax warrant penalty, filing fees and applicable collection fees, as recommended by the Division, in Case No. 18-1018552. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 2) Secretary-Member Kemp moved that the Commission grant a waiver of penalty and interest in the amount of \$11,740.25, in Case No. P-17-108-K. Vice-

Chairman Jolley seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.

- 3) Chairman Burrage moved that the Commission grant taxpayer's request for reconsideration of the Commission action taken in this matter on 1/25/2018, by deferring the amount owed for six (6) months with a pay-out plan to follow, in Case No. 17-997117. Vice-Chairman Jolley seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 4) Secretary-Member Kemp moved that the Commission deny taxpayer's request for reconsideration of the Commission action taken in the matter on 5/22/2018, as recommended by the Division, in Case No. 18-1013496. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 5) Chairman Burrage moved that the Commission grant taxpayer's request for reconsideration of the Commission action taken in this matter on 5/29/2018, waiving one-half interest, upon payment of one-half interest, in Case No. 18-999564. Secretary-Member Kemp seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 6) Vice-Chairman Jolley moved that the Commission grant taxpayer's request for reconsideration of the Commission action taken in this matter on 5/15/2018, waiving interest, upon payment of penalty, in Case No. 18-1019488. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 7) Vice-Chairman Jolley moved that the Commission deny the abatement request, as recommended by the Division, in Case No. E-18-001. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 8) Vice-Chairman Jolley moved that the Commission grant a waiver of one-half interest in the amount of \$676.96 for the use tax assessment and three-fourths interest in the amount of \$4182.27 for the sales tax assessment, as recommended by the Division, in Case No. P-18-053. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 9) Vice-Chairman Jolley moved that the Commission grant taxpayer's request for reconsideration of the Commission action taken in the matter on 7/3/2018, granting a partial release, as recommended by the Division, in Case No. PR-18-

051. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 10) Vice-Chairman Jolley moved that the Commission grant a partial release, accepting the amount offered of \$5000.00, in Case No. PR-18-060. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 11) Vice-Chairman Jolley moved that the Commission deny a settlement request, as recommended by the Division, in Case No. 946490. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 12) Vice-Chairman Jolley moved that the Commission grant a waiver of one-half interest in the amount of \$3495.68, as recommended by the Division, in Case No. 18-1044237. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 13) Vice-Chairman Jolley moved that the Commission grant a waiver of one-fourth interest in the amount of \$1758.67, applying the waived amount to tax warrant penalty and filing fees prior to refunding the remainder, as recommended by the Division, in Case No. 18-900936. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 14) Vice-Chairman Jolley moved that the Commission deny a waiver request, as recommended by the Division, in Case No. 18-908989. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 15) Vice-Chairman Jolley moved that the Commission grant a waiver of remaining interest in the amount of \$967.05, upon payment of one-half interest, delinquent penalty, tax warrant penalty, filing fees and applicable collection fees, as recommended by the Division, in Case No. 18-924821. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 16) Vice-Chairman Jolley moved that the Commission grant a waiver of one-fourth interest in the amount of \$954.61, as recommended by the Division, in Case No. 18-957993. Secretary-Member Kemp seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 17) Vice-Chairman Jolley moved that the Commission grant a waiver of remaining interest in the amount of \$9389.51, upon payment of one-half delinquent

interest, as recommended by the Division, in Case No. 18-997559. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.

- 18) Chairman Burrage moved that the Commission grant a waiver of remaining interest in the amount of \$1651.72, upon payment of one-half interest, delinquent penalty, warrant penalty, filing fees and applicable collection fees, as recommended by the Division, in Case No. 18-997595. Vice-Chairman Jolley seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 19) Vice-Chairman Jolley moved that the Commission grant a waiver of remaining interest in the amount of \$2074.93, upon payment of one-half interest, as recommended by the Division, in Case No. 18-1008693. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 20) Case No. 18-1011464 was stricken at the request of the Division.
- 21) Vice-Chairman Jolley moved that the Commission grant a waiver of one-half interest in the amount of \$576.45, upon payment of under estimation interest, delinquent penalty, tax warrant penalty and filing fees, as recommended by the Division, in Case No. 18-1014410. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 22) Vice-Chairman Jolley moved that the Commission grant a waiver of remaining delinquent interest in the amount of \$1104.89, upon payment of one-half delinquent interest, under estimation interest, delinquent penalty, tax warrant penalty, filing fees and applicable collection fees, as recommended by the Division, in Case No. 18-1016448. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 23) Vice-Chairman Jolley moved that the Commission grant a waiver of remaining delinquent interest in the amount of \$693.14, upon payment of three-fourths delinquent interest, under estimation interest, delinquent penalty, tax warrant penalty, filing fees and applicable collection fees, as recommended by the Division, in Case No. 18-1016541. Secretary-Member Kemp seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 24) Chairman Burrage moved that the Commission deny a waiver request, as recommended by the Division, in Case No. 18-1017631. Secretary-Member

Kemp seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.

- 25) Vice-Chairman Jolley moved that the Commission grant a waiver of remaining interest in the amount of \$5975.06, upon payment of one-half interest, under estimation interest, delinquent penalty, tax warrant penalty, filing fees and applicable collection fees, as recommended by the Division, in Case No. 18-1032296. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 26) Vice-Chairman Jolley moved that the Commission grant a waiver of delinquent penalty and remaining interest in the amount of \$6800.70, upon payment of \$500.00 interest and tax warrant penalty and filing fees, as recommended by the Division, in Case No. 18-1049223. Secretary-Member Kemp seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 27) Vice-Chairman Jolley moved that the Commission grant a waiver of delinquent penalty and remaining interest in the amount of \$877.42, upon payment of one-half interest, tax warrant penalty, filing fees and applicable collection fees, as recommended by the Division, in Case No. 18-1053274. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 28) Chairman Burrage moved that the Commission grant a waiver of remaining interest in the amount of \$1595.76, upon payment of one-half interest, delinquent penalty, tax warrant penalty, filing fees and applicable collection fees, as recommended by the Division, in Case No. 18-1053344. Secretary-Member Kemp seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 29) Vice-Chairman Jolley moved that the Commission grant a waiver of remaining interest in the amount of \$6082.57, upon payment of one-half interest, as recommended by the Division, in Case No. 18-1059062. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 30) Vice-Chairman Jolley moved that the Commission grant a waiver of remaining interest in the amount of \$8993.27, upon payment of one-half interest, delinquent penalty, tax warrant penalty, filing fees and applicable collection fees, as recommended by the Division, in Case No. 18-1063252. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.


- 31) Chairman Burrage moved that the Commission grant a waiver of delinquent Penalty and remaining interest in the amount of \$6736.72, upon payment of one-half interest, tax warrant penalty and filing fees, as recommended by the Division, in Case No. 18-967638. Vice-Chairman Jolley seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 32) Vice-Chairman Jolley moved that the Commission grant a waiver of delinquent penalty and remaining interest in the amount of \$1319.18, upon payment of one-half interest, as recommended by the Division, in Case No. 18-1023610. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 33) Vice-Chairman Jolley moved that the Commission grant a waiver of remaining interest in the amount of \$760.70, upon payment of three-fourths interest, delinquent penalty, tax warrant penalty, filing fees and applicable collection fees, as recommended by the Division, in Case No. 18-1045353. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 34) Chairman Burrage moved that the Commission grant a waiver of penalties, as authorized under HB 1019XX for failure to comply with the provisions of the bill until January 1, 2019, as recommended by the Executive Director, in Case No. M-18-058. Vice-Chairman Jolley seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 35) Chairman Burrage moved that the Commission grant a waiver of penalties, as authorized under HB 1019XX for failure to comply with the provisions of the bill until January 1, 2019, as recommended by the Executive Director, in Case No. M-18-059. Vice-Chairman Jolley seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 36) Vice-Chairman Jolley moved that the Commission direct Counsel to the Commissioners to prepare an Order of Remand with instructions that the Administrative Law Judge compose Findings, Conclusions and Recommendations of a caliber fitting adoption by the Commissioners and being attached as part of an Order of the Commission, in Case Nos. P-14-011-H, P-15-063-H, P-14-012-H and P-15-062-H. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.
- 37) A status report was given on Case Nos. CR-16-026-H, CR-15-001-K and CR-16-003-H. Vice-Chairman Jolley moved that the Commission direct Counsel to the Commissioners to prepare an Order staying proceedings in Case No. CR-16-

026-H. Chairman Burrage seconded the motion. Chairman, aye; Vice-Chairman, aye; Secretary-Member, aye. The motion was declared adopted.

No action was taken on Case Nos. CR-15-001-K and CR-16-003-H.

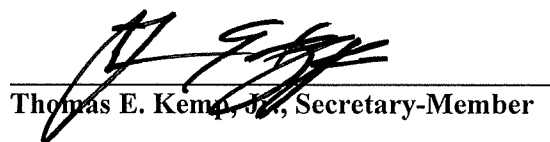
6. Chairman Burrage moved that the Commission approve the notification to the Secretary of Finance, Administration and Information Technology of proposed agency expenses. Secretary-Member Kemp seconded the motion. Chairman, aye; Vice-Chairman, recuse; Secretary-Member, aye. The motion was declared adopted.
7. The discussion and review of the agency Strategic Plan was continued at the request of the Commission.
8. There was no report from the Tax Policy and Research Division.
9. There were no other division reports.
10. There was no new business.
11. The meeting was adjourned.

APPROVED:


Assistant Secretary


Steve Burrage, Chairman

Clark Jolley, Vice-Chairman


Thomas E. Kemp, Jr., Secretary-Member