

Oregon State Board of Tax Practitioners

Board Meeting Minutes

Meeting Date: November 5, 2008

Time: 9:02 a.m. – 5:32 p.m.

Location: Hood River Inn, Hood River, Oregon

Attendees: Marilyn Johnston (Board Chair)
 Alan Twombly (Vice-Chair)
 Merry VanAtta
 Toni Ellsworth
 Jess Gutierrez
 Dorothy Hudson
 Janis Salisbury

Guests: Susan Parks, OAIA
 Shirley Warner, OSTC
 Judith Wilkins, OATC
 Neil Gibson
 Mamie Carter, Jackson Hewitt
 Shonna Cross, Jackson Hewitt
 Jayne Williams, NATC
 Michael Addington, ORSEA
 Robert Brownell
 Patricia Kingman
 Eileen Hines
 Laura Nevis
 Kimberly Viera
 Mary Linebarger, NATC

Staff: Ron A. Wagner, Executive Director
 Monica J. Walker, Senior Comp Specialist/Investigator
 Jane A. Billings, Exam & Education Coordinator

ITEM	ACTION / DISCUSSION
Johnston called the meeting to order at 9:02 a.m.	
Roll called.	Board members present: Salisbury, VanAtta, Ellsworth, Hudson, Gutierrez, Twombly and Johnston.
Approval of meeting minutes.	<p>Motion: VanAtta made a motion to accept the September 3, 2008 Complaint Committee meeting minutes as reviewed by the Board. Motion passed. Ayes: Twombly, Ellsworth, Hudson, VanAtta, Gutierrez, Salisbury, and Johnston.</p> <p>Motion: VanAtta made a motion to approve the September 4, 2008 Board meeting minutes as reviewed by the Board with changes noted. Motion passed. Ayes: Salisbury, Gutierrez, VanAtta, Hudson, Ellsworth, Twombly and Johnston.</p> <p>Board meeting minutes are located on the Tax Board Web site at: http://www.oregon.gov/OTPB/Meeting_Minutes.shtml</p>
Administration Report	
Budget reported by Ron Wagner. Administrative	There were a number of items posted in the month 13 report, and revenues were high and accurate, including a large collection for one final order with a large sum of money (illustrating that the Board takes licensee infractions seriously). Our current balance is \$571,514. There are no unanticipated expenditures. A temporary staff member named Carol Jones, "CJ," has been helping with filing and renewals. The office is scheduled to get a new phone system as early as next week. The compliance database was a policy option package this biennium. Wagner, Walker and the programmer have a meeting set up to discuss requirements. This database should be in effect by March 2009.

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<p>activities reported by Ron Wagner.</p>	<p>Our budget was submitted to DAS, with one policy option package to provide for an online registration system. As is common, we were denied, even though we are not generally funded. It was suggested that we try to accomplish this package by the end of this biennium or just absorb the costs with other savings and efficiencies.</p> <p>Outreach activities are important to the Board, and Wagner discussed how staff has participated in eight activities in the last eight weeks. He also mentioned that Board staff have attended safe driver training.</p> <p>Outreach to the general public will include partnering with the Department of Revenue to relate what audits will focus on. Wagner shared that past public service announcements may not have been strategically the best way to get the message out. He will check with other Boards to see what they are doing. Other outreach options such as flyers at post offices, colleges, and Val- Pak mailers were discussed.</p> <p>Walker is working on a business continuity plan and Billings is working with a group to develop a security plan for the agency.</p>
<p>Rules Advisory Committee</p>	
<p>Reported by Jane Billings.</p>	<p>Board members were each distributed a copy of the current administrative rules with proposed changes and additions submitted by the Rules Advisory Committee.</p> <p>The Board reviewed the report, held discussion and voted on entering into proposed rulemaking revisions as discussed.</p>
<p>Board Meeting Break 10:35 a.m.-10:45 a.m.</p>	
	<p>Motion: VanAtta made a motion to enter into proposed rulemaking as discussed. Motion passed. Ayes: Ellsworth, Salisbury, Hudson, Gutierrez, VanAtta, Twombly and Johnston.</p> <p>2008 Oregon Administrative Rules Overhaul (Based on Rules Advisory Committee Recommended Revisions) will be located on the Agency Web site by mid-January at: http://www.oregon.gov/OTPB/oregon_administrative_rulemaking.shtml</p>
<p>Lunch 11:38 a.m.</p>	
<p>Licensee Luncheon and Board presentations. Johnston reconvened the Board meeting at 2:15 p.m.</p>	
<p>Licensing Report</p>	
<p>Statistics reported by Monica J. Walker.</p>	<p>Total preparers is a little skewed because we have a backlog of renewals right now. The number of lapsed preparers will go up once we run the program on that.</p>
<p>Exam and Education Reports</p>	
<p>Reported by Jane Billings.</p>	<p>There is one request for a CE waiver. It does not require executive session, and will be addressed later on. Tests and proctor sites agreements, pending U of O, have been completed.</p> <p>Continuing education evaluations</p>

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	<p>CCH CE reviewed by Johnston was determined to be acceptable for hours requested.</p> <p>Jackson Hewitt CE reviewed by Twombly was determined acceptable, except for General State Information. Vendor requested three hours; he felt two hours was acceptable.</p> <p>Twombly reviewed Judy Diehl’s Oregon Tax Fundamentals 2007 Continuing Educations Series for 25 hours, but felt 15 hours was appropriate.</p> <p>Motion: Twombly made a motion to accept the continuing education hours as recommended by the Board reviewers. Motion passed. Ayes: Ellsworth, VanAtta, Gutierrez, Hudson, Salisbury, Twombly, and Johnston.</p>
<p>Exam & Education Committee meeting reported by Alan Twombly.</p>	<p>The meeting lasted just over two hours, and there was a lot of brainstorming about how to help the preparers pass the exam. The Committee suggested having the preparer test open book, using page 29 of the General Information Booklet list of approved source documents.</p> <p>For more details see the Exam & Education Committee meeting minutes at: http://www.oregon.gov/OTPB/docs/Board_Meeting_Minutes/110408_EE_Comm.pdf</p> <p>Preparer exam open book policy link: http://www.oregon.gov/OTPB/docs/Forms/Open_book_Source_documents_2008.pdf</p> <p>Motion: Twombly made a motion to accept the list of publications on page 29 as allowed for test takers to bring to the preparer’s state exam, effective December 1, 2008. Motion passed. Ayes: Ellsworth, Hudson, VanAtta, Gutierrez, Salisbury, Twombly, and Johnston.</p>
<p>Executive Session <small>To discuss information exempt from public disclosure under ORS 673.730(4). Pursuant to 192.660(2)(f). This Executive Session is closed to members of the public.</small></p>	
<p>Executive Session 3:10 p.m.-4:20 p.m.</p>	
<p>Compliance Report</p>	
<p>Reported by Monica J. Walker.</p>	<p>There are 13 new complaints. Two are pending further investigation, three are pending the request for an explanation, and one is pending response to record inquiries.</p> <p>Four letters are pending records inquiries on unlicensed activity, and three are requests for an explanation from licensees.</p> <p>Three complaints are pending responses received to record inquiry.</p> <p>There was one closed complaint for advertising and possible unlicensed activity, but there was no violation found.</p> <p>Four cases are open, one is pending a hearing dealing with falsifying documentation, one was issuing a final order by default for unlicensed activity, one was issuing motive of intent to deny license felony conviction and a waiver request, and one was pending the fully executed settlement agreement based on unlicensed activity.</p> <p>There were eight mediated cases, one was errors on returns, six were return of</p>

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	records, and one where the client was unable to locate their practitioner. Under current mediation, one is release of records and two are return of records.
Waiver Requests	
CE Waiver for Jeanne Tribble, Talent, OR	Motion: Twombly moved that the Board grant the waiver. Motion passed. Ayes: VanAtta, Gutierrez, Salisbury, Hudson, Twombly and Johnston. Nays: Ellsworth
License Waiver Judith Gallop, McMinnville, OR	Motion: Gutierrez moved that the Board deny the waiver. Motion passed. Ayes: Ellsworth, Hudson, VanAtta, Gutierrez, Salisbury, Twombly and Johnston.
License Waiver Heather Brown, Corvallis, OR	Motion: Gutierrez moved that the Board grant the waiver. Motion passed. Ayes: Hudson, Twombly, Salisbury, VanAtta, Ellsworth, Gutierrez and Johnston.
Yearly Calendar	
	The next Board meeting will be January 8, 2009, in Salem. The Item Writing Committee is scheduled for April. May 12-13 work session for the consultant exam, and Board meeting on the 14 th . July 14-15 we will have the work session for the preparer's exam, and then the Board meeting on the 16 th . August 4 th will be the Instructor's Workshop. September 23 rd will be the Board meeting and the outreach meeting in Ontario. The next two Board meetings will be on the November 5, 2009 and January 7, 2010.
Public Comment	
Neil Gibson	He commented on the open book exam, stating cost is an issue for text materials, and shared many reasons why licensees do poorly on exams.
Laura Nevis	She likes the open book idea, and believes the instructors and course writers need more direction for coverage of basic material, ideally "concept coverage."
Judith Wilkins, OATC	She believes open book tests are a mistake.
Other Business	
Billings distributed CE in-house reviews	Motion: Twombly moved that the Board leave CCH, Inc. Top Accounting Issues for 2007 at 15 hours. Motion passed. Ayes: Ellsworth, Hudson, Gutierrez, Salisbury, Twombly, and Johnston. Nays: VanAtta
Adjournment	
Johnston adjourned the Board meeting at 5:32 p.m.	

Next meeting:
 January 8, 2009
 Morrow Crane Building, Salem, Oregon