STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

RICK SNYDER
GOVERNOR

ANDY DILLON
STATE TREASURER

MINUTES OF THE MEETING OF THE STATE TAX COMMISSION

Lansing Center, Meeting Room 201
333 East Michigan Avenue
Lansing, Michigan

Tuesday, December 6, 2011
9:00 a.m.

PRESENT: ***Douglas B. Roberts, Chair STC***
Robert H. Naftaly, Member STC

Kelli Sobel, Executive Secretary
LaNiece Densteadt, Recording Secretary

The item numbers referred to in the minutes correspond to the agenda items as numbered.

Chairman Roberts stated that Commissioner Simon would not be present and excused from the Commission meeting due to illness.

The Commission approved to add item 12a (Discipline Advisory Committee Recommendations) to the agenda.

It was moved by Naftaly, supported by Roberts, and unanimously approved to adopt the minutes of October 31, 2011. (Item 1 on agenda)

Phil Mastin, Wayne County Equalization Director appeared regarding the Appeal of the Air and Water Pollution Control Tax Exemption Certificates for Carleton Farms Landfill – Republic Services of Michigan I, LLC (File No's 1-3654 and 2-5833). Mr. Mastin indicated his objection was on procedural grounds only. The STC will make a decision at their December 20, 2011 meeting. (Item 2 on agenda)

Michael Shapiro, Honigman Miller and Phil Mastin, Wayne County Equalization Director appeared regarding the revocation of the Air Pollution Control Tax Exemption Certificates for EES Coke Battery Company, LLC. (File No.'s 1-0321, 1-1073, 1-1169, 1-1250, 1-1252, 1-1423, 1-1424, 1-1426, 1-1427, 1-1428, 1-1929, 1-2001, 1-2002, 1-2003, and 1-2013). The Commission heard from the parties involved and will make a decision at their December 20, 2011 meeting. (Item 2 on agenda)

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Jeffrey Hyman, Honigman Miller and Phil Mastin, Wayne County Equalization Director appeared regarding the revocation of the Air Pollution Control Tax Exemption Certificate for EES Coke Battery Company, LLC (File No. 1-3644). The Commission heard from the parties involved and will make a decision at their December 20, 2011 meeting. (Item 2 on agenda)

Jeffrey Hyman, Honigman Miller and Phil Mastin, Wayne County Equalization Director appeared regarding Appeal of the Air Pollution Control Tax Exemption Certificate for EES Coke Battery Company, LLC (File No. 1-3652). The Commission heard from the parties involved and will make a decision at their December 20, 2011 meeting. (Item 2 on agenda)

Jeffrey Hyman, Honigman Miller and Phil Mastin, Wayne County Equalization Director appeared regarding Appeal of the Air Pollution Control Tax Exemption Certificate for EES Coke Battery Company, LLC (File No. 2-5354-01). The Commission heard from the parties involved and will make a decision at their December 20, 2011 meeting. (Item 2 on agenda)

Jeffrey Hyman, Honigman Miller and Phil Mastin, Wayne County Equalization Director appeared regarding Appeal of the Air Pollution Control Tax Exemption Certificate for Detroit Edison Company (File No. 1-1337-03). The Commission heard from the parties involved and will make a decision at their December 20, 2011 meeting. (Item 2 on agenda)

Jeffrey Hyman, Honigman Miller and Phil Mastin, Wayne County Equalization Director appeared regarding Appeal of the Air Pollution Control Tax Exemption Certificate for Detroit Edison Company (File No. 1-3651). The Commission heard from the parties involved and will make a decision at their December 20, 2011 meeting. (Item 2 on agenda)

Richard Schrock and Aron Velasquez, Marathon Petroleum Company and Phil Mastin, Wayne County Equalization Director appeared regarding Appeal of the Air Pollution Control Tax Exemption Certificate for Marathon Petroleum Company LP (File No. 1-3645). The Commission heard from the parties involved and will make a decision at their December 20, 2011 meeting. (Item 2 on agenda)

It was moved by Naftaly, supported by Roberts, and unanimously approved to adopt staff recommendation for classification appeals 11-0001 through 11-0379 and defer action on the 2011 appeals for New Covert Generating Company, LLC and Wolverine Power Supply Cooperative for 2011. (Item 3 on agenda) (See attached link for file identification)

It was moved by Naftaly, supported by Roberts, and unanimously approved the attached list of classification appeals for 2009 and 2010 years that were postponed from the October 31, 2011 meeting. (Item 4 on agenda) (See attached link for the list of approved)

It was moved by Naftaly, supported by Roberts, and unanimously approved to rescind their redetermination in the following cases which will allow their prior determination of commercial personal to stand: File 10-0930: Meijer Inc, Berlin Township, Monroe County, File 10-0971: Federal Express Corporation, Cascade Township, Kent County, and File 10-0904: Iron Mountain Information Management, Pittsfield Township, Washtenaw County, because it was determined that these personal property parcels were in fact on parcels classified as commercial real. (Item 5 on agenda)

It was moved by Naftaly, supported by Roberts, and unanimously approved Bulletin 15 of 2011 Random Week for Qualified Business. (Item 6 on agenda)

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It was moved by Naftaly, supported by Roberts, and unanimously approved Bulletin 16 of 2011 Property Tax Appeal Procedures for 2012. (Item 7 on agenda)

It was moved by Naftaly, supported by Roberts, and unanimously approved Bulletin 17 of 2011 Tax Tribunal Interest Rates for 2012. (Item 8 on agenda)

It was moved by Naftaly, supported by Roberts, and unanimously approved Bulletin 18 of 2011 Board of Review Update for 2012. (Item 9 on agenda)

It was moved by Naftaly, supported by Roberts, and unanimously approved Bulletin 19 of 2011 Electronic Filing of Real and Personal Property Statements. (Item 10 on agenda)

It was moved by Naftaly, supported by Roberts, and unanimously approved to adopt the official order to return jurisdiction of the 2010 assessment rolls to Kenockee Township, St. Clair County and Colfax Township, Oceana County. (Item 11 and 12 on agenda)

It was moved by Roberts, supported by Naftaly, and unanimously approved the Assessor Discipline Advisory Committee's recommendation and take no disciplinary action again Cheryl Gillman. (Item 12a on agenda)

It was moved by Naftaly, supported by Roberts, and unanimously approved the Assessor Discipline Advisory Committee's recommendation that Juli Kolbe be referred to the Michigan Administrative Hearing System for a formal hearing regarding the suspension of her certificate for a period of one year. (Item 12a on agenda)

It was moved by Naftaly, supported by Roberts, and unanimously approved to adopt the official order to place Christine Philpot on probation for two years. This will not affect Ms. Philpot's ability to work as an assessor. Ms. Philpot must perform all duties imposed by the law, fully cooperate with staff requests, and complete all corrections to the assessment roll for Tawas Township by January 2012. If the Commission receives further complaints regarding Ms. Philpot's failure to cooperate or she has not made the appropriate corrections, the Commission will recommend a request for a formal hearing be sent to the Michigan Administrative Hearing System regarding the suspension of Ms. Philpot's certification for two years. Ms. Philpot will be removed from probation on December 6, 2013 provided no additional complaints have been received, corrections to the assessment roll are made by January 2012, and Ms. Philpot cooperates with staff requests in a timely manner. (Item 12a on agenda)

It was moved by Naftaly, supported by Roberts, and unanimously approved to adopt the amended Policy Statement Regarding MCL 211.154 Petitions. (See attached link for file identification) (Item 13 on agenda)

It was moved by Naftaly, supported by Roberts, and unanimously approved to approve the STC Request for Rulemaking. (Item 14 on agenda)

It was moved by Naftaly, supported by Roberts, and unanimously approved staff's recommendation to direct the assessor, Richard Oliver of Moran Township, Mackinac County, not to submit the matter regarding Robert Hughes to the July or December Board of Review for recapping until the taxpayer provides a satisfactory explanation and evidence explaining the unusual transactions. (Item 15 on agenda)

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It was moved by Naftaly, supported by Roberts, and unanimously approved to adopt the list of Certification Applicants. (See attached link for file identification) (Item 16 on agenda)

It was moved by Naftaly, supported by Roberts, and unanimously approved to adopt the Personal Property Examiner Certifications submitted by staff. (Item 17 on agenda)

It was moved by Naftaly, supported by Roberts, and unanimously approved to adopt the staff recommendation on the Re-certifications and New Certifications of Computerized Tax Rolls for the following: (Item 18 on agenda)

These certifications will expire on **May 1, 2014**.

Recertification's

Genesee County
City of Linden

It was moved by Naftaly, supported by Roberts, and unanimously approved to adopt the revised 2012 Annual Reporting Forms – State Assessed Telephone Form 1028, Car Line Form 1027, and for BS&A to use the electronic version of the 2012 Personal Property Statement Form 632. (Item 19 on agenda)

It was moved by Naftaly, supported by Roberts, and unanimously approved to adopt the MCL 211.154 **Concurrences**. (See attached link for file identification.) (Item 20 on agenda)

It was moved by Naftaly, supported by Roberts, and unanimously approved to adopt the MCL 211.154 **Special Items Agenda.** (See attached link for file identification) (Item 21 on agenda)

It was moved by Naftaly, supported by Roberts, and unanimously approved to **postpone** the following MCL 211.154 petitions until **April 17, 2012**. (Item 22 on agenda)

City of Southfield, Oakland County

154-11-1393 CLEAR RATE COMMUNICATIONS; 76-99-55-151-800; PERSONAL PROPERTY

2009 AV from $ 104,430 to $ 134,190 TV from $ 104,430 to $ 134,190
2010 AV from $ 128,730 to $ 168,510 TV from $ 128,730 to $ 168,510

154-11-1414 NIKOLA'S RESTAURANT; 76-99-67-239-000; PERSONAL PROPERTY

2009 AV from $ 95,470 to $ 150,510 TV from $ 95,470 to $ 150,510
2010 AV from $ 95,470 to $ 132,110 TV from $ 95,470 to $ 132,110

City of Gobles, Van Buren County

154-10-2529 SUN TAN U & CRUISE; 80-51-956-001-00; PERSONAL PROPERTY

2008 AV from $ 0 to $ 18,650 TV from $ 0 to $ 18,650
2009 AV from $ 0 to $ 18,650 TV from $ 0 to $ 18,650

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City of South Haven, Van Buren County

154-10-1655 SOUTH HAVEN COMM. HOSPITAL AUTHORITY; 80-53-900-896-00; PERSONAL PROPERTY

2008 AV from $ 50,000 to $ 448,600 TV from $ 50,000 to $ 448,600
2009 AV from $ 50,000 to $ 416,000 TV from $ 50,000 to $ 416,000
2010 AV from $ 50,000 to $ 358,600 TV from $ 50,000 to $ 358,600

It was moved by Naftaly, supported by Roberts, and unanimously approved to **amend** the following MCL 211.154 petitions. (Item 22 on agenda)

East Bay Township, Grand Traverse County

154-11-1293 STEINORTH FINE HOMES INC.; 28-03-900-005-80; PERSONAL PROPERTY

2009 AV from $ 0 to $ 4,750 TV from $ 0 to $ 4,750
2010 AV from $ 0 to $ 5,950 TV from $ 0 to $ 5,950
2011 AV from $ 0 to $ 5,700 TV from $ 0 to $ 5,700

Hartford Township, Van Buren County

154-10-2439 GALA-T-INN; 80-11-956-005-00; PERSONAL PROPERTY

2008 AV from $ 0 to $ 3,750 TV from $ 0 to $ 3,750
2009 AV from $ 0 to $ 4,500 TV from $ 0 to $ 4,500

It was moved by Naftaly, supported by Roberts, and unanimously approved to **deny** the following MCL 211.154 petitions. (Item 22 on agenda)

Paw Paw Township, Van Buren County

154-10-2486 TOWN & COUNTRY APPRAISAL CO.; 80-14-956-006-00; PERSONAL PROPERTY

2009 AV from $ 0 to $ 4,480 TV from $ 0 to $ 4,480

It was moved by Naftaly, supported by Roberts, and unanimously approved to allow the **withdrawal** of the several MCL 211.154 petitions. (See attached link for file identification.) (Item 22 on agenda)

It was moved by Naftaly, supported by Roberts, and unanimously approved several MCL 211.154 petitions as **concurrences,** initially noticed as non-concurrences. (See attached link for file identification.) (Item 22 on agenda)

It was moved by Naftaly, supported by Roberts, and unanimously approved to adopt all other MCL 211.154 petitions. (See attached link for file identification.) (Item 22 on agenda)

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Public Comment (Item 23 on agenda):

Jason Conti appeared before the Commission to ask that copies of the lists from agenda items 3, 4, and 5 be sent to him. The Commission asked Executive Secretary Sobel to send him the lists.

It was moved by Naftaly, supported by Roberts, to go into closed session under MCL 15.268 (h). Roll Call Vote: Chairperson Roberts – Yes, Commissioner Naftaly – Yes. The motion was unanimously approved.

It was moved by Naftaly, supported by Roberts, and unanimously approved to return to open session. Roll Call Vote: Chairperson Roberts – Yes, Commissioner Naftaly – Yes. The motion was unanimously approved.

It was moved by Roberts, supported by Naftaly, and unanimously approved to release the classification appeal lists prior to the meeting but to exclude the staff recommendation.

It was moved by Roberts, supported by Naftaly, and unanimously approved to adopt a policy regarding the points system for the 2012 Master Level Assessing Program. This policy will require a minimum standard of 70 percent for each semester. Students whose total semester grade is between 65 and 70 percent for the first semester would be on probation and would be given an opportunity to bring their grade up. Students can only receive 90 percent of the possible points on the second submission of their case study.

It was moved by Roberts, supported by Naftaly, and unanimously approved to adopt a policy requiring the Master Level students to sign a Non-Disclosure Agreement prior to their oral exam.

It was moved by Roberts, supported by Naftaly, and unanimously approved to adopt a temporary withdrawal policy for students in the Master Level Assessing Program.

It was moved by Roberts, supported by Naftaly, and unanimously approved to adopt a policy to delegate the authority of the approval or denial of instructors for STC Educational Programs to the Education Advisory Committee.

It was moved by Roberts, supported by Naftaly, and unanimously approved to adopt a policy in accordance with R 209.125(2) that effective immediately the results of all exams and quizzes will be provided in writing by pass / fail only. The Commission also stated that examinations and quizzes will not be released for review by an individual or student to protect the integrity of the programs and the questions.

It was moved by Naftaly, supported by Roberts, and unanimously approved to not appeal to the Michigan Supreme Court the Hino Motors case.

The next Commission meeting will be held December 20, 2011 at the Treasury / Austin Building in the Treasurer's Board Room, 430 W. Allegan, Lansing.

It was moved by Roberts, supported by Naftaly, and unanimously approved to adjourn the meeting of the State Tax Commission at 12:00 p.m.

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DATED TYPED: **December 8, 2011**

DATE APPROVED: **December 20, 2011**

Douglas B. Roberts, Chair
State Tax Commission

Robert H. Naftaly, Member
State Tax Commission

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