

**UTAH STATE TAX COMMISSION
PENDING MEETING MINUTES**

9:00 a.m., Wednesday, June 05, 2013

Commission Room 1000, 210 North 1950 West, Salt Lake City, Utah

Participating:

R. Bruce Johnson - Commission Chair
D'Arcy Dixon Pignanelli - Commissioner
Michael J. Cragun - Commissioner
Robert P. Pero - Commissioner
Barry Conover - Executive Director

Commission Office:

Christa Johnson, Commission Executive Assistant

Note: A list of others present, a copy of related materials and an audio recording of the meeting can be obtained from the Office of the Commission at 801-297-3901.

I. Call to Order

Commission Chair Johnson called the meeting to order at 9:03 a.m.

II. Public Comment (Individuals or groups wishing to address the Commissioners for up to three minutes on matters not related to a pending or reasonably imminent appeal to the Tax Commission)

Commission Chair Johnson noted that no one from the public wished to address the Commissioners at this time.

III. Consider Approving Commission Meeting Minutes of Thursday, April 11, 2013

MOTION: Commissioner Dixon moved approval of the Commission Meeting Minutes of Thursday, April 11, 2013. The motion passed unanimously.

IV. Approve submission of proposed rule amendments to Division of Administrative Rules for publication in Utah Register

Commissioner Cragun introduced the following proposed rule amendment for the Commission to consider and submit for publication to the Division of Administrative Rules:

- a. R877-23V-22

Commissioner Cragun explained that this amendment repeals the rule section since the subject matter is adequately dealt with in statute enacted by 2013 Senate Bill 196.

<http://le.utah.gov/~2013/bills/static/SB0196.html>

The rule will be posted in the July 1, 2013 Utah Bulletin. The 30-day public comment period will end on July 31, 2013. The earliest date for the rule to become effective is August 7, 2013 and the earliest regularly scheduled Commission Meeting to make the rule effective is August 7, 2013.

MOTION: Commissioner Cragun moved to submit the foregoing proposed rule amendment as presented to the Division of Administrative Rules. The motion passed unanimously

V. Executive Director's Report

Mr. Conover reported that he and two other Commissioners will be meeting with a consultant to update Commission Hearing Room 1025 audio visual equipment.

Mr. Conover thanked Mr. Charlie Roberts for his work with the media last week on issues related to a former DMV employee.

Commission Chair Johnson clarified that a Department of Motor Vehicle employee was terminated in March for unauthorized access to confidential information. This action violated the Tax Commission's zero tolerance policy on accessing and sharing confidential and protected taxpayer records.

Commission Chair Johnson noted that on June 4, 2013, an employee from another agency, who did not have the proper identification card to access the secure employee entrance, "tailgated" behind another employee. It was noticed and reported by alert employees and the MVED did an immediate search of the building, finding the person quickly and escorting the person to the reception desk to obtain a temporary identification card. The person was authorized to be in the building, but had failed to bring the proper identification card that day. Commission Chair Johnson said that it was a good reminder for all employees to be vigilant and thanked the Tax Commission employees who reported the incident and the MVED for their prompt response.

VI. Commissioners' Reports

Commission Chair Johnson presented Mr. Barry Conover, Executive Director, with a certificate from Governor Gary R. Herbert and Lieutenant Governor Greg Bell for 40 years of devoted service to the State of Utah. He expressed his appreciation for Mr. Conover's dedication.

Commissioner Pero announced that he accepted the assignment to supervise the Economic and Statistical Unit and said that Mr. Matt Lund, Senior Tax Economist announced that he is leaving the Tax Commission to work for the Governor's Office of Management of Budget (GOMB).

VII. Closed Session to Discuss Pending or Reasonably Imminent Litigation

MOTION: Commissioner Cragun moved that the Commission meet in closed session to discuss pending or reasonably imminent litigation. The motion passed with Commission Chair Johnson, Commissioner Dixon, Commissioner Cragun and Commissioner Pero all voting aye.

VIII. Retuned to Open Session

Commission Chair B. Johnson called the meeting back to order at 10:27 a.m.

MOTION: Commissioner Cragun moved to approve the settlement agreement as presented and to authorize counsel's signature on behalf of the Commissioners. The motion passed unanimously.

Commission Chair Johnson adjourned the meeting at 10:29 a.m.

Approved on: Thursday, August 22, 2013

Attested: Christa Johnson
Executive Assistant
Utah State Tax Commission