



COUNTY OF LAKE
Clerk of the Board
Courthouse-255 North Forbes Street
Lakeport, CA 95453
Telephone (707) 263-2371

BOARD OF SUPERVISORS
COUNTY OF LAKE

DATE: AUGUST 16, 2019

NAME: JoAnn Saccato
P.O. Box 1332
Cobb, CA 95426

SUBJECT: APPEAL OF TRANSIENT OCCUPANCY TAX

DATE OF HEARING: AUGUST 27, 2019

TIME: 9:30 A.M.

Dear JoAnn,

The Lake County Board of Supervisors has scheduled Tuesday, August 27, 2019 at 9:30 a.m., in the Board of Supervisors Chambers, Courthouse, 255 North Forbes Street, Lakeport, CA as the date and time to hear your appeal.

Several appeals may be set for hearing at the same time and each will be considered as soon as possible in the order listed on the Clerk's agenda.

If you have any questions or concerns regarding the date and time or any other issues, please feel free to contact our office, at (707) 263-2368.

Thank you,


Carolyn Purdy
Assistant Clerk of the Board



COUNTY OF LAKE

Department of the Treasurer - Tax Collector
Courthouse - 255 N. Forbes Street

Lakeport, California 95453
Telephone 707/263-2234
Fax 707/263-2254

BARBARA C. RINGEN
Treasurer - Tax Collector

ELIZABETH MARTINEZ
Assistant Treasurer - Tax Collector

May 18, 2019

JOANN SACCATO
PO BOX 1332
COBB, CA95426

Dear JOANN SACCATO ,

It has come to our attention that a short-term rental business may be operating at 16986 Dogwood Way, Cobb, CA 95461. Pursuant to Lake County Code Section 18.16, a Transient Occupancy Tax (TOT) return must be filed with the Tax Collector each quarter even if no rents were collected during that quarter. For the purposes of this review, we ask that you submit any missing returns from April 1, 2016 through March 31, 2019. Every effort has been made to correctly identify the address where the rental is operating, but in the event you have received this notice in error please contact us at the number provided below. If your business was previously registered or has multiple properties associated with a single registration number also feel free to contact us for further information.

Included with this mailing is a registration packet, a pre-2019 return that does not include a 1.5% Tourism Improvement District (TID) assessment, and a 2019 return that includes the TID assessment going forward. Please complete any missing returns and remit them with the applicable payment of said tax, including appropriate interest and penalties, within thirty (30) days. If your business has ceased operations or transferred ownership during this time please include an explanation in writing with the applicable date so that we can update our records.

At this time, it is our intention to resolve this situation without pursuing any compliance and collection action. Again, this review has been based off multiple sources in our best efforts to ensure its accuracy, but if you feel you have received this letter in error please contact us at the number below. **If you have any questions, or require payment arrangements, please contact Patrick Sullivan at 707-263-2580.**

Sincerely,

/s/

Barbara C. Ringen, Treasurer – Tax Collector



COUNTY OF LAKE

Department of the Treasurer - Tax Collector
Courthouse - 255 N. Forbes Street

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Telephone 707/263-2234
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BARBARA C. RINGEN
Treasurer - Tax Collector

ELIZABETH MARTINEZ
Assistant Treasurer – Tax Collector

July 12, 2019

JOANN SACCATO
SACCATO JOANN
PO BOX 1332
COBB, CA 95426

Dear JOANN SACCATO,

Your request for a waiver has been received by this office regarding your recent Transient Occupancy Tax filings. Due to the nature of your request, it is beyond the authority of this office to make any adjustment to the tax due, including interest and penalties. If you wish to appeal this determination, you may do so directly to the Board of Supervisors in accordance with the applicable code section given below.

19.1 Any operator aggrieved by any decision of the Tax Collector with respect to the amount of such tax, interest and penalties, if any, may appeal to the Board of Supervisors by filing a notice of appeal with the County Clerk within fifteen (15) days of the serving or mailing of the determination of tax due.

If you need any assistance or have questions about what documentation is necessary please contact Patrick Sullivan at 707-263-2580.

Sincerely,

Barbara C. Ringen, Treasurer – Tax Collector

JoAnn Saccato
P.O. Box 1332
Cobb, CA 95426
707-350-1719

Barbara C. Ringen, Treasurer - Tax Collector
County of Lake
255 N. Forbes Street
Lakeport, CA 95453

June 6, 2019

RE: Transient Occupancy Tax Letter dated May 18, 2019

Dear Ms. Ringen,

First, I want to thank you for bringing to my attention the County's Transient Occupancy Tax (TOT) ordinance in your letter dated May 18, 2019. While I had an inkling this tax would apply to my offering a portion of my home to guests visiting Lake County through the use of the AirBnB platform, your letter, ordinance, application form and instructions really helped clarify the situation, and for that I am appreciative.

I look forward to coming into compliance for 2019 with this ordinance, as well as the new Tourism Improvement District assessment. I think these are valuable assessments that will help maintain and improve Lake County for our visitors and residents alike.

As a gesture of good faith in coming into compliance, please see the attached completed TOT Registration form, the 1st quarter return for January - March, 2019, and a check for the taxes, penalties and interest for that quarter in the sum of \$179.97.

My understanding after talking with Patrick Sullivan on May 28, 2019 is that the County is working toward full compliance from a large number of homeowners offering space for guests that have yet to register with the County. I am happy to remain in compliance with this ordinance beginning January 1, 2019, as I can incorporate these additional costs of doing business into my fees for the property moving forward, and am willing to pay out of pocket for the first quarter of this year.

I do take issue with paying taxes, penalties and interest for the three years leading up to 2019, as requested in your letter. While I understand the ordinance has been in effect since 1965, I also note that these new ways of offering properties to guests has been evolving for quite a few years. For me initially, Airbnb was a way of opening my home to potential friends from all over the world. And while it has evolved somewhat, that moment of shift is blurred.

I'm asking for a waiver of the requested taxes, penalties and interest for 2016, 2017 and 2018. Reasons being that these taxes were not collected from my guests nor included in the fees I charged. Paying these taxes, penalties and interest will create a significant burden on my financial situation.

Additionally, I understand other municipalities are tackling the same situation with a "clean slate" approach—meaning they are encouraging compliance moving forward.

I'm hoping you can find it within your jurisdiction (and heart) to extend the requested waiver for 2016, 2017, and 2018 taxes, penalties and interest. Let us move forward together in compliance, working together to create a better and more beautiful Lake County.

A note on moving forward, I encourage the County to come into agreement with AirBnb for their direct collection of the TOT & TID tax through their system, as it offers consistent and easy compliance for the hosts, doesn't result in duplicative taxation, reduces risk of delinquency and evasion, and saves the County and hosts money on processing quarterlies, etc.

Please feel free to call me (707-350-1719) or respond via letter (P.O. Box 1332, Cobb, CA 95426) or email (joannsaccato@cluemail.com) with any questions or with guidance on how best to proceed with my request.

Thank you again for your notification and consideration.

Kind regards,

JoAnn Saccato

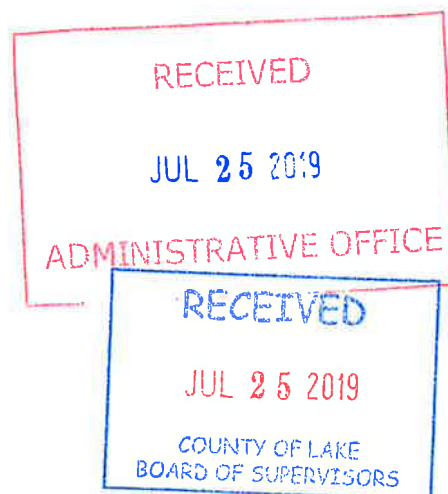
CC: Moke Simon, Supervisor, District 1

Enclosures:

- County of Lake Transient Occupancy Tax Registration for JoAnn Saccato
- County of Lake Transient Occupancy Tax and Tourism Improvement District Return for JoAnn Saccato for the period of January - March, 2019
- Personal check #1521 in the amount of \$179.97

JoAnn Saccato
P.O. Box 1332
Cobb, CA 95426
707-350-1719

Board of Supervisors
County of Lake
255 N. Forbes Street
Lakeport, CA 95453



July 18, 2019

RE: Transient Occupancy Tax Letter dated July 12, 2019 from Barbara C. Ringen, Treasurer/Tax Collector

Dear Lake County Board of Supervisors,

I would like to appeal the decision of Barbara C. Ringen put forth in her letter to me dated July 12, 2019 (attached).

As I stated in my letter of June 6, 2019 (attached), I was grateful to have brought to my attention the County's Transient Occupancy Tax (TOT) ordinance in Barbara's letter dated May 18, 2019 (attached).

Since receiving this letter, I have brought my property into compliance by registering and receiving a certificate (#1066), paying TOT and TID taxes, including penalties and interest, for the first quarter of 2019, and paying on time the TOT and TID taxes for the second quarter of 2019.

To summarize the reasons I would like to have waived the request to file and pay for taxes prior to 2019, as stated in my letter (June 6, 2019):

- I was not aware of the need to collect these taxes.
- I did not collect these taxes from my guests.
- I have fully cooperated with coming into compliance since notification of the TOT & TID ordinance.
- Paying these taxes, penalties and interest will create a financial hardship for me.
- Other municipalities (City of Clearlake, City of Santa Rosa) are taking a "clean slate" approach to encourage compliance, but this is not available for the County of Lake as the TOT ordinance is currently written.

I thank you, in advance, for considering waiving the taxes, penalties and interest for periods prior to 2019.

As a note on moving forward, I encourage the County to come into agreement with AirBnb for

direct collection of the TOT tax through their system, as it offers consistent and easy compliance for the hosts, doesn't result in duplicative taxation, reduces risk of delinquency and evasion, and saves the County and hosts money and time processing quarterlies.

Please feel free to call me (707-350-1719) or respond via letter (P.O. Box 1332, Cobb, CA 95426) or email (joannsaccato@cluemail.com) with any questions

Thank you again for your consideration of this waiver.

Kind regards,



JoAnn Saccato

CC: Barbara C. Ringen

Enclosures:

- Letter dated May 18, 2019 from Barbara C. Ringen to JoAnn Saccato
- Letter dated June 6, 2019 from JoAnn Saccato to Barbara C. Ringen
- Letter dated July 12, 2019 from Barbara C. Ringen to JoAnn Saccato