

May 3, 2018

IN RE: Thrones, Anthony

Docket No: 26NUMERZZ7671

Statement of Record:

- 1) Anthony Thrones (hereafter "Petitioner") filed a Petition for Appeal with the Office of Administrative Review (OAR) on September 19, 2014. The petition requested a review of the decision of the Department of License and Inspection ("L&I") charges for work performed at the property located at 2704 Diamond Street, Philadelphia, Pa.
- 2) A public hearing before the Tax Review Board Master was held on September 19, 2016. The Master adjusted the bill and directed "reduce principal to \$3,000. Abate interest. Abate administrative charge. [Petitioner] Must remit payment to the Revenue Dept. within 75 days."
- 3) The Petitioner then requested a re-hearing before the full Tax Review Board which was granted and scheduled for February 11, 2016. A public hearing was then continued and rescheduled for June 30, 2016. At the conclusion of the public hearing, the Tax Review Board announced its decision to "reduce principal to \$2,370.00. Abate interest. Abate administrative charge. [Petitioner] Must arrange installments with the Revenue Dept. within 60 days of new bill date."
- 4) On August 10, 2016, the Petitioner wrote a letter and explained that after receiving the decision from the Tax Review Board, "[t]he Revenue Department then said I was in collections. Therefore, they wouldn't help me... [t]he collection agency is Progressive, they said I had 4 months to pay the bill. They also said that they got that information from the Tax Revenue Board. The collection agency is trying to make me pay taxes and penalties again." Further inquiries into the matter to the Department of Revenue concluded that due to the Petitioner's bill being sent to a collection agency, the Tax Review Board's determination would not be applied.
- 5) Based on this information, the Tax Review Board granted a rehearing, to determine how their ruling should be applied for the Petitioner to get his bill adjusted.
- 6) Public hearings were scheduled and continued for March 23, 2017 and July 13, 2017 and was finally heard by the Tax Review Board on December 7, 2017. The Tax Review Board's decision as noted and ordered, "Abate lien and interest. Must arrange installments with the Revenue Dept. within 60 days of the new bill date."
- 7) The City has filed an appeal to the Philadelphia Court of Common Pleas.

Findings of Fact:

- 1) The Tax Review Board's decision rendered on June 3, 2016, reducing the principal to \$2,370.00 and abating the interest and penalties, directed the Petitioner to arrange installments with the Revenue Dept. within 60 days of the new bill date. This determination was not appealed by any party within the required timeframe.
- 2) The Petitioner attempted to set up the installment payments, within 60 days, with the Revenue Department as directed by the Tax Review Board's determination.

- 3) The Department of Revenue had assigned the debt to Progressive, collection agency, and directed the Petitioner to set up payment with them. However, Progressive failed to recognize the Tax Review Board's decision to reduce the principal, abate interest and penalties and provide arrangements for installment payments.
- 4) The Petitioner contacted the Tax Review Board to get clarification and direction in regard to enforcing the Tax Review Board's determination.
- 5) The Tax Review Board granted a re-hearing to seek clarification from the Department of Revenue regarding the proper application of the previously rendered decision. This rehearing was not "a chance for the taxpayer to try to reduce the bill further but to give him the chance to make payments to the correct agency in accordance with the abatements the [B]oard has already granted". Notes of Testimony (12-7-17), Pg. 4, 5-10.
- 6) At the hearing, the City read into the record the amount due by the Petitioner. The specific amounts at issue was a new, reduced principal of \$1,959, additional interest of \$156.64 (accrued since the original decision), and lien of \$265.68 (which was not abated at the original hearing) for a total of \$2,381.32.
- 7) The amount read into the record by the City was lower than the amount at issue from the previous hearing.
- 8) The City noted, "[i]t came to our attention that the current principal is lower than the principal that was issued by the Board in July 2016... we concluded that there must have been a further adjustment afterwards. We didn't look into it because it was to the petitioner's benefit. We were certainly not going to look to reverse it or anything. Notes of Testimony (12/7/17), Pg.11, 6-15.
- 9) After receiving the necessary information from the City regarding the total amount due by the Petitioner, the Tax Review Board's decision accepted the numbers as read into the record by the City representative and specifically noted, "this board is prepared to agree to those and reestablish the payment period time. So basically, at this point we grant the petition as currently structured with the numbers that read into the record today and ask for payment arrangements within 60 days". Notes of Testimony (12-7-17), Pg. 13, 20-21.
- 10) The City objected to the new decision rendered by the Tax Review Board.
- 11) The Tax Review Board's determination letter abated the liens and interest.

Conclusions of Law:

Under Article 15 of the Philadelphia Tax Review Board Procedural Regulations states:

The Board, in its discretion, may grant a rehearing if, within thirty (30) days after the mailing date of the notice of decision, a party files a written request. The request for a rehearing should set forth new grounds or other appropriate reasons that a rehearing is warranted.

The Board, in reviewing the request for re-hearing submitted by the Petitioner, granted the request to determine why the Department of Revenue; through the assigned collection agency; failed to carry out the decision issued on June 3, 2016. Information received from the Petitioner and the Department of Revenue showed a disregard of the abatements granted to the Petitioner and the Board considered this was an appropriate reason for a rehearing- to seek clarification for the Petitioner; not to reduce the amount due.

In reviewing the transcript, the Tax Review Board's determination at the public re-hearing held on December 7, 2017 clarified for the Petitioner the amount due and set forth a new term to set up payments which he otherwise was unable to get. The total amount due and breakdown of charges were set and dictated by the City and were specifically explained as an adjustment with done unilaterally by the City. The acceptance by the Board of the reduced amount was acceptable as it was submitted by the City and was caused by the City's own review and adjustment of their records.

As such, the decision of the Tax Review Board to adopt the Department of Revenue new numbers and set a payment term was not a new determination but rather an acceptance of the City's new adjustments and a way to ensure the Petitioner had a way to arrange payments with the City.

Concurred:

Nancy Kammerdeiner, Chair

Joseph Ferla

George Matthew

Ryan Boyer