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Christine N. Grab

Christine N. Grab, *Attornatus Privatus*

**FEDERAL TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION  
AND UNITED STATES ATTORNEY GENERAL'S OFFICE  
AND FEDERAL BUREAU OF INVESTIGATION  
AND CL COURT OF RECORD, SACRAMENTO, CALIFORNIA**

Christine N. Grab

Declarant

vs.

Chelsea Hubbard

Keith Swank

Anna Barsegvan,

Defendant(s).

) **Verified Complaint for Perjury, Conspiracy  
) and Collusion to Cover Up Crimes, Violation  
) of Rights, Harassment, Retaliation,  
) Obstruction of Justice, Abuse of Justice  
) System, Treason of Oath**

) FILED: MARCH 7, 2022

) **BEFORE FEDERAL TREASURY  
) INSPECTOR GENERAL FOR TAX  
) ADMINISTRATION, UNITED STATES  
) ATTORNEY GENERAL'S OFFICE, FBI,  
) SACRAMENTO GRAND JURY AND  
) OTHER QUALIFIED MAGISTRATES**

**AFFIDAVIT OF COMPLAINT**

**By authority and command of the United States Criminal Code:**

*Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both. 18 USC §4, Misprision of Felony.*

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1 Affidavit of Complaint

2  
3 Your Complainant, Christine N. Grab, (hereinafter, Declarant, Claimant, or “I”), one of the people  
4 of California, having observed willful and repeated violations of law by employees under TIGTA  
5 and grand jury dominion, brings her *redress of grievances* in the form of a *Verified Criminal*  
6 *Complaint* at law against defendants, individually and severally, for constructively violating  
7 relevant statutory and common law rights, and arrogantly interfering with declarant’s inalienable  
8 rights, as are repugnant to the Constitution and the Defendants’ *oaths of office*. By misprision (18  
9 USC §4), I am required to report misdemeanor and felony violations by Franchise Tax Board and  
10 California Department of Justice officers and employees that I have observed or have cause to  
11 know. Based on personal knowledge and documentary evidence in-hand, your declarant is herein  
12 presenting her Verified Criminal Complaint by invoking the magisterial duty of public,  
13 administrative and judicial officers with a duty to remedy the malfeasance exposed.

14  
15 Overview of Complaint

16  
17 Declarant shall place evidence of constructive fraud and official misconduct attributable to the  
18 plaintiffs and sanctioned by the California Franchise Tax Board (FTB), including, but not limited  
19 to: running eight unlawful schemes constructively designed to overcharge taxpayers. Three of the  
20 schemes are embezzlement/extortion/racketeering schemes, one is purely a racketeering scheme,  
21 and the remaining four are schemes to overcharge interest. Exhibit one is an explanation of how the  
22 eight schemes work. Exhibits 2 - 20 lay out the facts and the evidence of criminal conduct.

23  
24 Upon first impression, this complaint might be mistaken as a taxpayer’s frustrated attempt to fight  
25 back against a bureaucracy that through incompetence, mistake, or deceit caused her financial and  
26 emotional harm. Your declarant would agree that a Verified Criminal Complaint is an inappropriate  
27 forum to address such an injury. Declarant has filed suit to remedy the civil matters according to the  
28 civil and common law, and that process is ongoing.



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Rather, this complaint springs from known violations of criminal law by employees of the bureau that are so constructively fraudulent and egregiously unlawful that there is no other conclusion to make except that agency FTB functions as a *criminal business enterprise* to the perpetual harm of the people in order to nefariously maximize revenue collection through extortion, trick, and institutionalized malfeasance.

Built on top of this corrupt bureaucratic culture is a *protection racket* designed to keep the bureau's profane misinterpretations of law and brazen employee conduct from causing the bureau to concede any power or policy that they prefer and routinely abuse regardless of the limited license that was actually conferred in law. Declarant, through years of bureau abuse, has good cause to conclude that there are no small matters of injustice in respect to FTB. The fervor and the intensity with which agency employees harass the people and protect their own draws the bureau out of the arena of public service into a verifiably foreign jurisdiction not proceeding upon the will of the people.

In political philosophy, the phrase "consent of the governed" refers to the political theory that a government's legitimacy and moral right to use state power is justified and lawful only when consented to by the people or the society over which that political power is exercised, as stated in the Declaration of Independence. Knowing that the "*just powers come from the consent of the governed,*" it is incumbent upon the magistrates receiving this complaint to oppose agency FTB's preference to be a law unto itself, and to bid apprehension, prosecution, and incarceration of those "public servants" and their supervisors who have purposefully abused their public trust and committed treason against the sovereignty of the people to whom they owe their ultimate allegiance.

On November 18, 2021, your declarant filed a Complaint against two FTB employees, Carrey Burton-Beilby and Alexis Bear, for their active participation in the unlawful overcharging of interest. In both cases, the FTB employees directed me to remit to the FTB more money than the applicable billing stated was due, then they falsified their internal records to make it appear that the



1 arbitrarily escalated remittance was the actual amount of money due. In the Complaint against  
2 Burton-Beilby and Bear, I failed to add the charge of *conspiracy to commit a misdemeanor*, which  
3 is a felony. It is my wish that your agency will amend the record to include this additional charge  
4 so as to adequately prosecute the conspiratorial malfeasance of Burton-Beilby, Bear, and their direct  
5 supervisors, Christopher Hicks and Jacquelyn Griffin.

6  
7 This instant Complaint focuses on two constructive frauds: an embezzlement scheme and an  
8 overriding racketeering culture. In both embezzlement/racketeering schemes, FTB “withholds”  
9 estimated tax payments. This means that a taxpayer sends FTB payments of monies which are  
10 designated to be applied to the taxpayer’s account to cover the tax liability for a particular period  
11 and point in time. FTB accepts the funds, but instead of applying the monies as reasonably  
12 designated by the taxpayer, FTB instead identifies the payment as a “*no payment*” and applies the  
13 money to a general fund (exhibit 11 and exhibit 13, pages 5 - 6). FTB does not move the taxpayer’s  
14 monies from the general fund until the taxpayer files the tax return for the year for which the funds  
15 were designated (exhibit 5, pages 1 – 2). If a taxpayer files late, their account falsely appears to be  
16 underfunded and penalties are imposed for “underpaying” (exhibit 4), even though the liability was  
17 adequately prefunded to preclude any penalties.

18  
19 The racketeering scheme involves FTB “misapplying” estimated tax payments to a previous year,  
20 then refunding the funds. FTB then charges penalties, fees and interest for “not paying timely,”  
21 despite the fact that the penalties would not have been incurred had FTB not breached its duty to  
22 accurately apply payments (exhibit 1, page 3 and exhibits 12 - 15).

23  
24 Your claimant currently has civil litigation pending in San Diego Superior Court against the  
25 California Franchise Tax Board for a refund of penalties, fees and interest for tax years 2011, 2013  
26 and 2014. The grounds of the pending case are simple: 1. Based on our careful analysis of law and  
27 forensic accounting of liability, my husband and I concluded and believe that, per R&TC 19133, we  
28 are not liable for any penalties, fees or interest for 2011, 2013 and 2014. Being victimized by

1 FTB's own endemic accounting irregularities, we had reasonable cause for filing late: and 2. We  
2 believe that the Notices of Proposed Assessments (NPA) issued to us for tax years 2010 and 2013  
3 violate R&TC 19087, which states that a NPA cannot be issued if the taxpayer has timely paid the  
4 tax liability in full (as assessed by FTB). The NPA is the precursor to the Demand Penalty, which  
5 cannot be imposed if a NPA has not been issued for that year, nor can a Demand Penalty be  
6 imposed unless a NPA had been issued within the prior four years (exhibit 4).

7  
8 This instant Complaint is filed against two FTB employees, Chelsea Hubbard and Keith  
9 Swank. Each has committed multiple counts of *perjury* in the pending San Diego Superior Court  
10 litigation, case number 2020-00005100. Declarant believes that both employees engaged *fraud* (a  
11 *conspiracy*) to obscure FTB's unlawful business practice of withholding estimated tax payments.  
12 To the extent that their perjurious statements were demonstrably false, their conduct requires  
13 analysis in respect to the U.S. Criminal Code. Claimant believes that both employees have  
14 routinely violated 18 USC §1001:

15  
16 Section 1001(a) provides that it is a federal crime, in a matter within the jurisdiction of a government  
17 agency, to (1) falsify, conceal or cover up a material fact, (2) make any materially false, fictitious or  
18 fraudulent statement, or (3) make or use a document containing a materially false statement.

19  
20 In the criminal tax context, section 1001 is generally used in connection with the submission of  
21 false documents or making of false statements to an internal revenue agent during an audit or  
22 investigation. Since the Criminal Code makes no subject distinction, claimant believes that tax  
23 agency staff are liable to the same laws which they seek to impose upon the general public.

24  
25 Two of the counts of perjury against Chelsea Hubbard are for falsely stating that she had turned  
26 over all records for tax years 2011 and 2013; however, Chelsea Hubbard withheld three pieces of  
27 pertinent evidence from the court, which I believe constitutes *obstruction of justice* (exhibit 14,  
28 pages 7, 8, 11, 29, 35). Chelsea Hubbard also improperly redacted documents that were submitted,



1 clearly in an effort to conceal evidence unfavorable to her employer -- then claimed that she could  
2 not locate those same improperly redacted documents.

3  
4 In addition to *perjury*, Keith Swank also refused to disclose basic information about FTB's standard  
5 operating guidelines, policies and procedures, which contributes to the crime of *obstruction of*  
6 *justice*.

7  
8 This instant Complaint also alleges malfeasance by California Deputy Attorney-General Anna  
9 Barsegyan. Ms. Barsegyan is FTB's legal counsel for the above referenced civil case. In the  
10 Federal Criminal Complaint previously filed against Alexis Bear, Carrey Burton-Beilby and Anna  
11 Barsegyan, I detailed how Ms. Barsegyan unlawfully *retaliated* against me, through *harrasment*  
12 and distracted the court's attention away from the embarrassing errors made by FTB by filing a  
13 frivolous Motion for Sanctions on 09-01-2021, and by publicly posting both my husband's and my  
14 full social security numbers on the Internet.

15  
16 I believe that in making the decision to file the Motion for Sanctions, Anna Barsegyan *conspired*  
17 with her client to cover up their exposed criminal activities by *obstructing my right to redress*, and  
18 to punish me for exercising my legal right to gather evidence of *fraud* and *malfeasant* behavior. I  
19 also believe the Motion for Sanctions was an attempt to obstruct justice by improperly utilizing the  
20 civil court system to stop me from pursuing a legally correct remedy, and to further punish me for  
21 embarrassing their agents. The only logical purpose for the sanctions was to preclude further  
22 inquiry into the fraudulent business practices engaged by FTB and cause me to abandon the  
23 criminal complaints that I was drafting against Carrey Burton-Beilby, Alexis Bear, Chelsea  
24 Hubbard, Keith Swank, and Anna Barsegyan; and to cause me to abandon other Complaints from  
25 being presented in the future. I also believe the publishing of my and my husband's full social  
26 security numbers was a deliberate and actionable gambit intended to *threaten* and intimidate me  
27 into silence.

28



1 I believe and allege that as FTB's counsel, Anna Barsegyan has crossed the line between  
2 competently representing her client into actively participating in the criminal cover-up on numerous  
3 occasions. In this Complaint, I provide sufficient details and evidence to support the allegations  
4 against Ms. Barsegyan, particularly pertaining to *conspiracy to commit a misdemeanor* and 18 USC  
5 §241, *conspiracy against rights*, both felonies. Declarant presents evidence to show that Ms.  
6 Barsegyan used deception to unlawfully obstruct the release of evidence that would confirm fraud  
7 in her client's accounting records. Your declarant presents proof that she knowingly and repeatedly  
8 attempted deceive the judge in the civil case about the true facts of the case in order to hide her  
9 client's criminal activities from the judge, and to avoid general refunds for other victims. I also  
10 present evidence that Ms. Barsegyan intentionally set up Keith Swank as a "fall guy" or "patsy" via  
11 *suborning perjury* and *subterfuge* in order to prevent exposure of the unlawful operating procedures  
12 at FTB.

### 13 14 **Background** 15

16 On 08-04-2014, claimant filed an Abatement Request (which means a request for refund of  
17 penalties, fees and interest) with FTB for tax year 2011 (exhibit 17, page 8). FTB denied claimant's  
18 Abatement Request, not just for 2011, but also for 2013 and 2014, even though no Abatement  
19 Request was filed for either of those years. I filed an appeal with the Board of Equalization (BOE)  
20 on 08-21-2017, which at the time was the administrative court that handled FTB Appeals. While  
21 my case was pending, the administration of FTB Appeals was moved from the BOE to the newly  
22 created Office of Tax Appeals (OTA). In November 2019, The OTA upheld FTB on the matter.  
23 On 01-29-2020, I filed a new appeal with San Diego Superior Court (SDSC) in accordance with  
24 A.B. 102 section 13, A.B. 131 section 14 and Cal Government Code section 15677. Deputy  
25 Attorney-General Anna Barsegyan is representing FTB in this civil matter.

26  
27 I have documented in the pending civil case that the NPA issued to us for tax year 2010 and 2013  
28 were issued in violation of R&TC 19087. For both 2010 and 2013, we had paid the tax liability in

1 full, but FTB had not applied our payments to our account, thus making it falsely appear that we  
2 had underpaid, and thus fraudulently issuing NPAs. I argue in my civil case that the penalties for  
3 2011 and 2013 would not have been imposed had FTB immediately credited the estimated tax  
4 payments to our account upon receipt of the monies. Our secondary argument is that FTB's  
5 extensive accounting regularities – many of which were caused by FTB telling us our funds were  
6 “lost” when in reality the funds had been intentionally withheld from our account -- gave us  
7 *reasonable cause* to file our tax returns late. As I documented in the OTA and SDSC cases, FTB  
8 aggressively harassed us for monies for those tax year's liabilities that would not be due once the  
9 “lost” funds were located and applied. The harassment was so aggressive and extensive that it  
10 forced us to postpone working on the filings.

11  
12 Claimant is seeking a precedential ruling from SDSC to determine if FTB's standard operating  
13 practice of withholding timely made estimated tax payments from the taxpayers account until after  
14 the imposition of penalties is reasonable or lawful. I also seek a precedential ruling to determine if  
15 it is lawful for FTB to demand additional payments of monies towards that year's tax liabilities that  
16 would not have been due had the estimated tax payments been timely legered upon claimant's  
17 account.

18  
19 What should have been a simple case has become ruthlessly complicated because FTB has  
20 continually refused to address the issues set forth in my civil Complaint, including refusal to  
21 acknowledge the existence of the withholding practice (neither to confirm nor deny), refusal to  
22 acknowledge the contents of R&TC 19087, and refusal to acknowledge or disclose information  
23 regarding FTB's arbitrary accounting practices. These matters are discussed in detail below.

24  
25 It is important to note that FTB has not denied that any of my claims, legal references or evidence  
26 are true. Per CCP § 431.20(a), failure to deny constitutes admission: Any material allegation in the  
27 complaint that is not effectively denied is deemed admitted. [see *Hennefer v. Butcher* (1986) 182  
28 CA3d 492, 504, 227 CR 318, 325]. As such, by evading my arguments instead of denying them,



1 FTB has effectively admitted that they did not ledger prepayments to my account, did improperly  
2 withhold the payments, did fraudulently impose penalties, fees, and interest, and did repeatedly  
3 breach their duty to maintain accurate, trustworthy, and reliable accounting thus bidding the  
4 following criminal conduct:

5

6 **Chelsea Hubbard: Six Counts of Perjury, Ten Counts of Obstruction of Justice, Ten Counts**  
7 **of Collusion to Cover Up Embezzlement, Three Counts of Collusion to Cover Up**  
8 **Racketeering**

9

10 On 10-01-2020, I served a Demand for Documents, set #001 on FTB for the pending civil litigation  
11 (exhibit 21). On 11-03-2020, Chelsea Hubbard responded to the service with a verified response  
12 that included some of the documents that I had requested. Exhibit 22 is her Response. I did not  
13 include the documents propounded as most are superfluous to the issues before the court. I offer,  
14 however, to provide all of the documents if needed for the criminal action.

15

16 On 11-30-2020, I served a Meet and Confer on FTB (exhibit 23) and included a copy of the 2009  
17 accounting ledger since FTB claimed they could not propound the requested documents for tax year  
18 2009 using the contrived excuse that they could not identify said ledger in their records. On 12-01-  
19 2020 and 12-02-2020, I sent follow-up emails to help clarify what information I was specifically  
20 looking for that I had identified in the Meet and Confer (exhibit 24). On 12-07-2020, FTB provided  
21 an unverified response to the Meet and Confer (exhibit 25). There was another follow up email  
22 chain dated 12-09-2020 (exhibit 26).

23

24 I did not notice that this response was unverified until I was compiling information for this instant  
25 Complaint. I believe that the lack of verification was intentional on the part of both Anna  
26 Barsegyan and Chelsea Hubbard because they both knew that some of the information provided in  
27 the Meet and Confer was false. As I will detail below, verifications from FTB staff were  
28 problematic in this case.



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On 12-15-2020, I filed a Motion to Compel Further Response to Demand for Documents, set #001 on FTB (exhibit 27). In the Declaration of Christine Grab in Support of Motion to Compel Further Response to Demand for Documents, set #001, I documented that Ms. Hubbard had committed one count of *perjury* by falsely stating that the dates listed on the accounting ledgers are the actual dates the *credit elect* payments were applied to our account. Here is the relevant excerpt (exhibit 27, pages 6 - 8)<sup>1</sup>

“FTB also made a false statement in the documents provided. On page FTB007 (exhibit 41, page 7), FTB wrote “\*Please note that the no payment was transferred or cancelled on the ‘Estimated Transfer Cancellation Screen.’ It is showing the amount that was transferred from one tax year to another *and the date it was transferred.*” The asterisk indicated the payments that had been made via credit elect. (emphasis added to indicate the false portion of the statement.)

The payments with this asterisk each say “Transfer Effective Date,” which indicates the date to which the payment was back-dated, as is required per Revenue & Tax Code 19363. This is not the actual date that the money was applied to our account.

In the case of payment 1A of           , the payment was made on 11-09-2010, so clearly, the “effective transfer date” of 04-15-2010 cannot be the actual date on which the money was applied (exhibit 41, page 1; exhibit 2).

Likewise, Item 1D, a payment of \$           , was made on 11-08-2013. It thus could not have been applied on 04-15-2011 (exhibit 41, page 4, exhibit 2, exhibit 8). There are three more items that this false statement pertains to: 1E, 1G, and 1I (exhibit 41, pages 5 – 7).

In exhibit 45, page 2, FTB stated that “...FTB produced all documents responsive to your request...FTB does not have any further documents responsive to your request.” If it is true that FTB has no records of the dates that payments made via credit elect were received nor the dates the payments were applied to our account, FTB has breached its duty to manage taxpayer accounts with accuracy and financial integrity as per

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<sup>1</sup> Please note that since this excerpt is copied verbatim, the exhibit numbers are not the same as in this package. On page 70 of this Complaint, there is a conversion table.)

1 the Statement of Principles of Tax Administration (see General Objections below). It is inconceivable that a  
2 taxation agency that purportedly adheres to Principles of Tax Administration would not maintain such  
3 records.

4 In FTB's Meet and Confer Response dated 12-07-2020, Ms. Barsegyan also wrote: "Furthermore, your  
5 inquiry regarding the location of the funds in your account is not relevant to your refund complaint against the  
6 FTB. Pursuant to Revenue and Taxation Code section 19133, if a taxpayer fails to properly timely respond to  
7 the notice and demand by the FTB, the FTB may impose a penalty of up to 25 percent of the amount of tax  
8 assessed pursuant to section 19087 unless the failure is due to reasonable cause and not willful neglect."  
9 (exhibit 45, pages 2).

10 As I detailed in my Complaint on pages 2 – 4, Revenue & Tax Code 19087 states that Notices and  
11 Proposed Assessments and Demand Penalties are only to be issued/imposed on *delinquent* accounts as  
12 assessed by FTB. It says:

13  
14 (a) If any taxpayer fails to file a return, or files a false or fraudulent return with intent to evade  
15 the tax, for any taxable year, the Franchise Tax Board, at any time, may require a return or an  
16 amended return under penalties of perjury *or* may make an estimate of the net income, from any  
17 available information, and may propose to assess the amount of tax, interest, and penalties due.  
18 **All the provisions of this part relative to delinquent taxes** shall be applicable to the tax,  
19 interest, and penalties computed hereunder (emphasis added).

20  
21 If FTB's above statement is truthful – that the transfer effective date was the actual date that those five  
22 credit-elect payments were applied to our account -- then per FTB's own record 1G (exhibit 41, page 6), our  
23 tax year 2013 was fully funded by the due date, the Notice of Proposed Assessment (NPA) was falsely issued,  
24 and all penalties, fees and interest were wrongfully imposed (exhibit 47). As such, the penalties, fees, and  
25 interest for tax year 2013 should be immediately refunded to us, along with interest for the duration that the  
26 monies were improperly held.

27 If FTB's above statement is truthful – that the transfer effective date was the actual date that those five  
28 *credit-elect* payments were applied to our account -- then per FTB's own record 1D, there should have been a



1 payment of \$ [REDACTED] listed on the 2011 NPA (exhibit 41, page 3). The NPA, however, states zero received in  
2 payments (exhibit 47, pages 1, 2).”

3  
4 I believe that Chelsea Hubbard made this false statement regarding the date that the credit elect  
5 payments were actually applied to our account in order to cloak FTB’s standard operating procedure  
6 of withholding estimated tax payments.

7  
8 I believe Chelsea Hubbard was also trying to hide FTB’s arbitrary and self-serving accounting  
9 procedures. As I documented in the Declaration of Christine N. Grab in Support of Motion to  
10 Compel Further Response to Demand for Documents, set #001 (exhibit 27), many of these  
11 irregularities are so egregious that they qualify as criminally fraudulent, such as identifying  
12 payments as refunded when they had not been (see pages 9 - 12 and 25 – 27), stating that FTB had  
13 no records of a payment made which showed on their accounting ledgers (see pages 5 - 6), refusing  
14 to disclose the nature of strange accounting adjustments that appear to be attempts to overcharge  
15 interest (see pages 16 – 21), and refusing to provide copies of alleged “new bills” that had been  
16 created for tax years that had already been zeroed out and purportedly closed by FTB (see pages 21  
17 – 24).

18  
19 Chelsea Hubbard committed a second count of *perjury* by stating that there are no records of the  
20 dates that payments made via check are actually applied to the taxpayer’s account, only the  
21 effective dates. Exhibit 28 are records that Ms. Hubbard submitted to the court. Pages 1 and 2  
22 indicate that the effective date of the payment of \$7,230.77 that declarant made on 01-29-2016,  
23 which was designated for a bill issued by FTB for tax year 2013, was applied to our account on 02-  
24 08-2016. This document indicates that the payment was split in two, with \$4,479.72 applied to tax  
25 year 2013 and the balance to 2014.

26  
27 Exhibit 28, page 3, however, indicates that the entire payment of \$7,230.77 was transferred on 12-  
28 01-2016 for state “STRATA SCR/YLD ERR W/L – ST02.” With the text: “BILL PAYMENT



1 TRANSFER” AND TEXT “2013” and text “Debt hold chg,Review off.” Page 4 shows the full  
2 payment of \$7,230.77 was posted on tax year 2013 on 11-30-2016, one day before the entry was  
3 made on page 3 indicating the transfer was made. Clearly, pages 3 and 4 indicate that records of the  
4 *actual* dates that the payments were applied do exist. The question is, where was the \$7,230.77  
5 located between 01-19-2016 and 11-30-2016?  
6

7 Per page 4, on 05-12-2017, there was an overpayment on my 2013 account of \$ [REDACTED] On 05-  
8 12-2017, the payment of \$7,230.77 was transferred out of tax year 2013, leaving my tax year 2013  
9 underfunded. The record does not indicate where it was transferred to. \$4,479.72 was transferred  
10 back in on the same day, also from a location which I could not identify, in order to cover the  
11 shortfall.  
12

13 We filed our tax year 2013 tax returns on 08-03-2016. Page 5 indicates that the tax return was  
14 processed on 11-30-2016. My understanding is that FTB’s standard operating procedure is to  
15 immediately apply monies designated as “bill payments” the taxpayer’s account. It appears that this  
16 bill payment of \$7,230.77 was intentionally withheld until the date that FTB processed the return  
17 for tax year, which I believe violates FTB’s standard operating procedures.  
18

19 I requested clarification on whether “bill payments” were immediately applied to the taxpayers  
20 account at the 2021 Annual Taxpayer Bill of Rights Meeting in accordance with my taxpayer rights  
21 under Revenue and Taxation Code 20116(a)(2). Brenda Voet, the current Taxpayer Advocate,  
22 declined to provide clarification on the grounds that pending litigation voided my taxpayer rights. I  
23 believe that her implying that a statute exists that allows for her to violate my rights under certain  
24 circumstances violates TITLE 18, U.S.C., SECTION 242:  
25

26           Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person  
27           in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or  
28

1 immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this  
2 title or imprisoned not more than one year, or both... 18 USC §242.

3  
4 From my personal observations of the conduct of the Taxpayer Rights Advocate office, I am  
5 required to file a Federal Criminal Complaint against Ms. Voet in 2022 for knowingly violating  
6 R&TC 20116(a)(2) and TITLE 18, U.S.C., SECTION 242.

7  
8 Chelsea Hubbard committed a third count of *perjury* when she stated that there were no records of  
9 the actual dates that payments made via credit elect are applied to the taxpayer's account. On 06-  
10 16-2014, we made a payment via credit elect of \$ [REDACTED] designated for tax year 2013. The NPAs  
11 were both issued on 08-10-2015, showing that the credit elect payment had not been applied to our  
12 account Per exhibit 28, page 4; the payment was applied to our account on 11-02-2015. This is  
13 interesting, since the Taxpayer Advocate states that payments made via credit elect are retroactively  
14 applied to the taxpayer's account on the date that the taxpayer files that year's return. In this case,  
15 we filed the 2013 return on 08-03-2016.

16  
17 I find it incredible that FTB withheld this credit elect payment of \$ [REDACTED] for sixteen-and-a-half  
18 months, then applied it in violation of the Advocate's stated policy of withholding credit elect  
19 payments until that year's return is filed. Why did FTB choose that date to apply the money?  
20 Where was the money in the interim? Yet FTB withheld a bill payment of \$7,230.77 until our 2013  
21 tax return was processed in violation of what I believe are their standard operating procedures of  
22 immediately applying "bill payments."

23  
24 More *prima-fascia* evidence that Chelsea Hubbard's perjurious statement was intentional and  
25 intended to hide her employer's *bona-fide* criminal activities is addressed below in the section titled  
26 "Keith Swank, Interrogatory 3C, Issue 4."



1 On 01-07-2021, I submitted Demand for Documents, set #002, in which I requested that FTB  
2 propound all documents produced as part of ordinary business practices for myself and my husband  
3 for tax years 2002, 2008, 2009, 2011, 2012, 2013, 2014, 2015 and 2016, along with a list of the  
4 name and date created of every document that was withheld on the grounds of privilege (exhibit  
5 30). Chelsea Hubbard responded on 02-11-2021 with a verified response that FTB had propounded  
6 all requested documents for 2011, 2013 and 2014. Exhibit 31 is the Response, but I did not include  
7 the documents propounded for this criminal complaint as most are superfluous to this case. I offer  
8 to provide all the documents upon request.

9  
10 On 03-01-2021, I served a Meet and Confer (exhibit 32). FTB responded with an unverified  
11 response. On 03-24-2021, I asked Ms. Barsegyan for a verification from Ms. Hubbard. On 03-25-  
12 2021, Ms. Barsegyan provided a verification dated 03-16-2021 via email (exhibit 33).

13  
14 It is important to note that in the first Demand for Documents that I served on FTB on 10-01-2020, I  
15 had requested specific documents which appeared to be fraudulent line items on FTB's accounting  
16 records from tax years 2002, 2008, 2009 and 2010, such as the new "bills" that were created on tax  
17 years 2002 and 2009 and copies of refund checks issued from tax year 2002. FTB refused to  
18 propound these items by claiming that they were unable to identify the records that I had requested.

19  
20 In the second Demand for Documents, I simply asked for everything for the tax years in which  
21 irregularities occurred so that I could sift through the documents to find the appropriate information  
22 for myself.

23  
24 I believe that one of the nefarious secrets to making FTB's criminal schemes appear to be legitimate  
25 is by making sure that the accounting irregularities that lead to the false imposition of penalties  
26 happen on a different year than the penalties are incurred. Then FTB can show that the records  
27 from the year in which the penalties were incurred appear to be accurate, and thus hide the fraud  
28 altogether by refusing to propound evidence for a year not in dispute, nor acknowledge that the



1 irregularities on one tax year could have led to the false imposition of penalties on a different year.  
2 This is precisely the malfeasance that this criminal complaint is attempting to correct.

3  
4 I believe that Chelsea Hubbard's refusal to propound documents for tax years 2002, 2008, 2009,  
5 2010, 2012, 2015 and 2016 was intentional to hide evidence of fraud and other breaches of duty  
6 committed by her employer. I believe that Chelsea Hubbard has committed seven (7) counts of  
7 *obstruction of justice* by withholding pertinent evidence (one count for each year).

8  
9 On 03-27-2021, I served Specially Prepared Interrogatories, Set #001: Clarification of Policies and  
10 Procedures on FTB (exhibit 13). On 05-03-2021, Keith Swank responded to the service with a  
11 verified response (exhibit 34). On 05-10-2021, I served a Meet and Confer to FTB (exhibit 35). On  
12 05-25-2021, Ms. Barsegyan provided a response to the Meet and Confer which was not verified  
13 (exhibit 36).

14  
15 On 04-04-2021, I served Plaintiff Christine N. Grab Requests for Admission, Set #001 on FTB  
16 (exhibit 14). FTB responded on 06-01-2021, stating that they refused to answer any questions since  
17 I was over the limit on number of questions that I could ask (exhibit 37).

18  
19 On 05-24-2021, I filed a Motion to Compel Further Response to Specially Prepared Interrogatories,  
20 Set #001 (exhibit 3), in which I documented that Chelsea Hubbard had committed two more counts  
21 of *perjury* in the Response for Demand for Documents #002, dated 02-11-2021. Ms. Hubbard had  
22 stated that FTB had propounded all documents for tax years 2011, 2013 and 2014; however, I  
23 documented that she withheld two documents that were pertinent evidence for tax years 2011 and  
24 one pertinent document for 2013 (one count of *perjury* for each year which she falsely verified).  
25 Here is a relevant excerpt from the Declaration of Christine N. Grab in Support of Motion to  
26 Compel Further Response to Specially Prepared Interrogatories, set #001 (exhibit 3), page 6:

27  
28 "In Defendant's Response to Plaintiff's Demand for Documents, Set #002, Ms. Hubbard committed two

1 more counts of perjury. She stated that for tax years 2011 and 2013, FTB had provided me copies of all  
2 documents created as a part of standard operating procedures, and for the documents that were considered  
3 privileged, gave me the name and creation date of the privileged document. In my records, I have found one  
4 document from each of those years that were not provided/disclosed by FTB. The 2011 document indicates  
5 that FTB had breached their duty and the 2013 document is a confirmation that our 2013 estimated tax  
6 payments had been received but withheld from our account. It appears Ms. Hubbard withheld pertinent  
7 evidence from this case (see attached exhibit 52, pages 7, 8, 10, 11 and attached exhibit 54, pages 6 - 7).”  
8

9 In this instant Complaint, Chelsea Hubbard’s response in which she stated that all documents had  
10 been propounded is exhibit 31. The missing documents referenced above can be found in exhibit  
11 14, pages 16, 27, and 46. Further information regarding the relevance of the missing documents can  
12 be found in exhibit 14, on pages 4, 7, 8 and 11.  
13

14 I believe that Chelsea Hubbard withheld the document from tax year 2013 confirming that our  
15 estimated tax payment had been withheld in order to hide from the judge that withholding estimated  
16 tax payments is FTB’s standard operating procedure. I also believe that she was trying to disguise  
17 the accounting irregularities which resulted from our payments being withheld.  
18

19 The document withheld for 2013 was a form letter dated 08-13-2015 from FTB which stated “We  
20 have received an estimated tax payment in the amount of \$ [REDACTED] for the account number and tax  
21 year shown above... You must file a tax return to claim a refund or credit for the tax year shown  
22 above.” This single form letter is the smoking gun which confirms that the withholding of  
23 estimated tax payments is FTB’s standard operating procedure. I believe that Chelsea Hubbard  
24 deliberately withheld this document to conceal her employer’s unlawful business practice, along  
25 with the accounting irregularities that stemmed from this practice.  
26

27 One of the documents that Ms. Hubbard withheld for tax year 2011 indicates that there were  
28 irregularities surrounding the processing of our 2011 tax return. FTB’s Taxpayer Advocate states



1 that payments are not moved from the general fund to the taxpayer's account until that year's tax  
2 return is filed (exhibit 5, pages 1 - 2), so it appears that FTB delayed acknowledging receipt of our  
3 tax return for eight months so that they could delay moving the funds into our account (exhibit 14,  
4 pages 4 - 9 and page 29). Thus, by not producing this document, Ms. Hubbard hid evidence that  
5 supports our claims of accounting irregularities involving "missing" funds.

6  
7 Not only did Chelsea Hubbard withhold some documents altogether, she also improperly redacted  
8 other documents. Two of the documents propounded were completely blacked out. My  
9 understanding is that even if a document is considered privileged, FTB must still provide the name  
10 of the document and the date it was created. By completely redacting these two items, she has  
11 violated the rules.

12  
13 The documents were sent in a particular order, so it is possible to ascertain what is missing. The  
14 document labeled GrabIPA\_PRA 0023 is the same document 008 that was propounded in 2018 for  
15 my OTA case. The document labeled GrabIPA\_PRA 0025 is the same document 010 that was  
16 propounded in 2018. Therefore, it is reasonable to deduce that the improperly redacted document  
17 GrabIPA\_PRA 0024 is the same document as OTA document 009, which is an accounting summary  
18 from my husband's tax year 2002 (exhibit 37, pages 1 - 6).

19  
20 The document labeled GrabIPA\_PRA 0209 is the same document 194 that was propounded in 2018  
21 for my OTA case. The document labeled GrabIPA\_PRA 0211 is the same document 196 that was  
22 propounded in 2018. Therefore, it is reasonable to deduce that the improperly redacted document  
23 GrabIPA\_PRA 0210 is the same document as OTA document 195, which is another accounting  
24 summary from my husband's tax year 2002 (exhibit 37, pages 7 - 12).

25  
26 In both cases, the privilege log states the reason for redaction was "Third Party Taxpayer  
27 Information." There was no third-party information on exhibits GrabIPA\_PRA 0210 nor  
28 GrabIPA\_PRA 0024, so this was a fraudulent excuse (exhibit 38). Please note that this 2002

1 summary is the same document that Chelsea Hubbard claimed that FTB was unable to identify in  
2 order to propound the documents that I had requested in the Demand for Documents, set #001. The  
3 fact that she twice completely redacted the document proves her statement that she was unable to  
4 locate the document was knowing and repeated *perjury*.

5  
6 Several of the other documents Chelsea Hubbard submitted were partially redacted in an improper  
7 manner. For example, exhibit 39 pages 1 and 2 are two pages of the same document. One was  
8 provided from FTB's Disclosure Department in 2018. Chelsea Hubbard submitted the same  
9 document as GrabIPA\_PRA 0177. Per exhibit 38, the reason for the redactions was "Third Party  
10 Taxpayer Information." Here is the first pertinent redacted portion of the document:

11  
12 12/15/2018: Trace results for \$1,000 refund issued 05.29.2008 warrant number 27-470434 on SP Eric  
13 Grab SS# (redacted). 2002 tax year was paid 07.02.2008 per SCO...

14  
15 It is important to note that FTB's accounting records state this refund was made on 04-30-2011, not  
16 on 07-02-2008 (exhibit 37, pages 4 and 10). This note proves the line item on FTB's accounting  
17 ledger is fraudulent. Clearly, the purpose of the redaction was to conceal the fraud, not to protect  
18 "third party information." Continuing on with the same document, Ms. Hubbard also redacted two  
19 innocuous looking sentences:

20  
21 "02/15/2018: ...Single 2002 tax year then refunded 05.29.2008... when results received I will send to SP  
22 Eric Grab since it was issued only to him..."

23  
24 In exhibit 1, page 3 and in exhibits 13 - 15, I documented that FTB's fourth unlawful scheme, which  
25 is arguably a racketeering scheme, involves intentionally misapplying estimated tax payments to a  
26 previous year and refunding the monies, then imposing penalties, fees and interest for "not paying  
27 timely." FTB has openly stated that they treat married people differently than single people. FTB  
28 repeatedly created new bills on my husband's account on the year prior to our marriage. FTB