

1 Here is an example of the many ways she has tried to deceive the judge throughout the case via
2 false, misleading and deceptive statements: The Defendant's Opposition to Plaintiff's Motion For
3 Order Compelling Further Response to Demand for Documents that she submitted to the court on
4 05-17-2021 (exhibit 47) contained many such statements. Here are some quotes from the Oral
5 Arguments that I read during our 05-28-2021 hearing (exhibit 48) From page 1:

6 "...two deceptive statements she made on page 11. The first statement is "the demand penalty
7 may be imposed if the taxpayer fails to timely respond to a current Demand For Tax Return in the
8 manner prescribed." Ms. Barsegyan omitted the part about "pursuant to Revenue and Tax Code
9 19087" and omitted the additional requirements contained within 19087. One of those requirements is
10 that the tax liability has to still be outstanding and another requirement is a Notices of Proposed
11 Assessment had to be issued in the four years prior. I believe that omitting those other requirements –
12 which would prove that the penalties had been improperly imposed on us – qualifies as lying by
13 omission.

14 The second deceptive statement on page 11 is "Plaintiff is under the impression that any
15 payments or withholding credits made reducing the tax liability will prevent demand penalties from
16 being issued under California law." Ms. Barsegyan is well aware that per Revenue & Tax Code
17 19087, penalties are only to be imposed on accounts whose tax liability *is not paid in full*. It is a true
18 statement that *if* I had only partially paid our tax liability, a demand penalty would still have been
19 imposed. However, in my case, the tax liabilities *were paid in full* and yet the penalties were imposed
20 anyway.

21 I believe that Ms. Barsegyan has misrepresented Revenue & Tax code 19087 by blurring the line
22 between "reducing liability" and "paying in full."

23 From page 2:

24 "...she stated that the Cost Recovery Fee was properly imposed because we had failed to make the
25 payment in response to the Notice that was sent. In the very next sentence, Ms. Barsegyan
26 acknowledged that we had made the payment and said the fact that the payment had not been applied
27 to our account had no bearing on this case!"

28 From page 3:

29 "In her Opposition, Ms. Barsegyan repeatedly said that there were no more records to turn over,
30 despite the fact that she had already acknowledged there are 7 years of records that have yet to be
31 turned over!"

32 "Ms. Barsegyan made three false statements, on Pages 10, 12 and 14, where she said that FTB had
33 turned over all documents for the years in dispute. Exhibit 52, which is attached to the Motion to
34 Compel that I filed with the court on Monday, May 24th, confirms that I have caught FTB withholding
35 two documents from the years in question, both of which are pertinent evidence in this case. Ms.
36 Barsegyan has known this fact about FTB not turning over all evidence since early May, and she
37 wrote this Opposition on May 17, so I believe that the false statement was intentional."

38 From page 4:

"Another issue of that I want to bring to Your Honor's attention is that Ms. Barsegyan has conflated
two separate issues to make FTB's policies and procedures appear different than they really are. In doing

1 so, she hid that the demand penalties were imposed on us in violation of Revenue and Tax Code 19087.
2 On page 9 she made a deceptive statement and on page 11 she made a false statement.

3 The false statement was "Since the Demand Penalty is computed without regard to payments and
4 withholding credits, Plaintiff's requests for any information relating to these payments are not reasonably
5 calculated to lead to the discovery of admissible evidence." The deceptive statement was "The Demand
6 Penalty is computed without regards to payment and withholding credits."

7 I go into detail about this in the Motion to Compel Further Response to Specially Prepared
8 Interrogatories, but the summary is that the computation to determine if a Penalty should be imposed has
9 no correlation with the computation of how much the penalty should be. She conflated the two issues to
10 make it falsely seem that the two calculations were one and the same. In doing so, she made it falsely
11 appear that the actual dates that the payments were applied to our account are irrelevant. As I said before,
12 the penalties would not have been imposed if FTB had applied the payments when FTB received the
13 money, and disclosure of the actual dates that FTB applied the money to our account are the lynchpin of
14 this case.

15 I brought this flagrant misrepresentation of how the penalties are to be calculated per Revenue and Tax
16 Code 19087 to Ms. Barsegyan's attention on May 10, 2021. This means that she knew these were a false
17 and a deceptive statement at the time she wrote them on May 17, 2021."

18
19 In the Oral Arguments, I didn't point out another false statement that she'd made in her Opposition
20 because it was not relevant to the arguments for that Motion: Ms. Barsegyan said that how interest
21 was calculated was irrelevant to the case, even though she was already aware of the fact that the
22 interest imposed on us for tax year 2014 was fraudulently imposed (see exhibit 16, pages 3 - 4). I
23 believe this constitutes a conspiracy to up her client's criminal activities.

24 **The Frivolous Motion for Sanctions and Exposure of Social Security Numbers**

25 Despite all of the obstructions posed by FTB in both the OTA and SDSC cases, via the documents
26 that were propounded by FTB for the two cases, and via additional documents that I have collected
27 from other departments within FTB, such as the Taxpayer Advocate and the Disclosure Department,
28 concrete evidence of multiple *bona-fide* criminal activities has come to light. Eight of them are
detailed in the attached exhibits 1 – 20. I am currently working on collecting evidence regarding
other questionable business practices that could potentially be additional criminal schemes. It is
worth noting that in the two Motion to Compels that I filed. I only included evidence that pertains
to the pending civil case, and did not address criminal issues that are beyond the scope of that case.

1 Once I believed that I had enough documentation together to prove that FTB is engaging in multiple
2 *bona fide* criminal schemes to overcharge taxpayers, I started pursuing legal recourse as is required
3 by 18 USC §4. In January 2021, I sent a letter exposing FTB's four schemes to overcharge interest
4 to FTB's Board of Directors, FTB's Taxpayer Advocate, FTB's Executive Officers, Governor
5 Newsom, GovOps, every member of the Senate Finance and Governance Committee, every
6 member of the Assembly Tax and Revenue Committee, Cal State Senator and Speaker Pro-
7 Tempore Toni Atkins, and Assemblyman Brian Maienschein (exhibit 16). I am certain that FTB
8 was irritated with me for exposing these crimes.

9
10 By July, it was clear that the legislators and oversight agencies had no political desire to intervene
11 to stop the crimes. I realized that I needed to pursue other avenues of recourse. On 07-22-2021, 07-
12 23-2021 and 07-27-2021, I made California Public Records Requests from the Franchise Tax Board
13 in which I requested the names, job titles, employee numbers and copies of the Oaths of Allegiance
14 for several FTB employees (exhibit 43). In the 07-22-2021 letter, I wrote "I am writing to request
15 information on these two employees so that I can file formal criminal charges against them" (exhibit
16 43, page 6 - 7).

17
18 On 07-23-2021, I emailed Ms. Barsegyan and requested her employee number and a copy of her
19 Oath of Allegiance. Ms. Barsegyan responded with the following false statement: "Unfortunately,
20 that is personal information and cannot be provided." On 07-27-2021, I made a California Public
21 Requests Act to the Department of Justice for a copy of Ms. Barsegyan's oath. In that request, I
22 complained to the Department of Justice about her false statement (exhibit 49).

23
24 On Sunday, 08-29-2021, I attempted to file a police report with the San Diego Police Department
25 against FTB employees for defrauding me (exhibit 50). On Monday, 08-30-2021, Ms. Barsegyan
26 made a reservation with the court for a Motion for Sanctions hearing. Two days later, on 09-01-
27 2021, Ms. Barsegyan filed a Motion for Sanctions with the court and served me after the Motion
28 was filed (exhibit 51, pages 15 - 16). This was a violation of California Civil Procedure 128.7 (c),

1 which says the Motion for Sanctions cannot be filed until 21 days *after* it has been served.

2

3 In her moving papers, Ms. Barsegyan did not redact my husband's or my social security numbers
4 from the letter that I had sent to the Disclosure Department (exhibit 43, pages 6 – 7 is a copy of the
5 letter that wasn't redacted in the moving papers; proof it wasn't redacted is exhibit 52), which is a
6 violation of the California Rules of the Court, Rule 1.201. Protection of Privacy, which states:

7

8 Exclusion or redaction of identifiers. To protect personal privacy and other legitimate interests, parties and their
9 attorneys must not include, or must redact where inclusion is necessary, the following identifiers from all pleadings
10 and other papers filed in the court's public file, whether filed in paper or electronic form, unless otherwise provided
11 by law or ordered by the court: (1) Social security numbers. If an individual's social security number is required in a
12 pleading or other paper filed in the public file, only the last four digits of that number may be used.

13

14 I believe the violation Code Civ. Proc., §128.7 (c) to be *prima facie* evidence that the social
15 security number exposure was intentional. As Deputy Attorney-General, Ms. Barsegyan is aware of
16 the court rules regarding filing Motions for Sanctions. There is no excuse for her to have violated
17 the rules. If Ms. Barsegyan had adhered to the rules, I would have identified the breach prior to her
18 filing the documents on the court's public website. As I document below, the exposure of the social
19 security numbers was intended as both a punishment for my "behaviors" and a *threat* that if I
20 continued my "behaviors" that more *retaliation* would follow. I believe that Anna Barsegyan
21 should be disbarred per the American Bar Association rule 8.4(g) engage in conduct that the lawyer
22 knows or reasonably should know is harassment or discrimination.

23

24 The Motions for Sanctions filed by Defendant California Franchise Tax Board dated 09-01-2011
25 violated CCP 128.7 (b) because it is frivolous, as it was presented for an improper purpose and the
26 grounds stated for the Motion were based on lies and deception. The false arguments only thinly
27 veil the true purpose of the Motion: *harassment* and *retaliation* for exposing FTB's unlawful

28

1 activities, as well as *obstruction of justice* to stop me from continuing to gather evidence and pursue
2 assorted legal channels to try to halt the unlawful activities.

3
4 On Page 12 of her Memorandum of Points and Authorities in Support of Motion for Sanctions
5 (exhibit 51), Deputy Attorney-General Barsegyan wrote: “Without court intervention, Plaintiff will
6 continue with her...conduct.” On page 13 she wrote that the purpose for the sanctions is “to deter
7 and preclude Plaintiff from continuing in her...behavior.” On page 13, she wrote: “Additionally,
8 nonmonetary sanctions – such as an order precluding Plaintiff (1) from advancing baseless
9 allegations... are also necessary...” In making these arguments, Anna Barsegyan has boldly stated
10 that the true purpose of this Motion is to *obstruct justice* since the conduct/behavior she is referring
11 to is exposing FTB’s unlawful activities.

12
13 I believe that Ms. Barsegyan’s request that the judge order me to violate the federal requirement set
14 forth in 18 USC § 4 (to report felony violations to a qualified magistrate) constitutes *obstruction of*
15 *justice* and *abuse of the Superior Court system*. In making this request, she asked the judge in the
16 Superior Court case to join into the *conspiracy* between her and FTB to *cover up FTB’s criminal*
17 *activities* by stopping me from, and punishing me for, exercising my legal rights to collect evidence,
18 speak the truth, and to pursue legal recourse for matters that are beyond the scope of the case he is
19 presiding over. I believe that Anna Barsegyan should be disbarred per the American Bar
20 Association rule 8.4(a): violate or attempt to violate the Rules of Professional Conduct, knowingly
21 assist or induce another to do so, or do so through the acts of another.

22
23 **There are three issues at hand in her Motion for Sanctions dated 09-01-2021:**

24
25 **Issue 1:** FTB has stated that they are requesting that SDSC stop me from, and punish me for,
26 collecting evidence in order to pursue legal recourse against FTB for matters that are beyond the
27 scope of that particular case.

1 At the time that Ms. Barsegyan filed the Motion for Sanctions, she and FTB were aware that I was
2 drafting a Federal Criminal Complaint against two FTB employees for defrauding me. As
3 mentioned above, in exhibit 43, pages 6 – 7, I stated “I am writing to request information on these
4 two employees so that I can file formal criminal charges against them.”

5
6 Ms. Barsegyan and FTB were also aware that I was planning to pursue additional Federal Criminal
7 Complaints against twelve more people -- including Deputy Attorney-General Anna Barsegyan
8 herself -- for covering up FTB’s criminal activities. A Federal Criminal Complaint is a different
9 type of case than the civil case, with different grounds that extend beyond the scope of the civil
10 case, and in a different court system, and with no request for monetary remuneration.

11
12 Given the timing of the filing of the Motion for Sanctions dated 09-01-2021, there can be no doubt
13 that the purpose of the Motion for Sanctions was to stop me from pursuing my lawful remedy.

14
15 In her Memorandum of Points and Authorities (exhibit 51), Ms. Barsegyan stated on page 9 that I
16 should be sanctioned for “submitting multiple Public Record Act (PRA) requests for copies of oaths
17 taken by FTB personnel and their employee numbers.” One of the grounds of both of the Federal
18 Criminal Complaints are “*treason of oath of office.*” The employee numbers are also utilized in the
19 Complaints. I find it unconscionable that she has requested that I be sanctioned for collecting
20 information to be utilized in the Federal Criminal Complaints. I believe this is *harassment* for
21 collecting evidence and a *threat* to try to stop me from filing these Complaints.

22
23 I also have a right to file another civil suit in San Diego Superior Court in pursuit of damages
24 caused by FTB’s numerous violations of my rights, which again are issues beyond the scope of the
25 pending civil case, as that case only addresses refunds for the fraudulently imposed penalties, fees
26 and interest, and does not include damages.

27
28

1 Per the California Public Requests Act, Government Code 6250 et seq., I have the right to gather
2 evidence from the Disclosure Department. Anna Barsegyan's request that I be punished within the
3 pending civil case for exercising my rights to collect evidence can be construed as *obstruction of*
4 *justice*.

5
6 **Issue 2:** The arguments that Deputy Attorney-General Anna Barsegyan made in the her Motion for
7 Sanctions dated 09-01-2021 are misleading. Ms. Barsgeyan opened her Memorandum of Points and
8 Authorities by claiming that I have improperly filed pleadings and motions unsupportive by existing
9 laws and facts, and stated that the criminal allegations that I have set forth are unfounded (exhibit
10 51, page 6). I believe this statement is unconscionable since I have provided more than a dozen
11 legal codes to substantiate my positions, and have submitted thousands of pages of evidence to
12 support these legal positions.

13
14 FTB has not denied that the laws I have cited nor that the evidence that I have submitted is accurate.
15 Per California Civil Procedures § 431.20(a); Failure to deny constitutes admission: Any material
16 allegation in the complaint that is not effectively denied is deemed admitted. Since FTB has not
17 disputed any of my claims, legal references or evidence, FTB has tacitly acknowledged that
18 everything that I have submitted to the court is the truth. I find it unconscionable that instead of
19 acknowledging and refuting my arguments, FTB is pretending that the legal codes and evidence
20 have not been submitted.

21
22 As I have already pointed out in the two Motion to Compel hearings that we have had (05-28-2021
23 and (10-22-2021), FTB's entire defense argument is built on lies and deception. In her
24 Memorandum of Points and Authorities the Motion for Sanctions dated 09-01-2021 Anna
25 Barsegyan doubled-down on the false, deceptive and misleading statements. As with her arguments
26 in previous Motions, she has repeatedly knowingly misrepresented the grounds of this case,
27 repeatedly knowingly misrepresented the contents of the laws cited, and repeatedly knowingly
28

1 misrepresented FTB policies and procedures. Here is a sampling of the various ways that she tried
2 to deceive the judge:

3
4 **1. False Statement** – On page 6 of the Memorandum, Ms. Barsegyan wrote: “Plaintiff further
5 alleges that the *demand notices* were improperly issued *since they had made estimated tax*
6 *payments.*” (emphasis added to show the false portion of the statement).

7
8 Ms. Barsegyan has knowingly misrepresented the grounds of the Complaint. My argument is that
9 the *Notice of Proposed Assessments* were improperly issued *in violation of Revenue and Tax Code*
10 *19087 since we had paid our tax liability in full.* The Demand Penalties would not have been
11 imposed had the NPA not been falsely issued. It is worth noting that over the last two years that
12 this case has been pending, FTB has never denied that my allegation that the NPAs were improperly
13 issued is true; instead, they keep making false and misleading statements such as this one to evade
14 the issue.

15
16 **2. Deceptive Statement** -- On page 10, Ms. Barsegyan glossed over the portion of R&TC 19133
17 which says “pursuant to section 19087.”

18
19 She has again refused to address my argument that FTB could not have imposed penalties per
20 section 19087 had FTB timely applied our estimated tax payments to our account. As I argued in
21 the Declaration of Christine Grab in Support of Motion to Compel Special Interrogatories #001
22 (exhibit 3) on pages 10 - 16, FTB did not apply my and my husband’s estimated tax payments to
23 our account when we made the payments; FTB waited months and sometimes years to apply the
24 monies (exhibit 12). This left our account underfunded. FTB aggressively harassed us for monies
25 that would not be owed once the monies previously received by FTB were applied to our account.
26 At no time in this case has FTB denied the allegations, nor has FTB disputed any of the evidence
27 submitted to substantiate these allegations.

28

1 As stated above, I believe that not timely applying payments is the federal crime of embezzlement
2 per federal code 18 U.S. Code § 654. Because our account falsely appeared to be underfunded, FTB
3 imposed penalties and fees that would not have been imposed had the payments been timely applied
4 in accordance with R&TC 19087. As stated above, I believe that making an account falsely appear
5 to be underfunded in order to falsely impose penalties qualifies as racketeering,

6
7 Defendants have not attempted to argue as to why my interpretations of the laws cited are not
8 correct. Instead, they deny I have cited these laws. In the pending litigation, FTB has yet to
9 acknowledge the practice of withholding estimated tax payments from the taxpayers account is
10 standard operating procedure, let alone provided a legal code to justify this practice. FTB has yet to
11 provide an explanation for why the imposition of fees that result from these withheld payments does
12 not violate R&TC 19087. If Anna Barsegyan had any valid arguments to dispute these claims, she
13 would have made them by now. Instead, she has repeatedly denied that I have cited any laws; each
14 and every one of her denials is a false statement.

15
16 On page 13 of her Memorandum, she wrote “FTB requests that the Court grant the Motion in its
17 entirety, and issue an order... awarding nonmonetary sanctions against Plaintiff precluding her from
18 advancing baseless government corruption, racketeering and collusion claims...” Ms. Barsegyan
19 has boldly stated that the true purpose of this Motion is to *obstruct justice* by improperly utilizing
20 SDSC to silence me. It is unconscionable that she has asked the judge to become a co-conspirator
21 in the cover-up of criminal activities by suppressing my rights to speak. I believe that Anna
22 Barsegyan should be disbarred per the American Bar Association rules 8.4(a) violate or attempt to
23 violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so
24 through the acts of another;

25
26 **3. Deceptive statement** -- On page 10 of the Memorandum, Ms. Barsegyan stated that “the demand
27 penalty is computed *without* regard to payments and withholding credits.”
28

1 As I detailed in the in the Declaration of Christine Grab in Support of Motion to Compel Special
2 Interrogatories #001 (exhibit 3) on pages 39 - 42, per R&TC 19087, whether a Demand Penalty will
3 be imposed is calculated based on whether or not the tax liability was paid in full (per FTB's
4 assessment). Once it is determined that the tax liability was underpaid, the amount of the penalty is
5 calculated as Ms. Barsegyan stated. Ms. Barsegyan knowingly and deliberately conflated two
6 separate issues as if they were one in the same: 1. the computation for whether a Demand Penalty
7 should be imposed and 2, how much money the Demand penalty will be *if* imposed.

8
9 Ms. Barsegyan has requested that I be sanctioned for pointing out that she and Mr. Swank have both
10 repeatedly made this deceptive statement in documents submitted to the court, yet she has offered
11 no evidence or argument to indicate that my interpretations of the law are factually incorrect. If
12 what I said wasn't true, she would have offered an explanation to justify her interpretations of the
13 laws/regulations. Ms. Barsegyan has requested that I be sanctioned for pointing out that she and her
14 client attempted to deceive the judge. This is unethical and malfeasant.

15
16 It is also worth noting that one of the accounting irregularities detailed in exhibit 17, on pages 3 - 4,
17 is that for tax year 2014, FTB imposed two Demand Penalties; one which matched the criteria stated
18 above, plus a second penalty for \$7.05. Ms. Barsegyan has not yet addressed whether it was lawful
19 for FTB to impose the second demand penalty (exhibit 4 is FTB's internal standard operating
20 manual for imposition of demand penalties which indicates there is only to be one demand penalty
21 per year).

22
23 **4. Deceptive statement** -- On page 11, Ms. Barsegyan stated "Plaintiff is under the impression that
24 any payments or withholding credits made reducing the tax liability will prevent demand penalties
25 from being issued under California law. She is mistaken."

26
27 R&TC 19087 clearly states that the terms for issuing a NPA are (1)- The tax liability had *not been*
28 *paid in full* and (2)- No demand notice had been issued in the previous four years. Ms. Barsegyan

1 deliberately blurred the line between “reduce liability” and “paid in full.” Ms. Barsegyan and Mr.
2 Swank have made this deceptive statement numerous times in FTB’s court filings. Ms. Barsegyan
3 has requested that I be sanctioned for pointing out that she and her client attempted to deceive the
4 judge. This is ethically unconscionable.

5
6 **5. False Statement** -- On page 11, Ms. Barsegyan stated “She further cannot point to any legal
7 authority to support her legal interpretation of section 19133.” It is unconscionable that Ms.
8 Barsegyan would pretend as if I had not argued that the imposition of the Demand Penalties
9 violated the portion of 19133 that states “pursuant to section 19087.” I found it interesting that Ms.
10 Barsegyan omitted R&TC 19087 from her Table of Authorities.

11
12 **6. Deceptive and False Statement** -- On page 11, Ms. Barsegyan wrote “Plaintiff has been
13 informed numerous times that there is no reasonable cause exception for the collection recovery
14 fee.”

15
16 Firstly, Ms. Barsegyan is aware that I am not disputing the imposition of the Collection Cost
17 Recovery Fee based on “reasonable cause.” I am disputing the fee because the tax liability had
18 already been paid in full, thus the fee was imposed in violation of R&TC 19254(a)(1), which states
19 that a Collection Cost Recovery Fee can only be imposed if a person fails to pay an amount of tax,
20 interest, penalty, or other liability due. The deceptive portion of her statement is the
21 misrepresentation of the grounds of my argument.

22
23 The false portion of the statement is “Plaintiff has been informed numerous times that there is no
24 reasonable cause exception...” I had never heard this argument from FTB prior to Mr. Swank’s
25 Response to Plaintiff’s Specially Prepared Interrogatories #001, which were served on me on 05-03-
26 2021. Up until that point, FTB had confirmed that the payment had been received but not applied in
27 accordance with their with their standard operating procedure of withholding estimated tax
28 payments made via *credit elect* and estimated tax payments made by married couples. FTB

1 maintained that the imposition of the fee was proper in accordance with their policies and
2 procedures (see exhibit 42, page 11, footnote 21).

3

4 Ms. Barsegyan, herself, has changed her defense arguments regarding the Collection Cost Recovery
5 Fee three times. In her Opposition to Plaintiff's Motion to Compel Further Documents (exhibit 47),
6 at the bottom of page 11, she stated that the Cost Recovery Fee was properly imposed because my
7 husband and I had failed to make the payment in response to the Notice that was sent. This was a
8 false statement, as I had already documented -- and FTB employee Chelsea Hubbard had already
9 confirmed -- that the payment had been made in full. In the very next sentence of her Opposition,
10 Ms. Barsegyan acknowledged that we had made the payment and said the fact that the payment had
11 not been applied to our account had no bearing on this case!

12

13 I believe that the accounting irregularities surrounding this fee -- in which the estimated tax
14 payments that we made which paid the tax liability in full inexplicably "vanished" for nine months -
15 - is evidence that the withholding of estimated tax payments in order to falsely impose penalties and
16 fees is a *bona fide* embezzlement and racketeering scheme.

17

18 I believe that the fact that four different people -- three FTB employees *under penalty of perjury* and
19 Ms. Barsegyan herself -- all made different and mutually exclusive statements regarding this
20 payment to be *prima facie* evidence that FTB is aware that this practice is unlawful, and that Ms.
21 Barsegyan and the three FTB staff were *conspiring* to cover up the unlawful activities (see exhibit
22 3, pages 13 - 14 for details).

23

24 **7. False Statement** – On page 10, Ms. Barsegyan wrote: "Ample legal authority supports the FTB's
25 position and the OTA's Decision that the FTB properly imposed demand penalties for 2011, 2013
26 and 2014 tax years, and a collection cost recovery fee for the 2011 tax year."

27

28 If such legal authorities existed, FTB would have produced them by now rather than choosing a

1 defense strategy based solely on lies and deception. Likewise, if such authorities existed, the OTA
2 judges would have cited them in their Opinion (exhibit 53). As is detailed in my SDSC Complaint
3 (exhibit 54), the OTA judges evaded my arguments and deceptively convoluted or concealed the
4 true grounds of the case by deploying colorful semantics in much the same manner that Ms.
5 Barsegyan has in the SDSC case.

6
7 As detailed on pages 3 – 4, of my SDSC Complaint (exhibit 54), in the OTA case, I argued that the
8 Demand Penalties would not have been imposed had the payments not been secretly withheld; FTB
9 never denied this allegation to be true. Per CCP § 431.20(a), failure to deny constitutes admission:
10 Any material allegation in the complaint that is not effectively denied is deemed admitted. [see
11 Hennefer v. Butcher (1986) 182 CA3d 492, 504, 227 CR 318, 325]. The OTA judges stated that the
12 Demand Penalties were properly imposed based on the issuance of a Demand Notice. The OTA
13 judges failed to address the heart of my argument or allow me to submit arguments supporting my
14 case-in-chief., which was whether the Notice of Proposed Assessment, which is the precursor to the
15 Demand Notice, was properly issued.

16
17 On pages 8 – 9 of my SDSC Complaint (exhibit 54), I addressed the OTA’s Opinion regarding the
18 Collection Cost Recovery Fee. The OTA judges wrote: “...the record does not show they timely
19 paid the liabilities (ie tax, penalties and interest) in response to that notice. Accordingly, FTB
20 properly imposed the fee and there is no basis for abating this.” I had provided proof to OTA that
21 we had made the payment prior to the due date, but that bureau accounting falsely made it appear to
22 be unpaid because FTB intentionally not applied the payment to our account. FTB did not deny this
23 claim; in fact, FTB confirmed this fact to be true in their Respondent’s Opening Brief
24 (ROB)(exhibit 42 page 5, footnote 11 and page 11, footnote 21). I believe it is unconscionable that
25 the OTA judges refused to address the issue of whether it was lawful for FTB to apply the payment
26 anywhere other than to our account upon receipt of the funds.

27
28 Furthermore, in the OTA case, Issue #1 set forth in the arguments was that FTB’s own accounting

1 irregularities gave us reasonable cause for filing our returns late. As I detailed on pages 6 – 7 of the
2 SDSC Complaint (exhibit 54), instead of addressing this issue of “reasonable cause,” the OTA
3 judges removed “reasonable cause” from the Issues in the case altogether (exhibit 53).

4
5 I believe that by entirely refusing to address FTB’s questionable business practices, the three OTA
6 judges have all engaged *conspiracy to cover up embezzlement and racketeering*. It is my duty to
7 file a Federal Criminal Complaint against all three of them in 2022.

8
9 **8. False Statement** -- On page 6, Ms. Barsegyan wrote: “she has made baseless allegations of
10 collusion and government corruption and racketeering against the FTB.”

11
12 As already established above, I have substantiated every allegation that I have made with legal
13 statutes and evidence. Rather than disputing the interpretation of the statutes and refuting the
14 evidence, Ms. Barsegyan continues to deny the evidence has been submitted. Ms. Barsegyan’s
15 entire legal defense is based solely on lies and deception, including this lie. I believe it is
16 unconscionable that Ms. Barsegyan would request that the judge sanction me for proving the truth.

17
18 **9. False Statement** -- On page 7, Ms. Barsegyan wrote: “During the hearing on May 28, 2021,
19 Plaintiff made unsubstantiated and false allegations against the FTB and its counsel.”

20
21 As detailed above, every allegation that I made in the 05-28-2021 hearing was substantiated by
22 legal statutes and evidence that had been submitted to the court. In exhibit 48, I specified each of
23 the laws/policies that were violated and/or misrepresented by Ms. Barsegyan, Ms. Hubbard and Mr.
24 Swank, and where the proof could be found in the submitted documents. Rather than disputing the
25 interpretation of the statutes and refuting the evidence, Ms. Barsegyan denied the evidence was
26 submitted or laws were cited. This is another example of how Ms. Barsegyan’s entire legal defense
27 is based solely on contrived falsehoods and clever deception.

28

1 Anna Barsegyan has requested that the SDSC judge punish me for making factually correct
2 statements that were supported by law and were substantiated by evidence submitted to the court.
3 Anna Barsegyan has further requested that the judge punish me for destroying her diversionary
4 facade by pointing out to the judge the numerous deceptive, misleading and outright false
5 statements made by herself, Keith Swank and Chelsea Hubbard in assorted legal documents they
6 have filed with the court in concert with one another.

7
8 Given the deceit documented in this section, and given the purpose of said deceit was to cover up
9 her client's criminal activities, I believe that Anna Barsegyan should be at jeopardy for her bar-card,
10 per the American Bar Association rule 8.4(c) prohibiting her to "engage in conduct involving
11 dishonesty, fraud, deceit or misrepresentation."

12
13 **Issue 3.** Did I have reasonable cause to contact FTB staff? Each contact that I made with FTB that
14 Ms. Barsegyan complained about in her Motion for Sanctions dated 09- 01-2021 was proper and
15 justified, if not expressly required. Anna Barsegyan has omitted pertinent information and made
16 several misleading and desperately false statements to confuse the court and contrive a bureau
17 favored version of non-facts.

18
19 **3A. Reasonable Cause: Thi Luong**

20
21 In the sections of her Memorandum (exhibit 51) regarding Ms. Luong, Anna Barsegyan has crossed
22 beyond mere false statements and deception into complete fraud by fabricating a false story. On
23 page 8 of her Memorandum, Ms. Barsegyan wrote "Plaintiff further affirmed that she was
24 attempting to increase the FTB's litigation costs..." and on page 12 she wrote "Plaintiff has even
25 admitted to filing motions just to increase FTB's litigation costs." These two false statement only
26 appear to be true because Ms. Barsegyan grossly misrepresented the facts and omitted pertinent
27 information surrounding my contacting Ms. Luong.

28

1 On 06-03-2021, FTB held a Board of Directors Meeting. At this meeting, Ms. Luong verbally
2 requested that the Board give FTB another \$2 million to cover litigation costs for 2021/2022 above
3 and beyond their existing budget. Ms. Luong assured the Board that she was closely monitoring
4 litigation to make sure that all costs were necessary. I made a speech in which I stated that FTB
5 was reckless with running up litigation costs, and that the Board should deny the request and instead
6 reign in FTB's expensive tactics (see exhibit 55, which is a video of the segment of the meeting in
7 which Ms. Luong and I both spoke).

8
9 Since Ms. Luong had stated she was closely monitoring costs, on 06-03-2021, shortly after the
10 meeting ended, I sent an email to Ms. Luong to complain that FTB was the driver of unnecessary
11 litigation expenditures in my own case. In her Memorandum, Ms. Barsegyan provided a portion of
12 a sentence from that email, which was taken out of context. For proper context, here is the full two
13 paragraphs of that email (exhibit 56, page 4):

14 "Title of email: So you can appreciate how FTB recklessly runs up litigation costs
15 Hi Ms. Luong:
16 Since you said that you are carefully watching the litigation costs, I thought I would share with
17 you my latest Motion to Compel, which will cost FTB thousands of dollars to defend. From the
18 letter to the board below:
19 "Every item that I asked about should be publicly posted on your website. It
20 is UNCONSCIONABLE that I have to request that a judge order you to answer basic questions
21 such as "What is your definition of "timely?""

22 I believe that when read in context, it is clear that I never indicated that I was attempting to increase
23 litigation costs; I was complaining that FTB should have propounded the requested information so
24 that the Motions to Compel was not necessary. I believe that making two false statements in order
25 to fabricate a false story is a violation of Criminal Code at 18 USC 1001:

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

29 The email to Ms. Luong included a forward of a letter that I had sent to FTB's Board of Directors
30 and the Taxpayer Advocate regarding the 06-03-2021 Board meeting (exhibit 56, pages 4 – 5). Per

1 the California Taxpayer Bill of Rights, R&TC 21004 and R&TC Section 21006(b)(2), I have the
2 right to keep FTB's Taxpayer Advocate and FTB's Board of Directors apprised of the evidence that
3 comes out that is important for oversight officers to know. I believe that the reason Deputy
4 Attorney-General Anna Barsegyan included the correspondence with Ms. Luong into the Motion for
5 Sanctions dated 09-01-2021 was *retaliation* and *harassment* for contacting FTB's Board and
6 Taxpayer Advocate, and a *threat* to intimidate me from contacting the oversight officers again. I
7 believe Ms. Barsegyan was yet again attempting to stop me from exercising my legal rights.

8
9 This is just one more reason that Anna Barsegyan should be disbarred per the American Bar
10 Association rule 8.4(c), by "engage in conduct involving dishonesty, fraud, deceit or
11 misrepresentation."

12
13 I want to clarify that I do not want to run up costs. I am a stay-at-home-mom, not a lawyer. I have
14 a rare kidney disease that worsens with stress. While the Motions that I have filed haven't cost me
15 many dollars, they have all been stressful and extremely time consuming, and have taken a physical
16 and emotional toll on me, my husband and my son. I would have preferred that FTB provide a
17 decent defense and valid affirmative defenses so that I didn't feel compelled to file a Demurrer. I
18 would have preferred that FTB turn over the requested documents regarding the accounting
19 irregularities and answered my questions regarding FTB policy and procedure so that I didn't have
20 to file the Motion to Compels.

21
22 I have been trying to get the withholding practices halted through bureaucratic channels since I
23 first became aware of them in 2016. I was told by Colin Grinnell, who works for the Senate
24 Finance and Governance Committee, that the only way that FTB would end the practice of
25 withholding estimated tax payments would be by a judge's order. After years of administrative
26 dead-ends, I realized that Mr. Grinnell had told me the truth; hence my decision to pursue litigation.
27 Prior to choosing to represent myself *pro se*, I consulted three attorneys about representing me. RJS
28 law quoted me \$100,000, Dakessian Law quoted me \$300,000, and Wood LLP quoted me

1 \$800,000. All three attorneys stated that it is usually expensive to litigate against FTB because FTB
2 tends to deliberately drive up the costs. It is ironic that FTB is accusing me of the same thing that
3 all three attorneys warned that FTB would do to me. I would also like to note that in addition to the
4 \$2 million one-time request for years 2021/2022 that are documented in the video, at the 06-03-
5 2021 Board of Directors meeting, Ms. Luong also made a written request for an increase to FTB's
6 litigation budget for 2022/2023 (exhibit 57).

7
8 **3B. Reasonable Cause: LeBleu**

9
10 During my OTA case, FTB's Disclosure Department provided information on my and my
11 husband's personal accounts. It is my understanding that Grace LeBleu personally compiled,
12 redacted and sent these documents. In the information that was sent, FTB consistently redacted the
13 names and employee ID numbers of the customer service representatives who helped us.

14
15 Knowing that it is FTB's policy to not supply the names or employee numbers of the customer
16 service representatives, I informed the Disclosure Department of my intent to file criminal charges
17 against the two representatives who defrauded me. As is reasonable, I explained why I needed to
18 know the name of these people, and why, in this case, FTB was required to provide an exception, if
19 any, to their policy of not disclosing employee names and ID numbers (exhibit 44, pages 6 – 7).

20
21 The information procured from the Disclosure Department and from the California Department of
22 Justice regarding the employees names, job titles, ID numbers and oaths of office were utilized in
23 the previous Federal Criminal Complaint against Bear, Burton-Beilby and Barsegyan. They are also
24 being utilized in this Federal Criminal Complaint (exhibits 43 and 49). Clearly, these items had a
25 purpose and were not "...wasted government limited resources in an attempt to gain advantage in
26 this litigation..." as Ms. Barsegyan falsely alleged on page 9 of her Memorandum (exhibit 51).

1 Per the California Public Requests Act, Government Code 6250 et seq., I have the right to request
2 public information from FTB, including copies of oaths. I acknowledge that I have requested a lot
3 of information from FTB's Disclosure Department. Attached to this instant Complaint are hundreds
4 of pages of evidence that were procured from FTB's Disclosure Department. If it were not for the
5 information revealed through the California Public Requests Act, I probably would not be able to
6 document that FTB's business practices are *bona fide* criminal activities.

7
8 Anna Barsegyan's request that the judge punish me for exercising the rights granted to me under
9 California law to gather evidence for matters beyond the scope of the case he is presiding over can
10 be considered *obstruction of justice* and an *abuse of the Superior Court judicial system*. I believe in
11 making this request, she has asked Your Honor to become a co-conspirator in the cover-up of her
12 client's unlawful activities. I believe that Anna Barsegyan should be investigated by the California
13 State Bar Association per the American Bar Association rule 8.4(a) violation of the Rules of
14 Professional Conduct.

15
16 **3C. Reasonable Cause: Swank, Hubbard and Barsegyan**

17
18 In Plaintiff's Motion to Compel Further Information in Response to Specially Prepared
19 Interrogatories, Set 001: Clarification of Policy and Procedure, one of the issues set forth was the
20 fact that the information published by the Taxpayer Advocate regarding the withholding of
21 estimated tax payments is in direct conflict with the information that FTB's Disclosure Department
22 has provided (exhibit 3, pages 4 - 5).

23
24 As discussed above, I believe that FTB's standard operating practice of not timely applying
25 estimated tax payments to the taxpayer's account, then imposing penalties, fees and interest that
26 would not be imposed had the payment been timely applied are *bona fide* embezzlement and
27 racketeering schemes.

28