

Board of Abatement  
Minutes  
5/21/2019

Board of Abatement Present: Jared Cadwell (Jared), Mike Jordan (Mike), Lisa Koitzsch (Lisa), Sarah Stavraky (Sarah), Doug Mosle (Doug), and Leo Crain (Leo)  
Appellant Present: Keith Kuegel (Keith)  
Guests Present: Marge McDonnell, CPA (Marge)

11:35 a.m. - #03-086.011 Keith Kuegel

Jared opened the hearing and administered the oath to Keith.

Jared asked Keith which statute he was requesting abatement under and Marge responded that Keith was asking for abatement under V.S.A. §1535(a) (3): taxes of persons who are unable to pay their taxes, interest, and collection fees.

Keith asked the Board if it would accept a signed statement from Marge regarding his inability to pay.

Marge told the Board that she had been contacted by Keith several weeks ago to discuss the fact that he has not filed federal or state income tax returns for the last few years. Her professional assessment based on her discussion with Keith was that his income did not meet the level where he would need to file tax returns. She added that she was going to work with Keith to review his bank and credit card statements to see what his actual income and expenses were.

Jared read the Board's decision from the hearing on 12/10/18 regarding an abatement request by Keith. At that time, the Board denied Keith's request because 1) there was insufficient evidence for the Board to judge his ability to pay; 2) Susan Kuegel, property co-owner, has equal liability for the taxes; and 3) there was no manifest error made by the Listers. Jared stated that the property is still legally owned by Keith and Susan as both their names are on the official deed, and he asked Keith why Susan was not at the meeting to ask for abatement.

Keith responded that Susan does not want to have anything to do with the property even though she is listed on both the Deed and the Mortgage. Jared responded he understood but because her name was still on the Deed, she was still 50% responsible. Doug commented that since there were two owners on the Deed, two incomes should be taken into consideration. He added the Board still did not have information regarding Keith's income and his inability to pay.

Marge asked the Board if it would help Keith if Susan were to file a Quit Claim Deed tomorrow. The Board responded that they would still need to have information about Keith's income over the last few years to determine his financial situation. Jared expressed the Board's appreciation to Marge for her willingness to help Keith try to sort out his financial issues.

Doug asked Marge if Keith had filed his HS-122 (Homestead Declaration), could the state assess his income sensitivity. He added that there had not been any state tax payments made towards Keith's property taxes since 2016. Marge pointed out that if a person did not file their income taxes, form HI-144 (Household Income Schedule) might not have been filed and therefore the state would not be able

to assess income sensitivity. She added that a taxpayer is able to ask for abatement on the Vermont Tax website. Keith agreed he had not received any state tax payment towards his property taxes recently. Doug then wondered if the town was being asked to do something that the state was actually responsible for and perhaps Keith needed to appeal to the State. If Keith's income falls below a certain level, it would normally trigger a state payment towards his taxes but the state would have had to receive information from Keith about his income, primarily on form HI-144. Sarah reminded the Board that Keith is still only a 50% shareholder.

At this point in the hearing, Keith asked to be excused and left the meeting.

Marge asked the Board if they would be able to make a decision if she were to present a spreadsheet detailing Keith's income and expenses that would show his inability to pay. She added that she is concerned about pulling all this information together if there is still a legal issue concerning Susan's responsibility since Susan's name is on the Deed and on the Mortgage.

The Board collectively expressed concern regarding the following:

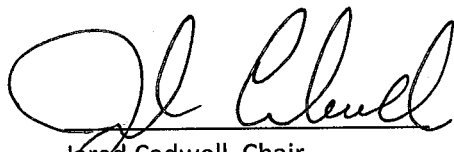
- 1) Susan Kuegel's name is still on the Deed and therefore she is 50% responsible for the taxes on the property.
- 2) Keith has not shown concrete proof of his inability to pay his property taxes either with income tax returns, state form HI-144, or any income/expense information.
- 3) The property in question was sold at tax sale in September 2018 and Keith and Susan have until September 2019 to get their property back, which would entail paying the penalties and taxes that have been accruing since the tax sale and all taxes currently due.

#### **DECISION**

Jared made a motion to deny Keith's request for abatement because the Board does not have enough information to make an informed decision. The Board encouraged Keith to seek legal and accounting advice as soon as possible. The Board is willing to hear another appeal once Keith is able to provide information that addresses the Board's concerns. Doug seconded this motion. There was no further discussion, all in favor. The Motion was unanimously approved.

12:20 p.m. Jared made a motion to adjourn. Lisa seconded. No further discussion all in favor, motion approved.

Respectfully submitted:  
Lisa Koitzsch

  
Jared Cadwell, Chair  
Board of Abatement

5, 30.19  
Date