

**BEFORE THE STATE BOARD OF EQUALIZATION**  
**FOR THE STATE OF WYOMING**

IN THE MATTER OF THE APPEAL OF            )  
**EDWARD H. SWARTZ** FROM A DECISION    )     Docket No. **2013-09**  
BY THE DEPARTMENT OF REVENUE        )

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**NOTICE OF INTENT TO DISMISS**

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**THIS MATTER** comes before the State Board of Equalization (State Board) upon its own motion, and the State Board having reviewed the file herein and being otherwise advised in the premises finding as follow:

A.     The Mineral Tax Division, Department of Revenue, issued a Notice of Valuation (NOV) to Mr. Edward H. Swartz on February 20, 2013.

B.     Mr. Swartz responded to the NOV by a letter addressed to the Department of Revenue. The letter was forwarded to the State Board effective March 5, 2013, and was treated by the State Board as an appeal based on the issues raised in the letter concerning the NOV.

C.     On May 8, 2013, a Scheduling Conference was held by the State Board's hearing officer. Mr. Swartz participated by telephone. The Department of Revenue participated through its attorney, Brenda S. Yamaji, Assistant Attorney General.

D.     During the scheduling conference Mr. Swartz indicated his letter to the Department of Revenue was not intended to be an appeal to the State Board. Mr. Swartz further indicated an amended severance tax report had been prepared and accepted by the Department of Revenue. The amended return, accepted by the Department of Revenue, constitutes a settlement between Mr. Swartz and the Department of Revenue rendering an appeal of the original NOV moot.


**THEREFORE, NOTICE IS HEREBY GIVEN** that this matter shall be dismissed by the State Board on or after May 30, 2013, unless either Mr. Swartz or the Department of Revenue files specific written objections to dismissal before that date.

Dated this 13<sup>th</sup> day of May, 2013.

STATE BOARD OF EQUALIZATION

  
Steven D. Olmstead, Chairman

ATTEST:

  
Gayle R. Stewart, Executive Secretary-Attorney

## CERTIFICATE OF SERVICE

I hereby certify that on the 13<sup>th</sup> day of May, 2013, I served the foregoing **Notice of Intent to Dismiss** by placing a true and correct copy thereof in the United States Mail, postage prepaid, and properly addressed to the following:

Mr. Edward H. Swartz  
P.O. Box 1539  
Gillette WY 82717

Brenda S. Yamaji  
Assistant Attorney General  
123 Capitol Building  
Cheyenne, WY 82002

  
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Jana R. Fitzgerald, Executive Assistant  
State Board of Equalization  
P.O. Box 448  
Cheyenne, WY 82003  
Phone: (307) 777-6989  
Fax: (307) 777-6363

cc: State Board of Equalization;  
Commissioners/Treasurer/Attorney - Uinta (Posted -<http://taxappeals.state.wy.us>);  
Craig Grenvik, Mineral Tax Division, Department of Revenue;  
ABA State and Local Tax Reporter