

**ORIGINAL**

**FILED**

08/19/2019

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 19-0044

Joe Seipel & Jean Seipel, Pro Se  
508 2nd Avenue South, Great Falls, MT 59405  
(406) 452-8213

IN THE SUPREME COURT OF THE STATE OF MONTANA  
DA 19-0044

**JOE & JEAN SEIPEL,**

**Appellants.**

**vs.**

**STATE OF MONTANA,  
DEPARTMENT OF REVENUE  
& TIM FOX, MONTANA  
ATTORNEY GENERAL**

**Respondents.**

**Case No. DA 19-0044**

**APPELLANT'S REPLY  
BRIEF**

**FILED**

**AUG 19 2019**

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

**APPELLANT'S REPLY BRIEF**

On appeal from the Montana Eighth Judicial District Court  
The Hon. Elizabeth A. Best presiding

**APPEARANCES:**

Joe & Jean Seipel, Pro Se  
508 2<sup>nd</sup> Ave. South  
Great Falls, MT 59405

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## **APPELLANT'S REPLY BRIEF**

The Montana Department of Revenue relied solely on the IRS agent's analysis of Joe & Jean Seipel's business and non-profit work during tax years 2003, 2004, and 2005. And, the Montana Tax Appeal Board (MTAB) and the District Court simply relied upon MT DOR's assessment. The response brief filed by MT DOR is fraught with errors, misstatements, and inaccuracies. After more than 15 years, the "facts" in this case are still largely in dispute, even after the Seipels provided hundreds of documents and underlying records in this matter. A preponderance of evidence was provided to the IRS tax agent, he just failed to understand Seipel's business activities and non-profit work or he was biased in his analysis.

The IRS agent (David Culliton) whose work product the MT DOR, MTAB, and the District Court relied on never appeared as a witness in this matter. Mr. Culliton was never made available for deposition, nor did ever appear in any of the legal proceedings in this matter.... he did not appear before the US Tax Court, he did not appear before MTAB, and he did not appear before the District Court.

MT DOR suggests this tax dispute is over except for the pending case before this court, however this is inaccurate, since there is a portion pending before the US Tax Court (see Exhibit A).

MT DOR wants this court to believe that the Seipel's owe over \$1,038,000 in taxes for 2003, 2004, and 2005, as following chart summarizes (also see Exhibits B & C attached in Appendix).

| <u>Entity</u> | <b>Tax Years (2003 through 2005)</b> |               |                                      | <b>total for 2003-2005</b> |                    |
|---------------|--------------------------------------|---------------|--------------------------------------|----------------------------|--------------------|
|               | <u>2003</u>                          | <u>2004</u>   | <u>2005</u> <u>(for all 3 years)</u> |                            |                    |
| IRS           | \$ 348,325.26                        | \$ 221,235.80 | \$ 289,081.15                        | \$ 858,642.21              | see Exhibit B      |
| MT DOR        |                                      |               |                                      | \$ 179,522.20              | see Exhibit C      |
|               |                                      |               |                                      | \$ 1,038,164.41            | total IRS & MT DOR |

MT DOR also wants this court to believe Joe Seipel, on his own (since MT DOR believes the wages Seipel paid out were gifts to family members), appraised over 1,000 properties per year to derive the gross income levels the IRS and MT DOR is trying to assess.

The District Court erred in its analysis and conclusions in not finding Seipel's substantial rights were prejudiced because of deficiencies in the Montana Tax Appeal Board (MTAB) findings and conclusions.

It is clear Seipel's due process rights (Section 17, Article II of the Montana Constitution and 14<sup>th</sup> Amendment) were violated by MT DOR filing a lien (Warrant for Distraint) July 26, 2017 covering 2 vacant lots Seipel owns in Hungry Horse, MT (see Exhibit C). This illegal lien was filed by MT DOR before this tax dispute matter is fully adjudicated. As a result, Seipel is deprived of his due process rights related to his property such that Seipel could not sell his lots that have a pending sale on them.

MT DOR wants this court to accept the IRS agent's analysis of Seipel's business and non-profit work, even though Sealed Exhibit A (from Appellant's Opening Brief) shows extensive inaccuracies, such as wage deductions and missing office write-offs for 508 2<sup>nd</sup> Ave. South (the old home the Seipels used for an office during the 2003 -2005 tax period.... The Seipels now reside at 508 2<sup>nd</sup> Ave. South).

Over the past 25 years, Joe Seipel trained and paid wages to more than 10 people (including some family members, non-family, and/or other relatives) in his appraisal business. A few examples of the people who received appraisal training and were paid wages during the 2003 thru 2005 timeframe are discussed in the next several pages (the IRS agent wanted to disallow \$152,927 in wages to his sons Jake Seipel, Jesse Seipel...Joe Seipels other son..., and Adria Strable... Seipel's daughter.... & his son-in-law Greg Strable). For example, Joe Seipel's son Jacob

Seipel worked in Joe Seipel's appraisal business (Market Research Group) and was paid wages during the 2003 thru 2005 timeframe and Jacob also help establish our appraisal office in Wisconsin which included OTHER EXPENSES – start-up costs for Wisconsin appraisal office (see ASC – Appraisal Subcommittee Registry in the chart below – see next page).

| Name            | Credentialing State | Credential Number | Address                   | City, State    | Zip   | County    | Company Name | Phone Number | Credential Type       | Status   | Effective Date | Expiration Date | Meets AQB |
|-----------------|---------------------|-------------------|---------------------------|----------------|-------|-----------|--------------|--------------|-----------------------|----------|----------------|-----------------|-----------|
| SEIPEL, JACOB D | AZ                  | 21132             | 4245 S. RAVINIA DR. # 207 | GREENFIELD, WI | 53221 | MILWAUKEE |              | 414-305-7691 | Certified Residential | Inactive | 06/08/2004     | 06/30/2006      | Yes       |
| SEIPEL, JACOB D | IL                  | 556.003326        | 4245 SOUTH RAVINIA DRIVE  | GREENFIELD, WI | 53221 | MILWAUKEE |              |              | Certified Residential | Inactive | 12/04/2003     | 09/30/2005      | Yes       |
| SEIPEL, JACOB D | IL                  | 156.0003326       | 4245 SOUTH RAVINIA DRIVE  | GREENFIELD, WI | 53221 | MILWAUKEE |              |              | Certified Residential | Inactive | 12/04/2003     | 09/30/2005      | Yes       |
| SEIPEL, JACOB D | IL                  | 556.0003326       | 4245 SOUTH RAVINIA DRIVE  | GREENFIELD, WI | 53221 | MILWAUKEE |              |              | Certified Residential | Inactive | 12/04/2003     | 09/30/2005      | Yes       |

During 2004 and 2005 Joe Seipel also trained and paid his brother- in-law Lynn Chatham while he resided in Montana (he got his appraisal license via Washington in 2006 after he and his family moved back to Arizona -- see ASC – Appraisal Subcommittee Registry in the chart below.

|                 |    |         |                   |             |       |          |               |              |          |          |            |            |     |
|-----------------|----|---------|-------------------|-------------|-------|----------|---------------|--------------|----------|----------|------------|------------|-----|
| CHATHAM, LYNN D | WA | 1600980 | 4329 S. RIM COURT | GILBERT, AZ | 85297 | MARICOPA | P.O. BOX 7477 | 480-840-6068 | Licensed | Inactive | 04/10/2006 | 12/14/2009 | Yes |
|-----------------|----|---------|-------------------|-------------|-------|----------|---------------|--------------|----------|----------|------------|------------|-----|

Joe Seipel also provided appraisal training and paid wages to his son-in-law Greg Strable (and Joe Seipel's daughter Adria Strable who was working with Greg

Strable while he was doing appraisal training) during the 2003 to 2005 time period (see ASC – Appraisal Subcommittee Registry in the chart below, see next page).

| Name               | Credentialing State | Credential Number | Address               | City, State     | Zip   | County  | Company Name                  | Phone Number | Credential Type       | Status   | Effective Date | Expiration Date | Meets AOB |
|--------------------|---------------------|-------------------|-----------------------|-----------------|-------|---------|-------------------------------|--------------|-----------------------|----------|----------------|-----------------|-----------|
| STRABLE, GREGORY S | MT                  | REA-RAR-LIC-750   | 1808 1ST AVE N        | GREAT FALLS, MT | 59401 | CASCADE |                               | 406-452-7420 | Certified Residential | Inactive | 09/01/2004     | 03/31/2014      | Yes       |
| STRABLE, GREGORY S | WA                  | 1701880           | 1808 1ST AVENUE NORTH | GREAT FALLS, MT | 59401 | CASCADE |                               | 406-452-7420 | Certified Residential | Inactive | 06/30/2004     | 09/24/2011      | Yes       |
| STRABLE, GREGORY S | WI                  | 1358-9            | 1808 1ST AVE N        | GREAT FALLS, MT | 59401 | CASCADE |                               |              | Certified Residential | Inactive | 04/06/2004     | 12/31/2005      | Unknown   |
| STRABLE, GREGORY S | WY                  | 712               | 1808 1ST AVENUE NORTH | GREAT FALLS, MT | 59401 | CASCADE | MOUNTAIN FRONT APPRAISAL SERV | 406-452-5443 | Certified Residential | Active   | 01/11/2005     | 01/10/2021      | Yes       |

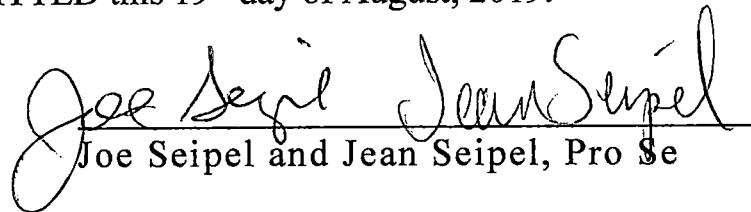
The IRS agent also had difficulty understanding the scope of Seipel's ministry, God's Country Ministries, Inc. was started in the late 1990s, and operated as a 501 c 3 non-profit during the 2003 to 2005 period that is the focus of this case .

Most people would call \$1,038,000 in taxes owed a serious delinquent tax debt, however, the IRS reversed its own records on December 31, 2018 that certified that we owed a seriously delinquent tax debt (see Exhibit D).

## CONCLUSION

The Seipels ask this Court to dismiss this case with prejudice. Seipel also asks the Court for an order directing the MT DOR to remove its illegal lien on their lots in Hungry Horse, MT.

RESPECTFULLY SUBMITTED this 19<sup>th</sup> day of August, 2019.

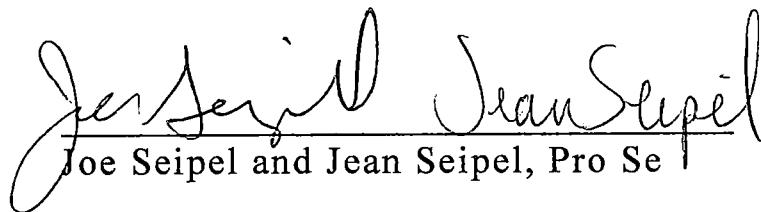


Joe Seipel and Jean Seipel, Pro Se

## CERTIFICATION OF COMPLIANCE

The Appellants hereby certify that the Brief of Appellant is double-spaced, except for quotations which are single-spaced, using Times New Roman font with expanded spacing point 14 size type. The total word count in the Brief is 1,213....not counting scanned in charts or spreadsheets (under 5,000 word max).

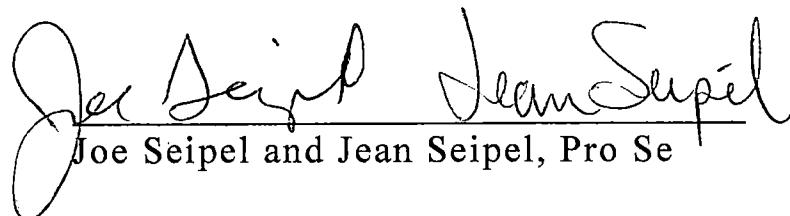
DATED this 19th day of August, 2019



A handwritten signature in black ink, consisting of two parts. The first part is "Joe Seipel" and the second part is "Jean Seipel". Both names are written in a cursive, flowing script. Below the signature, the text "Joe Seipel and Jean Seipel, Pro Se" is printed in a smaller, sans-serif font.

## CERTIFICATE OF MAILING

I/We, the undersigned, do hereby certify that a copy of the foregoing was duly served upon the respective attorneys for each of the parties entitled to service by depositing a copy in the United States mails, postage paid, addressed to each at their last known address as shown below, on the 19th of August, 2019.



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