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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT
Honorable Ralph King Anderson, III, Chief Judge

Case No. 2017-ALJ-17-0418-CC
Appellate Case No. 2020-000999

Synovus Bank,

Appellant,

v.

South Carolina Department of Revenue,

Respondent.

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

1. Order Denying Motion for Reconsideration dated June 22, 2020
2. Amended Final Order date June 22, 2020
3. Joint Stipulation of Facts and to the Admissibility of Certain Documents dated July 25, 2018
4. Petitioner's Motion for Summary Judgment and Memorandum in Support dated July 25, 2018
 - a. Exhibit 1 – Stipulation of Facts, duplicate # 3.
 - b. Exhibit 2 – Mark Robinson Affidavit
 - c. Exhibit 3 – 1937 Bank Tax
 - d. Exhibit 4 – 1947-78 Op. S.C. Att'y Gen. 294 (March 12, 1948)
 - e. Exhibit 5 – 2005 Act. No. 145
 - f. Exhibit 6 – Tax Regulations 117-92.4 (Pre-1985)

- g. Exhibit 7 – Tax Commission Letter 88-14
 - h. Exhibit 8 – SC PLR 95-10
 - i. Exhibit 9 – Tax Commission Letter 94-35
 - j. Exhibit 10 – Income Tax Decision I-D-200 (1975)
 - k. Exhibit 11 – Income Tax Decision I-D-5 (1960)
 - l. Exhibit 12 – SC Revenue Ruling #16-7
 - m. Exhibit 13 – Texas Franchise Tax Overview
 - n. Exhibit 14 – California Franchise Tax Overview
 - o. Exhibit 15 – Delaware Franchise Tax Overview
5. Respondent’s Motion for Summary Judgment and Memorandum in Support dated July 25, 2018
- a. Exhibit A – Stipulation of Facts, duplicate # 3.
 - b. Exhibit B – Act No. 1, 1927 S.C. Acts 1-13
 - c. Exhibit C – Act No. 349, 1937 S.C. Acts 565-66, duplicate # 4c
 - d. Exhibit D – Act No. 234, 1955 S.C. Acts 437
 - e. Exhibit E – Act No. 101, 1985 S.C. Acts 28-314
 - f. Exhibit F – 1947-48 Op. S.C. Att’y Gen. 294 (March 12, 1948), duplicate # 4d
 - g. Exhibit G – S.C. Code Ann. Reg. 117-1500.1; S.C. Code Ann. Reg. 117-1500
 - h. Exhibit H – Final Report of S.C. Taxation Realignment Commission, pp. 74-75, 140-141
 - i. Exhibit I – S.C. Revenue Ruling #92-9
 - j. Exhibit J – Form SC 1101 B
 - k. Exhibit K – Lloyd Hendricks, Bank Tax – TRAC Testimony
6. Synovus Bank’s Response to Respondent’s Motion for Summary Judgment dated August 8, 2018

- a. Exhibit A – FASB Topic 740 Excerpts (Exhibits A-1 through A-7)
 - b. Exhibit B – Ernst & Young, Financial Reporting Developments
 - c. Exhibit C – Deloitte, A Roadmap to Accounting for Income Taxes
 - d. Exhibit D – Price Waterhouse Cooper (PWC), Financial Statement Presentation
7. Respondent’s Response to Petitioner’s Motion for Summary Judgment dated August 8, 2018
8. Reply in Support of the Synovus Bank Motion for Summary Judgment dated August 15, 2018
- a. Exhibit A – FASB Accounting Standards Codifications, p. 11
 - b. Exhibit B – FASB Master Glossary
9. Respondent’s Reply to Petitioner’s Response to the Respondent’s Motion for Summary Judgment dated August 15, 2018
10. Petitioner Synovus Bank’s Supplement Brief dated February 20, 2020
- a. Exhibit A – S.C. Bank Tax Act of 1937, No. 349, duplicate # 4c
 - b. Exhibit B – S. Zeff, *How the U.S. Accounting Profession Got Where It Is Today: Part II*, Accounting Horizons (December 2003)
 - c. Exhibit C – Paul, Randolph E., *History of Taxation in the United States*, (1955)
 - d. Exhibit D – The Senate Report to the 1918 Act
 - e. Exhibit E – The Senate Report to the Revenue Act of 1932
 - f. Exhibit F – SEC COMPLIANCE: FINANCIAL REPORTING AND FORM, A brief history of U.S. GAAP, 2016 WL 7113358
 - g. Exhibit G – BULLETIN NO. 8, Combined Statement of Income and Earned Surplus (Am. Inst. of Certified Pub. Accountants 1941)
 - h. Exhibit H - BULLETIN NO. 23, Combined Statement of Income and Earned Surplus (Am. Inst. of Certified Pub. Accountants 1944)
 - i. Exhibit I – 1948 S.C. Attorney General Opinion, duplicate # 4d
 - j. Exhibit J – S.C. Acts of 1926 §§ 15-388-428

- k. Exhibit K – 1955 (49) 437, § 6 (adding S.C. Code § 65-259(13))
 - l. Exhibit L – Act No. 234, duplicate # 5d
 - m. Exhibit M – BLOOMBERG TAX PORTFOLIO, GROSS INCOME: Overview and Conceptual Aspects, No. 501
11. Respondent South Carolina Department of Revenue’s Supplemental Brief dated February 21, 2020
 - a. Exhibit A – Act No. 502, 1922 S.C. Acts § 2 (1922 Act)
 - b. Exhibit B – Hearing Joint Exhibit 20
 - c. Exhibit C – Act No. 1, 1927 S.C. Acts § 4(a), duplicate # 5b
 - d. Exhibit D – Act No. 349, 1937 S.C. Acts § 2 (1937 Act), duplicate # 4c
 - e. Exhibit E – § 65-201 et Seq.
 - f. Exhibit F – § 65-401 et seq.
 - g. Exhibit G – Act No. 234, 1955 S.C. Acts § 6 (1955 Act), duplicate # 5d
 12. Administrative Hearing Transcript, October 17, 2019 at pp. 2, 8, 35, 40-41, 43-45, 53, 55, 72-79, 83, 86-92, 140, 172, 190-192, 205-209, 213, 218-223, 232
 13. Joint Trial Exhibit 20, bate stamp series SC 0077-0086- Synovus Protect Ex C, form C-245
 14. Joint Trial Exhibit 21, bate stamp series SC 0001-0018- October 17, 2017 Letter to Lewis Smoak, Esq. from SC DOR re: Department Determination
 15. Joint Trial Exhibit 22, Department of Revenue Private Letter Ruling #95-10 (TAX), duplicate # 4h
 16. Joint Trial Exhibit 23, December 20, 1994, SC Tax Commission Letter #94-35 (TAX), duplicate #4i
 17. Joint Trial Exhibit 24, August 5, 1975, SC Bank Tax Decision I-D-200, duplicate # 4j
 18. Joint Trial Exhibit 25, bate stamp series SC-1375-1385, Income Tax Decision & Atty’ General Opinion
 19. Joint Trial Exhibit 27, bate stamp series SC 1325-1328- July 21, 1992, SC Revenue Ruling #92-9, duplicate # 5i

20. Joint Trial Exhibit 38, July 16, 2018 PWC, FASB Codification (ASC) 740 Income Tax, duplicate # 6a
21. Joint Trial Exhibit, April 2009, PWC Partial update to Income Taxes
22. Joint Trial Exhibit 43, October 22, 2018 Order granting Partial Summary Judgment and denying Petitioner's Motion for Summary Judgment
23. Joint Trial Exhibit 44, 2014 Synovus Annual Report
24. Joint Trial Exhibit 45, BLANK Bank Tax Return, form SC 1101 B, duplicate #5j
25. Joint Trial Exhibit 49, Example-Assumptions

I certify that this designation contains no matter, which is irrelevant to this appeal.

September 14, 2020

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Proof of Service

I certify that I have served Designation of Matter to be Included in the Record on Appeal by U.S. First Class Mail.

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