

COUNTY TAX ASSESSOR / COLLECTOR

Fort Bend County, Texas



Carmen P. Turner, MPA
County Tax Assessor/Collector
1317 Eugene Heimann Circle
Richmond, TX 77469-3623

(281) 341-3710
Fax (832) 471-1836
Email: carmen.turner@fortbendcountytexas.gov
www.fortbendcountytexas.gov

September 20, 2021

Xciel Inc.
5554 South Peek RD
Katy, TX 77450

Reference: Request to Waive Penalty & Interest on Property Taxes

Dear Xciel Inc.:

The County has received your request to waive penalty & interest on Fort Bend County property taxes as detailed below:

- **Property Tax Account:** **9960-24-214-0001-914**
- **Total Amount of Penalties Assessed:** **\$652.18 for Tax Years 2020**

Fort Bend County is also authorized to act on behalf of Katy Independent School District and Harris/Fort Bend ESD #100 & Fort Bend LID #12.

The Office of Tax Assessor/Collector has conducted research on your account; please review the copy of this research which is enclosed with this letter. The research will be included as back-up documentation when the request is placed on the Commissioners Court agenda for consideration. The date for proposed action is:

- **Commissioners Court Date:** **Tuesday, September 28, 2021 at 1:00 p.m.**
- **Location:** **401 Jackson Street, Richmond, Texas**

You are not required to appear in order for the Court to consider your request. Action by the Court is guided by the Texas Tax Code, specifically Chapter 33.

Thank you for your attention to this matter. If you have additional information regarding your request or if you wish to discuss this matter, please contact Mandy Oyugi at 281-341-3733 or email mandy.oyugi@fbctx.gov

Sincerely,

Enclosure: Tax Office Research

Copy: Commissioner Andy Meyers, Precinct No. 3

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DATE: July 23, 2021

To: County Judge KP George
Commissioner Vincent Morales
Commissioner Grady Prestage
Commissioner Andy Meyers
Commissioner Ken R. De Merchant
County Attorney Bridgette Smith-Lawson

FROM: Amber DeSpain 
Chief of Property Taxes

Re: Waiver of Penalty and Interest – Xciel, Inc.: Account # 9960-24-214-0001-914, 2020 Tax Year; Legal Description: Personal Property Supp, Inv, Furn, Fix, Equip & Vehicles located @ 19830 FM 1093 RD # 1601, #1801 & #2201 Near Richmond; Situs: 19830 FM 1093 Rd. #1601, #1801, #2201, Richmond, TX 77407.

Precinct 3

Xciel, Inc. is requesting a waiver of penalty and interest for the 2020 tax year stating they mailed their check on time but was not delivered on time due to the postal service.

Tax Office records and research indicate:

- November 20, 2020 – 2020 Certified Tax Statement mailed to: Xciel, Inc., 5554 S Peek Rd., Katy, TX 77450-7130. **This statement was not returned by the Post Office.**
- February 26, 2021 – Lee with Xciel called to inquire about why she received a delinquent tax statement. Clerk explained taxes were due by January 31 and currently has penalties and interest on account, total owed is \$7,753.720. Balance will continue to accrue penalties and interest on unpaid balance. Lee requested duplicate statement be mailed to 5554 S Peek Rd., Katy, TX 77450.
- March 29, 2021 – Li with Xciel, Inc. called to inquire who to make check payable to, Carmen P. Turner.

- April 7, 2021 – Li with Xciel, Inc. called to inquire if her payment was received.
- April 7, 2021 – Posted check # 1371, received in the mail on April 1, 2021 from Xciel, Inc. for the amount of \$7,898.65, postmarked North Houston March 29, 2021.
- May 10, 2021 – Posted check # 1352, received in mail on May 10, 2021 from Xciel, Inc. for the amount of \$7,246.47, postmarked North Houston May 6, 2021, applied as 2020 overpayment.
- May 13, 2021 – County Judge received request for waiver of penalty and interest for 2020 Property Taxes.
- May 14, 2021 – Bank returned check # 1352, \$7,246.47, stop payment, Xciel, Inc. Letter and statement mailed to payer and owner.
- May 24, 2021 – Xciel, Inc. owner called to ask about insufficient funds fee, clerk explained policy and owner stated she understood, she will send in payment to our office. Clerk inquired when Xciel, Inc. placed stop payment on check, she stated in April. Owner stated she will email copy to clerk to be placed with her waiver request. No copy of stopped payment was received from owner.
- There is no evidence of an error by the Fort Bend Central Appraisal District or the Fort Bend County Tax Office.
- Katy ISD, Harris F/B ESD # 100 and Fort Bend LID #12 have authorized Fort Bend County Tax Office to handle the processing of the waiver of penalty and interest and allow the Fort Bend County Commissioners Court to make the determination based on Section 33.011 of the Texas Property Tax Code.

Summary of Taxes Paid:

Account 9960-24-214-0001-914:

2020 Tax Year

Tax Unit	Base	Penalty & Interest	Total Waiver Request
Katy ISD	\$5,026.90	\$452.42	\$452.42
Harris F/B ESD #100	\$307.67	\$27.69	\$27.69
Fort Bend LID #12	\$271.47	\$24.43	\$24.43
FBC	\$1,640.43	\$147.64	\$147.64
Total	\$7,246.47	\$652.18	\$652.18

Total Penalty and Interest: \$652.18

I do recommend waiver of penalty and interest for **2020** Tax Year.

- **Taxpayer has provided sufficient evidence to support that failure to pay was due to mail carrier error.**
- Per Property Tax Code Section 33.011 (j)(1-2): The governing body of a taxing unit may waive penalties and interest on a delinquent tax if the taxpayer submits evidence sufficient to show that the taxpayer delivered payment for the tax before the delinquency date to:
 - (1) the United States Postal Service for delivery by mail, but an act or omission of the postal service resulted in the taxpayer's payment being postmarked after the delinquency date; or
 - (2) a private delivery service for delivery, but an act or omission of the private carrier resulted in the taxpayer's payment being received by the taxing unit after the delinquency date.
- **There is evidence to cause the Tax Office to recommend waiver of penalty and interest.**

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WAIVER OF P & I REQUESTS SET ON 9/28/2021 AGENDA

- PCT 1 – THOMAS, ANIMOL – TAX OFFICE DOES RECOMMEND WAIVER PER 33.011 (k)(1)(2)
- PCT 3 – PEREZ, LIZETH & KENYC LABARCA – TAX OFFICE DOES RECOMMEND WAIVER PER 33.011 (k)(1)(2)
- PCT 3 – XCIEL INC – TAX OFFICE DOES RECOMMEND WAIVER PER 33.011 (j)(1)(2)
- PCT 3 – AP & G INC C/O XINGJU LI – TAX OFFICE DOES NOT RECOMMEND WAIVER PER 33.011 (a)(1)
- PCT 3 – ANSARI, ADEEL – TAX OFFICE DOES RECOMMEND WAIVER PER 33.011 (k)(1)(2)(3)
- PCT 4 – MATHUR, SHIVA & ADITYA NATH – TAX OFFICE DOES RECOMMEND WAIVER PER 33.011 (k)(1)(2)(3)
- PCT 4 – KOISTINEN, LINDA & ROBERT – TAX OFFICE DOES RECOMMEND WAIVER PER 33.011 (k)(1)(2)(3)
- PCT 4 – MATHUR, SHIVE P & SUNIT – TAX OFFICE DOES NOT RECOMMEND WAIVER PER 33.011 (k)(1)(2)
- PCT 4 – LAKSHMIPTASAD, PADUMANE & LEELA – TAX OFFICE DOES RECOMMEND WAIVER PER 33.011 (a)(1)
- PCT 4 – GLENN, RANDAL & LISA – TAX OFFICE DOES NOT RECOMMEND WAIVER PER 33.011 (a)(1)
- PCT 4 – HOLLENBECK, VIRGINIA – TAX OFFICE DOES RECOMMEND WAIVER PER 33.011 (a)(1)

A handwritten signature in black ink, appearing to be "CPT", is written over the bottom of the list.

