

**CALIFORNIA FILM COMMISSION**  
**California Film and Television Tax Credit Program 3.0**  
Title 10, Chapter 7.75, Article 3, Sections 5520-5528

**NOTICE OF MODIFICATIONS TO THE TEXT OF PROPOSED REGULATIONS**

September 27, 2023

Pursuant to the requirements of Government Code section 11346.8(c), the California Film Commission (CFC) is hereby providing notice of changes made to proposed amendments to sections 5521, 5525, and 5526 in Article 3 of Chapter 7.75 of Title 10 of the California Code of Regulations.

**Written Comment Period**

The CFC is providing a 15-day notice of modification. Written comments relating to the modifications will be accepted by the CFC up to and including October 12, 2023. Submit comments to:

Name: Hedvig Marx  
Address: California Film Commission, 7080 Hollywood Boulevard,  
Hollywood, CA 90028  
Email: [Hedvig.Marx@film.ca.gov](mailto:Hedvig.Marx@film.ca.gov)

All written comments received by October 12, 2023, which pertain to either the original text or the modified text will be reviewed and responded to by the CFC staff as part of the compilation of the rulemaking file.

Attached is the modified text and the modified form incorporated by reference. Changes to the text are indicated in the following manner: additions are double-underlined and in red font color; deletions are indicated by double strike-through and red font color. Note that there are modifications on pages 3 through 9 of the text.

Modifications have been made to Form AUP, Agreed Upon Procedures. These changes are indicated in the same manner. The modifications are on pages 1-2, all in the same paragraph, as well as in the document header.

PROPOSED AMENDMENTS TO THE CALIFORNIA CODE OF REGULATIONS

Title 10

Chapter 7.75

CALIFORNIA FILM COMMISSION

Article 3.

California Film and Television Tax Credit Program

§ 5520. Definitions

(a) - (f) (Continued)

(g) "Documentary" means a film or television project dealing with factual events, that are photographed in actual occurrence or depicted through techniques including, but not limited to partial reenactment, stock footage, stills, animation, or stop-motion.

~~(g)~~(h) (Continued)

~~(h)~~(i) (Continued)

~~(i)~~(j) (Continued)

~~(j)~~(k) (Continued)

~~(k)~~(l) (Continued)

(m) "Limited series" shall be understood to have the same meaning as "miniseries," as defined in section 5520(o) of this subdivision, and the terms may be used interchangeably for purposes of the California Film and Television Tax Credit Program.

~~(l)~~(n) (Continued)

~~(m)~~(o) (Continued)

~~(n)~~(p) (Continued)

~~(o)~~(q) (Continued)

~~(p)~~(r) (Continued)

~~(q)~~(s) (Continued)

~~(r)~~(t) (Continued)

~~(s)~~(u) (Continued)

~~(t)~~(v) (Continued)

~~(u)~~(w) (Continued)

(x) "Reality television program" means a program depicting real events and non-actors through actual footage which presents persons in purportedly unscripted or partially scripted situations.

~~(v)~~(y) (Continued)

~~(w)~~(z) (Continued)

(aa) "Scripted series" means a fictional episodic television series based upon scripted materials.

~~(x)~~(bb) (Continued)

~~(y)~~(cc) (Continued)

~~(z)~~(dd) (Continued)

~~(aa)~~(ee) (Continued)

~~(bb)~~(ff) (Continued)

~~(cc)~~(gg) (Continued)

NOTE: Authority cited: Sections 17053.98(b), 17053.98(e), 17053.98(i), 23698(b), 23698(e) and 23698(i), Revenue and Taxation Code; and Section 11152, Government Code. Reference: Sections 6902.5, 17053.98 and 23698, Revenue and Taxation Code; and Section 14998.1, Government Code.

#### § 5521. Application Process for Tax Credit Allocation

(a) – (g) (Continued)

(h) (Continued)

(1) – (3) (Continued)

(4) (continued)

(A) If it is a new television series indicate if TV Pilot was initially accepted in the program, number of episodes, and confirm over forty (40) minutes of running time exclusive of commercials. If it is a relocating television series indicate previous location, number of episodes previously shot and number of episodes included in this season. Indicate if the previous season was filmed in California and if so, the number of principal photography days inside California and outside California. (The previous question is disabled if the applicant attests in Section (1)(A) that their relocating television series falls under the definition in Section ~~5520 (bb)~~5520(ff) for fiscal years 2021-22 and 2022-23.) If it is a mini-series, indicate the number of episodes and confirm over forty (40) minutes of running time exclusive of commercials.

(B) – (D) (Continued)

(5) (Continued)

(6) (Continued)

(A) (Continued)

1. – 3. (Continued)

4. By checking the box, Applicant acknowledges the following required documentation will be submitted if and when the Applicant applies for a tax credit certificate: Subject to self-reported voluntary information, include

separate listings regarding the ethnicity and gender statistics of all individuals who received qualified wages (~~excluding background performers~~) and all individuals who received non-qualified wages.

(B) – (C) (Continued)

(7) (Continued)

(A) (Continued)

(B) (Continued)

1. The applicant is responsible for collecting proof of identity and proof of ~~domicile the location where the qualified individual resides~~ for local hire labor at the time of hire and for providing copies to the CPA performing the AUP (~~July 28~~September 27, 2023), hereby incorporated by reference. Without proof of identity and proof of ~~domicile the location where the qualified individual resides~~ for a crewmember the Local Hire Labor Uplift shall not be applied for that individual.

(i) Acceptable proof of identity is a California Driver's License, a State ID Card, or a Passport.

(ii) For purposes of sections 17053.98(a)(4)(E) and 23698(a)(4)(E) of the Revenue and Taxation Code, Acceptable proof of ~~domicile the location where the qualified individual resides~~ is a ~~recent utility bill,~~ current home or apartment rental agreement, or a utility bill, mortgage statement, internet or phone provider bill, renter's or homeowner's insurance bill, or equivalent document, issued within the previous three months.

(C) – (E) (Continued)

(8) (Continued)

(A) – (B) (Continued)

(C) If applicable, enter total contingency, which can be no more than 10% of qualified expenditures. The contingency cannot be included as a line-item within the body of the budget.

(D) If applicable, enter total completion bond fee, which can be no more than 2% of qualified expenditures. The completion bond fee cannot be included as a line-item in the body of the budget. Completion bond costs for any filming outside of California must be excluded proportionately.

(E) – (H) (Continued)

(9) (Continued)

(i) – (j) (Continued)

(k) (Continued)

(1) (Continued)

(A) – (B) (Continued)

(C) (Continued)

1. Television series applicants submitting more than one budget shall submit only the pattern and amortization budgets; no additional budgets or budget versions will be accepted.

(D) (Continued)

(2) – (5) (Continued)

- (6) Pick-up order. A pilot, new television series or relocating television series shall submit evidence, in PDF or equivalent format, that the pilot or series is scheduled for photography, e.g. a pick-up order, when applying for a credit allocation. Recurring television series may submit applications without a pick-up order but shall not receive a credit allocation until proof of a pick-up order has been submitted. Any recurring television series that has not supplied a pick-up order within 140 calendar days of the CAL date for the allocation period for which it submitted an application will be removed from the queue and may reapply during the next television allocation period. The number of episodes indicated on the pick-up order must match the number of episodes in the application.
- (7) Narrative statement pursuant to sections ~~17053.98(g)(2)(A)(x) and 23698(g)(2)(A)(x)~~ 17053.98(g)(2)(A)(viii) and 23698(g)(2)(A)(viii) of the Revenue and Taxation Code.
- (8) Relocating statement. Applicant certifies that the credit provided is the primary reason for relocation to California (if applicable). The Applicant must state either that (1) at least 75 percent of principal photography days of its most recent season was filmed outside of California; or (2) For fiscal years 2021-22 and 2022-23, the television series (without regard to episode length or initial media exhibition) that wishes to relocate to California has a minimum budget of at least \$1 million per episode, filmed at least 75% of principal photography days for at least one episode outside of California, and has not filmed more than 25% of principal photography days for any episode inside of California. If submitting a relocating statement, the detailed narrative statement as per Revenue and ~~Tax~~Taxation code sections ~~17053.98(g)(2)(A)(x) and 23698(g)(2)(A)(x)~~ 17053.98(g)(2)(A)(viii) and 23698(g)(2)(A)(viii) is not required. The certification shall be submitted in PDF or equivalent format.
- (9) Unlawful harassment policy. Applicant shall submit company's written policy against unlawful harassment as set forth in section ~~17053.98(g)(2)(A)(xi) and 23698(g)(2)(A)(xi)~~ 17053.98(g)(2)(A)(ix) and 23698(g)(2)(A)(ix) of the Revenue and Taxation ~~code~~ Code.
- (10) ~~A summary of the applicant's~~ Applicants that administer voluntary programs to increase the representation of women and ~~minorities~~ minorities, or have access to such programs, shall submit a summary of those programs including a description of what the program is designed to accomplish and information about how the programs are publicized to interested parties as set forth in sections ~~17053.98(g)(2)(A)(xiii) and 23698(g)(2)(A)(xiii)~~ 17053.98(g)(2)(A)(xi) and 23698(g)(2)(A)(xi) of the Revenue and Taxation Code.
- (11) Company and financial information, if available and as applicable, as required by sections ~~17053.98(g)(2)(A)(v),(vi),(vii) and 23698(g)(2)(A)(v),(vi),(vii)~~ 17053.98(g)(2)(A)(v), ~~and~~ 17053.98(g)(2)(A)(xii), and 23698(g)(2)(A)(v), and 23698(g)(2)(A)(xii) of the Revenue and Taxation Code.

(f) Within thirty (30) business days of receipt of the completed application and all requested supporting documents, the Director of the CFC, or his or her designee, will notify the applicant whether the application is accepted or disqualified. An approved application shall meet the Eligibility Requirements in Section 5522. Upon approval, a Credit Allocation Letter, (CAL) CFC Form D3 (~~New. June 25, 2019~~)(Rev. July 28, 2023), hereby incorporated by reference, shall be issued to the applicant indicating the amount of tax credits allocated, as provided in Section 5526. Failure to timely submit all requested documents above, as applicable, shall be good cause to disqualify the applicant.

(1) Each CAL is issued to the specific project described and outlined in the synopsis, script, schedule, and budget that were submitted with the application. Exchanging the approved project for a different project is prohibited and will result in revocation of the CAL.

(2) A qualified motion picture project that is taken over by an entity other than the applicant entity and wishes to retain the project's allocation of tax credits must comply with the following:

(A) The original applicant entity must submit a statement on company letterhead declaring that they no longer retain the project and specify the business entity that will take over the project, including that business entity's taxpayer ID.

(B) The applicant entity taking over the project must submit:

1. Applicant contact, production company contact, and budget contact.

2. Documentation required pursuant to paragraph (3) of subdivision (h) and paragraphs (5) and (11) of subdivision (k) of this section.

3. An updated production schedule, required pursuant to subparagraph (B) of paragraph (4) of subdivision (h) of this section.

(C) A qualified motion picture project described in paragraph (2) above can only be transferred to a different business entity prior to the start of principal photography.

(m) (Continued)

(n) (Continued)

(1) Each recurring television series shall submit a new application and pick-up order, if available, for each season during any open television project application period as specified by the CFC in its written notification. The application ~~should~~ shall reflect the estimated qualified expenditures but the allocation will not exceed the amount approved in the previous season's credit allocation letter(s). The narrative statement requirement as set forth in sections ~~17053.98(g)(A)(x) and 23698(g)(A)(x)~~ 17053.98(g)(2)(A)(viii) and 23698(g)(2)(A)(viii) of the Revenue and Taxation ~~Code~~ for all projects shall be deemed as met for recurring television series with the statement submitted by that series when it was accepted into the program as a pilot, new or relocating television series.

(2) (Continued)

(o) Principal photography in California shall commence no later than one hundred eighty (180) calendar days after the credit allocation letter is issued. Qualified motion pictures with qualified expenditures of at least one hundred million dollars (\$100,000,000) must begin principal photography (as defined in Section ~~5520(s)~~ 5520(u)) no later than two hundred and forty (240) calendar days after CAL issuance. If the production does not begin principal photography prior to the 180 or 240 day deadline, the tax credit allocation shall be revoked, unless a Force Majeure event has occurred which directly prevented the production from commencing within the deadline. With submission of documentation verifying such event, the CFC ~~may~~ shall grant an extension. If a production implements a hiatus during the principal photography period, any

and all hiatus period(s) may be no longer than one hundred twenty (120) calendar days in aggregate for the entire duration of the production.

NOTE: Authority cited: Sections 17053.98(e), 17053.98(g), 17053.98(i), 17053.98(j), 23698(e), 23698(g), 23698(i) and 23698(j), Revenue and Taxation Code; and Section 11152, Government Code. Reference: Sections 6902.5, 17053.98(g) and 23698(g), Revenue and Taxation Code; and Section 14998.1, Government Code.

### § 5523. Qualified Expenditures

(a) (Continued)

(b) (Continued)

(1) (Continued)

(2) Certified public accountant expenses for the report required in Section ~~5526(a)(6)~~-5526(b)(6).

(3) – (6) (Continued)

NOTE: Authority cited: Sections 17053.98(b), 17053.98(e), 23698(b) and 23698(e), Revenue and Taxation Code; and Section 11152, Government Code. Reference: Sections 17053.98 and 23698, Revenue and Taxation Code; and Section 14998.1, Government Code.

### § 5525. Approved Applicant Responsibility--Phase III

(a) (Continued)

(1) – (3) (Continued)

(4) Participation in career-based learning and training programs and public service opportunities approved by the CFC in consultation with the California Department of Education (CDE) and/or California Community College Chancellor's Office (CCCCO) aimed at exposing career-based learning program, high school, school and community college, college, and California State University students to careers in the entertainment industry. To demonstrate compliance with this requirement the applicant must submit the applicable form for Career Readiness verification, Form CR1, CR2, CR3, CR4, or CR5 (July 28, 2023), hereby incorporated by reference, to the CFC as soon as the qualifying event has concluded. To meet the requirements of this section, the applicant may do any of the following:

(A) Provide to students enrolled within the past twelve months in an accredited California high school, school or community college, college, California State University, or a CFC approved ~~career-based learning program~~ three (3) paid internship positions for a minimum of one hundred (100) hours each or a combination of internships or internship with a minimum of one hundred (100) hours per student and three hundred (300) hours in total. Interns must be 18 years of age or older. Internship experience must include working with professionals in the film industry and hands-on work assignments; or

- (B) Provide to students enrolled within the past twelve months in an accredited California high ~~school, school or~~ community college~~college~~, California State University, or ~~a CFC approved~~ career-based learning program classroom workshops, panels, or demonstrations on aspects of the film industry, which may include but is not limited to set operations, post-production and specific technical crafts conducted by entertainment industry professionals; or
  - (C) Provide to students enrolled within the past twelve months in an accredited California high ~~school, school or~~ community college~~college~~, California State University, or ~~a CFC approved~~ career-based learning program a minimum of eight (8) hours of professional skills tours, which may include visits to observe set operations, set construction, wardrobe department, art department and editorial department; or
  - (D) – (F) (Continued)
- (5) (Continued)
- (A) (Continued)
  - (B) The contribution shall be submitted to the CFC with the career pathways program form, Form CPP (New, July 28, 2023), hereby incorporated by reference, no later than thirty (30) business days after the CAL date; failure to submit the contribution within this time frame ~~may will~~ result in revocation of the CAL.
    1. An applicant facing a technical or funds-related barrier to meeting the deadline may request an extension of up to ten (10) business days and the CFC will grant the extension~~The CFC may grant an extension of up to ten (10) business days for an applicant facing a technical or funds-related barrier to meeting the deadline,~~ if the applicant requests such an extension prior to the expiration of the timeframe specified in subparagraph (B) above and provides supporting documentation.
  - (C) The contribution is refundable if the project does not receive a tax credit certificate. A portion may also be refundable if the tax credit amount is significantly reduced due to reasonable cause as per Section 5520(y).~~5520 (v).~~
  - (D) A qualified motion picture that receives an increase in allocated tax credits, causing an additional contribution sum to become due, shall make a payment of that additional sum within thirty (30) business days of notification of that increase in allocation.
  - (E) The contribution must be made by business or personal check. No other payment options will be accepted.

NOTE: Authority cited: Sections 17053.98(e) and 23698(e), Revenue and Taxation Code; and Section 11152, Government Code. Reference: Sections 17053.95, 17053.98, 23695 and 23698, Revenue and Taxation Code; and Section 14998.1, Government Code.

§ 5526. Credit Certificate Issuance Process--Phase IV.



- (a) Within 48 months of the 30-month completion deadline for the qualified motion picture, as specified in subdivision (c), every applicant allocated tax credits under the California Film and Television Tax Credit Program 3.0 shall do one of the following:
- (1) Submit the documents specified in this section, in an electronic format and/or hardcopy, as directed by the CFC; or,
  - (2) Submit a written notice to the CFC stating that they will not be requesting certification for the allocated credits; or,
  - (3) An applicant with insufficient tax liability to initiate the process at the timeframe set in subdivision (a) above can request an extension in writing.
    - (A) The ~~applicant may request CFC may approve~~ one or more extensions of up to twelve (12) months ~~and the CFC will approve the extension~~ for an applicant that requests such an extension ~~within the timeframe specified in paragraph (B) below~~ and submits a statement of insufficient tax liability to initiate use of the allocated tax credits.
    - (B) The applicant shall request an extension no less than thirty (30) business days prior to the expiration of the timeline specified in subdivision (a) above or prior to the expiration of a previously approved extension for the request to be considered by the CFC.
  - (4) Failing to comply with the requirements of this subdivision shall constitute forfeiture of an applicant's allocated tax credits.
- ~~(a)~~(b) The applicant shall be required to submit the following documents upon completion of the qualified motion picture, ~~picture, in an electronic format and /or hard copy, as directed by the CFC.~~
- (1) - (2) (Continued)
  - (3) List of all Cast and Crew for the ~~project~~project with Social Security numbers redacted, if applicable.
  - (4) (Continued)
  - (5) (Continued)
    - (A) – (C) (Continued)
    - (D) Section 4. Production Shoot Days and Locations. Provide production shooting days inside and outside the Los Angeles zone, counties outside the LA zone, other states or countries; and provide Local Community Expenditure Report Form LE3. ~~(Rev. Sept. 12, 2019),~~(Rev. July 28, 2023), incorporated by reference, for each county outside of Los Angeles county if applicable.
    - (E) – (H) (Continued)
    - (I) Section 6. Career Readiness and Pilot Skills Training Program. (i) Verification of fulfillment of career readiness requirement utilizing one of the required forms CR1, CR2, CR3, CR4, CR5 ~~(New. June 25, 2019),~~(Rev. July 28, 2023), incorporated by reference. If applicable, verify submission of career readiness payment. (ii) Verification of pilot skills training program contribution with date paid and ~~amount.~~amount, utilizing required form CPP (New. July 28, 2023), hereby incorporated by reference.

(J) – (M) (Continued)

- (6) An agreed upon procedures report in compliance with the Program 3.0 AUP dated ~~June 25, 2019, July 28~~September 27, 2023, hereby incorporated by reference. The agreed upon procedures report shall be prepared and certified by a certified public accountant (CPA) who meets the following criteria:

(A) – (C) (Continued)

(7) - (12) (Continued)

~~(b)~~(c) (Continued)

~~(e)~~(d) (Continued)

~~(e)~~(e) (Continued)

~~(e)~~(f) (Continued)

~~(f)~~(g) (Continued)

NOTE: Authority cited: Section 17053.98(a), 17053.98(d), 17053.98(e), 17053.98(f), 23698(a), 23698(d), 23698(e) and 23698(f), Revenue and Taxation Code; and Section 11152, Government Code. Reference: Sections 17053.98 and 23698, Revenue and Taxation Code; and Section 14998.1, Government Code.

### § 5527. Jobs Ratio Ranking Process

(a) (Continued)

- (b) The jobs ratio as defined in Section ~~5520 (k)~~5520(l) may be increased by up to twenty-five percent (25%) if the qualified motion picture demonstrates an increase in economic activity in the state. This activity is based on the following:

(1) – (3) (Continued)

(c) – (h) (Continued)

NOTE: Authority cited: Sections 17053.98(e) and 23698(e), Revenue and Taxation Code; and Section 11152, Government Code. Reference: Sections 17053.98 and 23698, Revenue and Taxation Code; and Section 14998.1, Government Code.

### § 5528. On Screen Credit and Promotional Requirements

(a) (Continued)

- (1) Provide an on-screen acknowledgement ~~to:to~~ THE STATE OF CALIFORNIA AND ~~and~~ THE CALIFORNIA FILM COMMISSION and include the California Film Commission Logo, to be provided by the CFC to the applicant, except where that acknowledgement may be prohibited by the Children's Television Act or any other local, state, or federal government policy. ~~Such acknowledgement and logo shall appear on every episode of a television series except where prohibited as above.~~

(A) The acknowledgement must include a five-second long static logo in the end credits before the below-the-line crew crawl for the life of the project.

(B) Such acknowledgement and logo shall appear on every episode of a television series except where prohibited as specified in paragraph (1) above.

(C) The applicant may choose the wording of the acknowledgement and the placement of the required entities within that wording, but both entities specified in paragraph (1) above must be named.

(2) (Continued)

NOTE: Authority cited: Section 14998.1, Revenue and Taxation Code; and Section 11152 Government Code. Reference: Sections 17053.98(e) and 23698(e), Revenue and Taxation Code; and Section 14998.1, Government Code.

## **California Film & Television Tax Credit Program 3.0 AGREED UPON PROCEDURES**

For Projects with Credit Allocation Letters issued on or after July 1, 2020

### **I. Introduction**

Program 3.0 provides tax credits for qualified expenditures incurred when producing qualified motion pictures. The tax credits can be used to offset either California personal or corporate income taxes or sales and use taxes. A production company requesting a tax credit must submit an Independent Certified Public Accountant's Report on Applying Agreed-Upon Procedures (the 'Report') to demonstrate compliance with the program's requirements.

### **II. Statutory References**

California Revenue and Taxation Code Sections:

1. 6902.5 (sales and use tax)
2. 17053.98 (personal income tax)
3. 23698 (corporate income tax)
4. California Code of Regulations, Title 10, Chapter 7.75, Sections 5520 - 5528

### **III. General**

The following Agreed Upon Procedures (AUP) are to be performed by a certified public accountant (CPA) with an active California license to perform attest services. The CPA cannot provide production accounting services and agreed upon procedures services to the same production company as per Rule 101 of the American Institute of Certified Public Accountants Code of Professional Conduct and its interpretations and rulings. The CPA shall have successfully completed a California Film & Television Tax Credit Program 3.0 Orientation Meeting for CPAs. The accounting firm performing attest services must provide a letter from the board of review in the state in which the firm resides, evidencing the firm has actively participated in a peer review program for CPA firms performing Agreed Upon Procedures within the past 3 years from date services are rendered and has received a "pass" on said review. If the firm performing attest services is newly formed, the firm must provide evidence it is registered with the board of review in the state in which the firm resides for a peer review in the future.

The selected CPA must have sufficient knowledge of accounting principles and practices generally recognized in the film and television production industry. The CPA shall read the statute, and regulations [governing the Program. Program](#) guidelines, Qualified Expenditure Charts, Budget Tagging and Tracking Tips, and other Program 3.0 materials are posted on the

California Film Commission website [as resources](#). The appendices and/or exhibit numbers noted in red are included with this Report.

The following codes for expenses which are used to “tag” expenses by the production company are as follows: **ZC** – Out of Zone Consumables, **ZE** – Out of Zone Non-Wage Expenditures, **QW** – Qualified Wages, **QE** – Qualified Non-Wage Expenditures, **MW** – Music Wage Expenditures, **VU** – Visual Effects Expenditures, **OZ** – Out of Los Angeles Zone, **ZW** – Out of Los Angeles Zone Qualified Wages, **LW** – Local Hire Labor Qualified Wages, **NQ** – Non-Qualified Expenditures, **XX** – Non-qualified expenditures purchased/rented outside of CA.

1. The Report shall be prepared for the use of the following specified parties:
  - a. The production company (Company); and
  - b. The California Film Commission (CFC)
2. The Report should include the California CPA license number or proof of a valid out-of-state accounting firm registration for the firm practicing attest services.
3. The name of the production, the category (Feature Film, Independent Film \$10 Million and under, Independent Film over \$10 million, Miniseries, Television Series, Relocating Television Series, Pilot), Queue number and its Credit Allocation Number must also appear on the Report.
4. The Report must be dated as of the last day of the performance of all procedures.
5. The Company’s cost report must be presented in U.S. dollars.
6. The Company must provide documentation of all funds expended on the production both within and outside of California including pre-production, production and post-production periods.
7. Please include CPA name and contact information for the CPA responsible for the review and final sign off of the Report.
8. If, in connection with the application of the agreed upon procedures, matters come to the CPA’s attention by other means that significantly contradict the subject matter or assertion, the CPA should contact the CFC.

## **AGREED UPON PROCEDURES**

The CPA shall perform the following procedures. Any exceptions are to be listed as a finding in the CPA’s report on applying agreed-upon procedures.

### **IV. Eligibility**

1. Obtain the detailed cost ledger (e.g., Bible) of California Qualified Expenditures and Total Production Expenditures.

2. Obtain access to Applicant's on-line Application and submitted materials from the Company, including the CFC-approved Qualified Expenditure Budget and Adjusted Jobs Ratio Comparison Calculator, **Exhibit 2**.
3. Obtain and read the Company's Credit Allocation Letter (CAL). Indicate in the Report the CFC Approved Jobs Ratio as stated by the CFC on the Credit Allocation Letter. Note in the Report the amount of tax credits reserved.
4. Obtain and inspect post-production documents (e.g., facility invoices) evidencing the date the final elements (e.g., final composite answer print, domestic air master, or digital cinema files) were created (foreign language or archival element creation does not apply). Determine and document in the Report the Qualified Period of the production, which begins as of the date of the CAL and ends 30 days after creation of the final element. Verify that the Qualified Production Period does not exceed 30 months after the date on which the CFC issued the CAL. Include Final Element Creation Letter as attachment **Exhibit A**.
5. Obtain and inspect documentation (e.g., call sheets and/or production reports, shooting schedules) for all principal photography days for the production in order to determine the following:
  - a. Based upon the inspection of the documentation, state the percentage of total California principal photography days as a percentage of the total principal photography days. (The total principal photography days in California ratio can be obtained by dividing the number of days of principal photography in California by the total number of principal photography days).
  - b. State the number of principal photography days outside the Los Angeles zone (OZ). As per Revenue and Taxation Code Section 17053.98(a)(4)(D)(i)(II)(ib) and Section 23698(a)(4)(D)(i)(II)(ib); only include in the day count OZ principal photography days in which the first scene of the day was photographed outside the Los Angeles zone. Note amount of OZ days in the Report and state the percentage of principal photography days outside the Los Angeles zone.
6. If the production did not meet or exceed 75% per the procedure in Section 5(a) above, perform the following procedures:
  - a. Obtain a detailed cost ledger of Total California Expenditures (including qualified and non-qualified expenditures) and the Total Production Expenditures. State the ratio of Total California Expenditures to the Total Production Expenditures.
  - b. Select a sample of expenditures from the Total California Expenditure population (including qualified and non-qualified expenditures) according to the sampling methodology noted in Appendix A2.
  - c. For each expenditure item selected, obtain and inspect invoices, proof of payment (e.g., bank statements, check images, credit card statement and reimbursement checks, if applicable) or other equivalent documentation. Verify that the expenditure amount agrees with the invoice and was incurred and paid for services and goods in California. The full value of all assets may be taken when determining eligibility if assets were rented or purchased and used in

California. Adjust for known errors and recalculate Total California Expenditures and determine if 75% of Total Production Expenditures were spent in California.

7. Inspect the detailed cost ledger of Total Production Expenditures to determine that the Total Production Expenditures meet the minimum thresholds for Feature Films, Independent Films, Miniseries, Pilots, Relocating Television Series and Television Series per the statute.
8. Career Readiness requirement: Obtain appropriate verification form (CR1-CR5) from the Company issued by the designated representative of a California high school, community college, [California State University](#), or career-based learning and training program approved by the CFC which states that the Company has satisfied all the Career Readiness requirements. This form is a requirement to be eligible for the issuance of the tax credit certificate. If the Company made a financial contribution, verify contribution of .25% of estimated tax credit (minimum contribution of \$5,000, maximum contribution of \$12,000) and include proof of payment and a copy of the Career Readiness Verification form with the Report, **Exhibit B**.
9. Pilot Skills Training Program: Obtain verification and copy of the receipt from the Company issued by the Pilot Skills Training program fiscal agent that a contribution of no less than 0.25% of the estimated tax credit (per the CAL) was paid. A portion may be refundable if the tax credit amount is significantly reduced due to reasonable cause (contact the CFC if reasonable cause may be a factor). Include proof as attachment **Exhibit C**.
10. If Company has not met eligibility standards as noted above, there is no need to continue with the AUP. Notify the Company's management to inform the CFC that they are ineligible for the tax credit program.

#### **V. Qualified Non-Wage Expenditures (QE) - Inside and Outside the Los Angeles Zone**

1. Inspect the detailed cost ledger and verify that all QE are qualified as defined in California Revenue and Taxation Code 17053.98(b)(16) and 23698(b)(16) and do not include Non-Qualified Expenditures (NQ) as defined in 17053.98(b)(21)(B)(i)-(iv) or 23698(b)(21)(B)(i)-(iv). Adjust QE for any NQ [noted-noted, such as insurance premiums which may not have been prorated for out of state work and box/car/computer rentals for out of state qualified individuals which do not qualify unless purchased or rented and used in the state.](#) Remove any findings from the population to be sampled below.
2. Select the non-payroll samples from the detailed cost ledger according to the sampling methodology noted in Appendix A2. For Television Series, the CPA must sample items from each episode, including amortization costs. For each expenditure item selected in the samples perform the following procedures:
  - a. Inspect invoices, proof of payment (e.g., bank statements, check images, credit card statement and reimbursement checks, if applicable) or other equivalent documentation. Verify that expenditure amount is correct, incurred and paid for services incurred and goods purchased or rented and used in QE must be purchased or rented from a California In-State Vendor as per Section 5520(d) in the Regulations. If purchased from an internet source, verify item was

purchased from entity registered to do business in California and shipped from a California location to a California location.

- b. Verify that the expenditure was not associated with activities specifically excluded by the statute.
  - c. Verify that the expenditure was allowable as defined by sections 17053.98(b)(16) and (b)(18)(B)(i)-(iv) and sections 23698(b)(16) and (b)(18)(B)(i)-(iv) of the statute. In particular, inspect travel costs, costs, insurance premiums which may not have been prorated for out of state work, and box/car/computer rentals for out of state qualified individuals, which do not qualify unless purchased or rented and used in the state.
  - d. Verify that the expenditure was not for in-kind services.
  - e. Verify that the expenditure was recorded net of any refunds, insurance claims, credit notes received for discounts, rebates, invoicing errors, and purchase returns, as recorded in the cost report.
  - f. Verify that the expenditure was recorded net of proceeds from any sale of the production assets.
  - g. Verify that the expenditures purchased and/or rented in California are prorated to reflect any usage out of the state.
  - h. If applicable, and expenditure is determined to be an electronic asset with a purchase price of \$250 or more or an asset with a purchase price of \$10,000 or more, verify the asset is included in the correct asset listing. If it is not included, include in asset listing, **Exhibit D**.
  - i. Verify that the expenditure (regardless of when paid) was not incurred prior to the date on which the CAL was issued. For insurance premiums, stage rentals, completion bond, or office rent payments made prior to the issuance of the CAL, confirm that these costs are prorated by the number of pre-production, production and post-production weeks and that only the prorated costs after the CAL date are included in QE. With the exception of insurance premiums, stage rentals, completion bond and/or office rental, prorations are not allowed; if a proration has been made in error, make adjustment and include in the Report.
  - j. Verify that the expenditure (regardless of when paid) was not incurred more than 30 days after creation of the final element.
3. For exceptions noted in the QE testing in procedure 2 above:
- a. For the sample identified in the Top Stratum of Appendix A2 (Non-Payroll), adjust QE for known errors noted during your testing.
  - b. For the samples identified in Appendix A2 (Non-Payroll) as Stratum 1 and Stratum 2, adjust QE for known errors noted during your testing and project the misstatement results of the samples to all items from which the samples were selected. For purposes of calculating the projected misstatement, divide the



monetary amount of misstatement of the exceptions identified by the sample population total amount (rate of misstatement). Multiply this rate of misstatement to the total expenditure population from which the Stratum 1 and Stratum 2 samples were selected (refer to Appendix B for a misstatement example). Perform the following procedures based upon the results of the calculation of the projected misstatement:

- 1) If the projected misstatement does not exceed 2% of Qualified California Production Expenditures (non-payroll), document the projected misstatement in **Exhibit E**, the list of noted non-payroll exceptions. Do not make any adjustment to QE for a projected misstatement.
  - 2) If the projected misstatement exceeds 2% of Qualified California non-payroll Production Expenditures, select a second additional sample according to the sampling methodology noted in Appendix A2 (Non-Payroll) for Stratum 1 and Stratum 2. Recalculate the projected misstatement for the second additional samples. If the projected misstatement for the second additional samples does not exceed 2%, document the projected misstatement in the Report. Do not make an adjustment to QE for a projected misstatement; however, do adjust QE for noted known errors in the second samples. If the projected misstatement from the second samples exceeds 2% of QE, adjust QE for the average of the two projected misstatements to QE population not sampled.
- c. Attach a listing of any known exceptions noted in the QE tests in procedures 2 and 3(b) above in **Exhibit E**. The listing should include amount, vendor/person, and nature of discrepancy.
4. Obtain from the Company a statement, either separately or within the representation letter, that all outstanding purchase orders and all invoices for qualified expenditures have been paid and attach as **Exhibit F**. If applicable, for any invoices or purchases orders that have not been paid, deduct expenditures from total QE.
  5. Sort the detailed cost ledger by invoice/ledger posting dates. Inspect the descriptions in the ledger for invoice/ledger posting dates which are prior to the Qualified Period and 14 days after issuance of the CAL. After final element creation, inspect the detailed cost ledger 14 days after element creation and thereafter. Based on this description determine if expenditures were incurred within the Qualified Period. Summarize and inquire with client those expenditures which appear to be outside the Qualified Period. Based on your inspection and the inquiries with Company, adjust QE for any amounts outside the Qualified Period.
  6. For the qualified items listed which required full or partial payment, such as insurance premiums, stage rentals, completion bond, or office rent (if not reviewed in procedure (V)(2)(i), made prior to the issuance of the CAL, confirm that these costs are prorated by the number of pre-production, production and post-production weeks or obtain a statement of allocation from the California based broker and/or completion bond company. Confirm only the prorated costs after the CAL date and no more than 30 days after creation of the final element are included in QE.

7. Obtain fixed asset listings from the Company of all assets used in the production as follows: (1) all electronic equipment with a purchase price equal to or greater than \$250; and (2) all other assets not considered electronic equipment with an original purchase price equal or over \$10,000. The listings should indicate the status of the assets (e.g., destroyed, sold, donated, being held for future productions, given to cast or crew, etc.). Attach a copy of both asset listings as **Exhibit D**. For all assets on the listings perform the following procedures:
  - a. For all electronic assets (Include electronic assets purchased for set dressing and/or prop purposes) including but not limited to computers, hardware and relevant components, printers, copiers, etc. with a purchase price equal to or greater than \$250, verify that the QE is the lesser of the net costs of the asset after sales proceeds (if assets sold) or 20% of the original cost.-If asset was given to a non-qualifying cast or crew member or sold to a non-qualifying cast or crew member for less than 20% of original purchase price, verify that the cost of such asset is not included in the QE.
  - b. For all assets equal or over \$10,000 not including electronic equipment, verify the following: (1) If the asset is sold, verify that the QE is the lesser of the net costs of the asset after sales proceeds or 50% of the original cost of such asset; (2) If the asset is retained, verify that the QE is 50% of the original cost of such asset; (3) If the asset is destroyed during the process of production, verify that the production company maintains documentation to support the destruction of the asset (e.g., call sheets, production reports, still photographs, video footage, etc.) and allow 100% of that asset; and (4) If the asset is given to a non-qualifying cast or crew member or sold to a non-qualifying cast or crew member for less than 50% of original purchase price, verify that the cost of such asset is not included in the QE.
  - c. Based on description in the detailed cost ledger, search the detailed cost ledger for primary electronic assets by description name, including cameras, copiers, printers, computers, televisions and monitors. Inspect QE found for any purchased electronic assets equal or over \$250.00 not included on electronic asset list and include in electronic asset listing.
  - d. For exceptions noted in procedures (a), (b), and (c) above, adjust QE for known errors noted and include the listing of those errors in **Exhibit D**.
8. Obtain a listing of customized leased or rented items which are manufactured, assembled, or fabricated to specification with lease payments aggregating \$10,000 or more. Verify that these items are included on the asset listing noted above (Expenditures, procedure 7) if they meet any one of the following four conditions:
  - a. If the term of the lease exceeds 75% of the life of the asset;\*
  - b. If there is a transfer of ownership to the lessee at the end of the lease term;
  - c. If there is an option to purchase the asset for substantially less than fair market value (“Bargain price”) at the end of the lease term;\*

- d. If the present value of the lease payments, discounted at an appropriate discount rate, exceeds 90% of the fair market value of the asset.

Any such rental or lease agreement that meets the above standards for a capital lease will be considered a purchase and subject to the 50% limitation for purposes of determining QE as per above expenditure procedure 7(b).

\*If the asset value or asset life is not explicit, please contact the CFC to discuss.

9. Verify with the Company the names of any and all visual effects, digital effects, post production sound and/or title companies which worked on the production whose costs are being claimed as QE. Verify that all listed parties have provided the Company with documentation (e.g., letter on letterhead signed by managerial level personnel with knowledge of the project, with contact information including address and phone number) indicating the dollar amount of work which was performed in the state. If applicable, the letter must state the names of any subcontractors and indicate the dollar amount of work that was performed in the state through those subcontracted vendors. Verify that only the amount of work performed within the state of California is included in the total QE. Adjust QE for any work which was not performed in California. Applicant must include vendor letters and list of such vendors in **Exhibit G**, the verification letters.
10. Verify with the Company that any insurance claims related to QE have been properly credited in the cost report and obtain a signed letter from a Company representative (or as part of the representation letter) stating that the applicant (indicated in the CAL) has properly disclosed all insurance claims whose costs are being claimed as QE. Verify that completion bond expenditures, if applicable, are reported net after rebate and include in **Exhibit F**.

## VI. Qualified Wage Expenditures (QW) – Inside and Outside the Los Angeles Zone

1. Obtain documentation (e.g., email or letter on letterhead signed by authorized representative) from the payroll service verifying that there are no outstanding invoices pending for work incurred up to 30 days after the creation of the final element. Adjust QW (and QE if applicable) for any non-paid invoices. Applicant must include a payroll representative letter or email with documentation submitted as **Exhibit H**.
2. Inspect the detailed cost ledger and verify that it only contains account codes entered for qualified individuals as defined in California Revenue and Taxation Code Section 17053.98(b)(17)(A) and (B)(i-ii) or 23698(b)(17)(A) and (B)(i-ii), and that all wages are qualified as defined in 17053.98(b)(21)(A)(i)-(iv) or 23698(b)(21)(A)(i)-(iv). Adjust QW for any non-qualified individuals or misclassified wages. Verify that any box/car/cell phone allowances classified as wage but rented from out-of-state workers are reclassified as non-qualified expenditures. In your review, include non-qualified payroll that may have been mis-tagged and should be qualified. Remove findings from population in the next procedure.
3. Select a sample of employees from the Qualified Wages in the detailed cost ledger according to the sampling methodology noted in Appendix A2 (Payroll). For a Television Series, the CPA must sample from each episode, including amortization costs. For each employee selected in the sample perform the following procedures:

- a. Compare the amount of the QW in the detailed cost ledger for the individual with the payroll register from payroll company which incorporates payroll with week ending dates within the Qualified Period. For any variances determine if the cause is due to vacation pay, holiday pay or equivalent reconciling items. Disqualify all salaries, wages, and fees included in the detailed cost ledger that are not included in the payroll register or unknown variances.
  - b. Inspect time cards, production reports, call sheets or other equivalent documentation. Verify that wage amount is incurred for services performed in California.
  - c. Inspect invoices from “qualified entities”. Verify the date the expenditure was incurred, and that the loan out company name and the amount of the expenditure agrees with supporting payroll records. Verify that the expenditure was incurred in California.
  - d. Verify that the QW only include those expenses listed in Revenue and Taxation Code Section 17053.98(b)(21)(A)(i)-(iv) or Section 23698(b)(21)(A)(i)-(iv) and do not include any of the expenses listed in Section 17053.98(b)(21)(B)(i)-(iv) or Section 23698(b)(21)(B)(i)-(iv).
  - e. Determine that only “qualified individuals” as defined in Revenue and Taxation Code Section 17053.98(b)(17) or 23698(b)(17), received QW.
  - f. Verify that all QW do not include compensation for any work incurred out of the state.
  - g. Verify that the QW (regardless of when paid) was not incurred prior to the date on which the CAL was issued.
  - h. Verify that QW (regardless of when paid) was not incurred more than 30 days after creation of the final elements.
  - i. Verify that the QW are paid by the Company or its payroll service and only include those items indicated as QW on the Qualified Expenditure Charts. If payroll entity has a different federal ID for signatory purposes, contact CFC.
4. For exceptions noted in the QW test in procedure 3 above:
- a. For the sample identified in the Top Stratum of Appendix A2 (Payroll), adjust QW for known errors noted during your testing.
  - b. For exceptions noted in the QW test in procedure 3(a) through (i) above, for the sample identified in Stratum 1 in Appendix A2 (Payroll), adjust QW for known errors noted during your testing and project the misstatement results of the sample to all items from which the sample was selected. For purposes of calculating the projected misstatement, divide the monetary amount of misstatement of the exceptions identified by the sample population total amount (rate of misstatement). Multiply this rate of misstatement to the total QW population from which the Stratum 1 sample was selected. Perform the following

procedures based upon the results of the calculation of the projected misstatement:

1. If the projected misstatement does not exceed 2% of QW, document the projected misstatement in the Report. Do not make adjustments to QW for the projected misstatement.
  2. If the projected misstatement exceeds 2% of QW, select a second additional sample according to the sampling methodology noted in Appendix A2 (Payroll) for Stratum 1. Recalculate the projected misstatement for the second sample. If the projected misstatement for the second sample does not exceed 2%, document the projected misstatement in the Report. Do not make adjustments to QW for a projected misstatement; however, do adjust QW for noted known errors in this second sample. If the projected misstatement from the second sample selection exceeds 2% of QW, adjust QW for the average of the two projected misstatements to the QW population not sampled.
  - c. Attach a listing in **Exhibit J** of any payroll exceptions noted in the QW tests in procedures 3 and 4(b) above. The listing should include amount, person or entity, and nature of discrepancy.
5. Sort the detailed cost ledger by invoice/ledger posting dates. Inspect the descriptions in the ledger for invoice/ledger posting dates which are prior to the Qualified Period and 14 days after issuance of the CAL. After the final element creation, inspect the detailed cost ledger 14 days after element creation and thereafter. Based on this description, determine if QW including qualified fringes were incurred within the Qualified Period. Summarize and inquire with client those QW which appear to be outside the Qualified Period. Based on your inspection and the inquiries with Company, adjust the QW for any amounts outside the Qualified Period.
6. Obtain the final “galley” or “checker” or electronic version of the main (if applicable) and end title credits for the production.
- a. For those individuals receiving both above the line (ATL) and below the line (BTL) credits (Dual Role Employees), please note the names, qualified compensation, and end title credits received and attach in **Exhibit K**.
  - b. For any Dual Role Employee whose BTL wages are not within industry standards or equivalent with other crew in similar positions, adjust QW. Additionally, verify that QW for DGA Unit Production Managers and/or Assistant Directors with ATL credits have no more than \$100,000 in wages (exclusive of guild or union or other qualified taxes, fees, or fringes, if applicable). If determination cannot be reached, contact the CFC to discuss.
  - c. For any Dual Role Employees that were tagged as NQ, but received qualified credits, adjust the NQ to QW. Note - that for DGA Unit Production Managers and/or Assistant Directors with ATL credits have no more than \$100,000 in wages (exclusive of guild or union or other qualified taxes, fees, or fringes, if applicable). If determination cannot be reached, contact the CFC to discuss. Box rentals and qualified fringes are not part of the \$100,000 cap.

- e-d. Inspect the main and end title credits for all individuals working in non-qualified positions (e.g., performers, producers, directors, composer, etc.). Perform a search in QW to ensure their individual wages are not included. Verify that all non-qualified individuals receiving only an ATL credit have no qualified wages included in QW. Adjust the QW for known errors and note such findings in **Exhibit K**.
- e-e. Inspect end credits and note in the Report if CFC acknowledgement and logo are included or not included. For a television series or mini-series, the acknowledgement and logo are required on each episode.
7. Verify with the Company that any insurance claims related to QW have been properly credited in the cost report and obtain a signed letter from a Company representative stating that the applicant (indicated in the CAL) has properly disclosed all insurance claims whose costs are being claimed as QW. The information in this letter can be incorporated into the representation letter, **Exhibit F**.
8. Out of Los Angeles Zone Qualified Wages Excluding Local Hire Labor (ZW) (Excluding Independent Productions and Relocating TV Series)
- a. Select the top 15 highest paid employees from the detailed cost ledger indicated as ZW. If the percentage of principal photography days outside the Los Angeles zone is over 50% per Eligibility procedure 5(b) above, select the top 30 ZW employees.
  - b. Inspect time cards and/or individual weekly payroll summary reports and note the dates in which OZ location is indicated. Time cards may designate “bus-to” for a nearby location outside the Los Angeles Zone and should include county.
  - c. Confirm OZ location is defined as an OZ location as per Revenue and Taxation Code Section 17053.98(a)(4)(II)(ib) or Section 23698(a)(4)(II)(ib).
  - d. Inspect shooting schedule, call sheets and production reports to determine that ZW was incurred at the OZ location during the Applicable Period (as defined in Section 5520(a) of the Regulations).
  - e. Obtain daily payroll report by individual or other relevant payroll report and reconcile the OZ wages identified in the ledger with the OZ wages in the daily payroll reports by individual.
9. For exceptions noted in ZW testing in procedure 8 above:
- a. Adjust ZW for known errors noted during your testing.
  - b. Project the misstatement results of the sample to the ZW from which the sample was selected. For purposes of calculating the projected misstatement, divide the monetary amount of misstatement of the exceptions identified by the sample population total amount (rate of misstatement). Multiply this rate of misstatement to the total ZW population from which the sample was selected. If the known errors noted during testing result in an adjustment to NQ, rather than an



adjustment to QW, do not include these errors when calculating the rate of misstatement.

- c. If the projected misstatement does not exceed 2% of ZW, document the projected misstatement in the Report. Do not make adjustments to ZW for the projected misstatement.
- d. If the projected misstatement exceeds 2%, adjust ZW for the projected misstatement amount to the ZW population that was not sampled and reclassify errors to QW.
- e. Attach known errors and projected misstatement (if applicable) from the above ZW procedures 8 and 9 as **Exhibit L**, the summary of wage exceptions related to uplift and bonus points.

#### 10. Local Hire Labor Qualified Wages (LW)

- a. Select the top 15 highest paid employees from the detailed cost ledger indicated as LW. If the percentage of principal photography days outside the Los Angeles zone is over 50% per Eligibility procedure 5(b) above, select the top 30 LW employees.
- b. Inspect documentation provided by production accountant and/or payroll service in accordance with Section 5521(h)(7)(B)1. of the regulations and verify employee address is outside the Los Angeles zone. Payroll reports should indicate employees by zip code to help identify individuals residing outside the Los Angeles zone (as per section (d) below). If address is not outside the Los Angeles zone, reclassify as QW or ZW, as applicable. ~~If required documents are not readily available and completed, the wages will not qualify for the LW uplift.~~
- c. Verify that Box/car/cell phone allowances from qualified individuals who live in the Los Angeles zone but are working outside the LA zone do not receive a local wage uplift, as the items were not purchased or rented out of the zone. If required documents are not readily available and completed, the wages will not qualify for the LW uplift.
- ~~e-d.~~ Inspect time cards and/or individual weekly payroll summary reports and note the dates in which OZ location is indicated. Time cards may designate "bus-to" for a nearby location outside the Los Angeles Zone and should include county.
- ~~e-e.~~ Confirm OZ location is defined as an OZ location as per Revenue and Taxation Code Section 17053.98(a)(4)(11)(ib) or Section 23698(a)(4)(11)(ib).
- ~~e-f.~~ Inspect shooting schedule, call sheets and production reports to determine that the qualified Local Hire Wages were incurred outside the Los Angeles zone during the applicable period (as defined in Section 5520(a) of the Regulations).
- ~~f-g.~~ Obtain daily payroll report by individual or other relevant payroll report and reconcile LW identified in the ledger with the qualified Local Hire wages in the daily payroll reports by individual.

11. For exceptions noted in the LW testing in procedure 10 above:
  - a. Adjust LW for known errors noted during your testing.
  - b. Project the misstatement results of the sample to the LW from which the sample was selected. For purposes of calculating the projected misstatement, divide the monetary amount of misstatement of the exceptions identified by the sample population total amount (rate of misstatement). Multiply this rate of misstatement to the total LW population from which the sample was selected. If the known errors noted during testing result in an adjustment to NQ, rather than an adjustment to QW or ZW, do not include these errors when calculating the rate of misstatement.
  - c. If the projected misstatement does not exceed 2% of LW, document the projected misstatement in **Exhibit L**. Do not make adjustments to LW for the projected misstatement.
  - d. If the projected misstatement exceeds 2%, adjust LW for the projected misstatement amount to the LW population that was not sampled. Reclassify the projected misstatement amount proportionally to QW and ZW, as applicable.

**VII. Music Wage Expenditures (MW) (does not apply to Independent Films with budgets of \$10 Million Dollars and under)**

1. Identify MW wages in the detailed cost ledger paid to individuals with the following job classifications: instrumental musicians, vocalists, music arrangers, orchestrators, Musical Instrument Digital Interface (MIDI) transcribers, music copyists, music librarians, conductors (unless also composer), musician and choral contractors.
2. If wages were paid by the Company or its payroll service, select a sample of the top 10 wage earners and verify through payroll ledger that the individuals had MW qualified job titles per the listing in procedure (VII)(1).
3. If wages were paid by a third-party music payroll service, select a sample of the top 5 transactions (by dollar value), examine backup documentation (such as invoices and check copies) and verify that all tested amounts represent MW qualified job titles per the listing in procedure (VII)(1).
4. Adjust total MW wages for any errors noted and attach findings to **Exhibit L**.

**VIII. Non-Qualified Expenditure Testing (non-payroll)**

1. Select a sample of NQ (other than payroll) from the detailed cost ledger which includes all items \$25,000 or over and haphazardly select an additional 15 items.
2. For each expenditure item, inspect invoices, proof of payment or other equivalent documentation. Verify that the expenditure was not qualified as per Revenue & Tax code 17053.98(b)(21)(B)(i-iv) or 23698(b)(21)(B)(i-iv) and was not purchased or rented and used in California during the applicable period.



3. For exceptions noted in the prior procedure, adjust for known errors and as per findings, reclassify as QE or QW. Utilize these additional findings, if applicable, when calculating Jobs Ratio and tax credit amount. Attach findings and state error rate in **Exhibit M**, the list of noted NQ reclassifications.

## **IX. Related Parties & Other Affiliations**

1. Obtain from the Company a schedule listing of all related party transactions (including parties with a 5% or greater ownership in or affiliation with the Company) for which the Company is including the transactions in the California Qualified Expenditures. The listing should note the type of relationship between the related party and the Company and the nature and amount of the transactions.
2. Obtain a signed letter from a Company representative stating that the applicant (indicated in the CAL) has properly disclosed all related parties and related party transactions and that the schedules produced in accordance with item number 1 above are complete and accurate. This statement may be included in the applicant representation letter, **Exhibit F**.
3. From the schedule obtained in item number 1, select a sample of related party transactions for testing. Select all transactions greater than \$25,000; if related party issues were addressed, it is not necessary to retest items tested in QE procedure V(2) and/or procedure QW procedure VI(3). For the transactions less than \$25,000, haphazardly select 15 transactions for testing. Perform the following procedures for each related party transaction selection:
  - a. For selected QE paid to related parties:
    - (1) Inspect studio rate cards or comparison bids obtained by the Company to determine that related party transactions did not exceed the highest rate/bid. In addition, inspect pass-through vendor invoices to determine no markup was added. Any expenditures above the highest rate/bid and/or which were marked up when passed through the related party must be noted and explained on the related party transaction listing attachment, see procedure #4.
    - (2) Verify that the expenditure is allowable as per QE procedure V(2).
  - b. For selected QW paid to related parties:
    - (1) Verify that any amounts paid to individuals as defined in Revenue and Taxation Code Sections 17053.98 (b)(17)(B)(i-ii) and 23698(b)(17)(B)(i-ii) are not included in QW.
    - (2) Verify that the wage is allowable as per QW procedure VI(3).
    - (3) Compare rate of pay with applicable union rate or industry standard for position. If industry standard wages for type of position in relation to production type and budget levels are not explicit, contact the CFC.

- (4) For any qualified wages paid by a related party, verify that the wages paid by the related party are by the same entity (same federal ID #) in which the Applicant is paying wages. If not, expenditure must be considered non-wage. (If paying entity has a different federal ID for signatory purposes, contact the CFC.)
  - a. Request documentation from related party to verify that employee of related party worked on the production (e.g., time card, crew list, production report, screen credit).
  - b. For studio personnel whose wages are prorated based on work on other studio productions, request documentation to verify proration is accurate, based on comparing salary with payments on other studio productions.
- (5) Attach an electronic listing as **Exhibit N** of all related party transactions obtained in procedure 1 above. Note and explain any sampled transactions that did not have comparison bids, were above the higher rate/bid, and/or were marked up when passed through the related party.

#### **X. Non-Independent Productions: Additional tax credit calculation (Uplifts)**

Note: This procedure is not applicable to Relocating Series in their first season in California.

##### 1. Visual Effects

- a. Obtain from the Company a detailed listing of all worldwide visual effects (VFX) expenditures from the detailed cost ledger and cross reference amounts from VFX vendor letters in QE procedure V(9) with inspection of invoices, ledgers, etc. **(Exhibit G)**. Determine if the production spent either a minimum of \$10 million dollars or 75% of their total worldwide VFX expenditures on qualified VFX in California. If so, note percentages and amount in the Report.
- b. Obtain a signed letter from a Company representative stating that the applicant (indicated in the CAL) has properly disclosed all visual effects expenditures worldwide. Include as part of the representation letter **Exhibit F**.  
*Note: If VFX spend does not qualify for uplift but the Company has qualified VFX expenditures, perform procedure below to determine amount of qualified VFX in order to complete Jobs Ratio bonus points procedure in Section XII (1)(a).*
- c. Select a sample from the detailed cost ledger items identified as qualified for the visual effects uplift (VU) containing the top 5 highest costs and 5 additional haphazardly selected costs.
- d. Verify the sampled costs were incurred in California and qualify for the additional 5% tax credit (VU Uplift) as per section ~~5520(aa)~~5520(ee) of the Regulations by reviewing VFX categories indicated in green on the applicable Qualified Expenditure Chart (QEC). Adjust VU for expenditures which do not qualify for VU Uplift (or bonus points) and include in attachment **Exhibit O**, visual effects

adjustment and reclassification. If the sampled VU costs represent Outside Contract Bids / VFX Vendor costs, verify that the costs are prorated 70% QW and 30% QE as per Revenue and Tax Code Sections 17053.98(b)(7) and 23698(b)(7). Reclassify between QW and QE as necessary, based upon the errors noted.

**(Exhibit O)**

e. Note findings in **Exhibit Q**, uplifts and bonus points.

2. Out of Zone Expenditures:

a. Non-wages – Out of Zone Consumables Expenditures (ZC)

- (1) Select top 15 ZC expenditures and haphazardly select an additional 10 items labeled ZC and verify that the expenditures were purchased or rented from an out of the zone vendor and meet the definition of a consumable as defined in Section 5524(e)(3)(B) in the Regulations. In particular, scrutinize equipment and/or box rentals from non-local personnel, as they do not qualify as ZC.
- (2) Perform procedures in QE Section V(2) unless previously tested .
- (3) For exceptions noted above, adjust ZC for known errors and project the misstatement results of the sample to all items from which the sample was selected.
- (4) If the projected misstatement does not exceed 2% of ZC, document the projected misstatement in attachment **Exhibit P**, summary of OZ nonwages. Do not make adjustments to ZC for the projected misstatement.
- (5) If the projected misstatement exceeds 2%, adjust ZC for the projected misstatement amount to the ZC population that was not sampled and include findings in **Exhibit P**.
- (6) Utilizing findings from above procedures and calculate total amount of ZC eligible for additional 5% tax credit. Note in attachment **Exhibit Q** and in **Exhibit 1A**.

b. Non-wages – Out of Zone Non-Wage Expenditures (ZE)

- (1) Select top 15 ZE expenditures and haphazardly select an additional 10 items labeled ZE and verify that the expenditures were purchased or rented from an out of zone vendor.
- (2) Perform procedures in QE Section V(2) unless previously tested.
- (3) For exceptions, adjust ZE for known errors and project the misstatement results of the sample to all items from which the sample was selected. If the projected misstatement does not exceed 2% of ZE, document the projected misstatement in the Report. Do not make adjustments to ZE for

the projected misstatement. If the projected misstatement exceeds 2%, adjust ZE for the projected misstatement to the out of zone ZE population that was not sampled and attach findings in **Exhibit P**.

- (4) Utilize findings in Eligibility Section IV (5)(b) to prorate the sum from procedure above by utilizing the percentage of principal photography OZ days in relation to total California principal photography days to calculate total amount of ZE eligible for additional 5% tax credit. Note in attachment **Exhibit Q** and **Exhibit 1A**.

c. Out of Zone Wages

- (1) Utilize population in the ledger tagged as ZW incorporating findings in QW procedures VI(8) and (9) to determine amount of ZW eligible for additional 5% tax credit during the Applicable Period. Include findings in **Exhibit Q**.
- (2) Utilize population in the ledger tagged as LW incorporating findings in QW procedures VI(10) and (11~~4~~) to determine amount of LW eligible for additional 10% tax credit during the Applicable Period. Include findings in **Exhibit Q**.

**XI: Independent Films and Relocating TV Series: Additional tax credit calculation (Uplifts)**

1. Local Hire Labor Qualified Wages (LW)

- a. Utilize findings from Section VI(10) and (11) to calculate LW uplift (5%) for Independent Films and Relocating TV Series, if applicable, and note findings in **Exhibit Q** and in **Exhibit 1B**.

2. Visual Effects

- a. For Independent Films with qualified expenditures \$10 million or ~~under~~over, and Relocating TV Series, utilize findings in QE procedure ~~V(8)~~V(9) and if applicable, verify that top 5 highest cost and 5 haphazardly chosen expenditures tagged VU were incurred in California and qualify for bonus points as per section 5527(b)(1) of the Regulations by comparing to the VFX categories indicated in green on the applicable QEC. Adjust VFX expenditures for costs which do not qualify for bonus points. Verify that sampled Outside Contract Bids / VFX Vendor costs are prorated 70% QW and 30% QE as per Revenue and Taxation Sections 17053.98(b)(7) and 23698(b)(7) and reclassify between QW and QE as necessary, based upon the errors noted. Include findings in attachment **Exhibit O**.

**XII. Re-computation of Jobs Ratio**

1. Qualified Visual Effects

- a. Utilizing findings from procedure 1 in Section X and procedure 2 in Section XI, state the amount of qualified visual effects performed in California eligible for

additional bonus points (no minimum VFX spend requirements for additional bonus points) in attachment **Exhibit Q**.

2. Out of Los Angeles Zone Days

a. Utilizing findings from Eligibility Section IV (5)(b), state the number of principal photography days outside the Los Angeles zone as defined in Revenue and Taxation Code Section 17053.98(a)(4)(D)(i)(II)(ib) and Section 23698(a)(4)(D)(i)(II)(ib); state the percentage of principal photography days outside the Los Angeles zone as a percentage of the total principal photography days in California.

3. Musician Scoring/Track Recording Wages (excludes Independent Films with qualified expenditures of \$10 Million Dollars and under)

a. Utilizing findings from Section VII, state the amount of wages eligible for bonus points. (**Exhibit Q**)

4. Obtain Adjusted Jobs Ratio Comparison Calculator (**Exhibit 2**) from the CFC website portal. Input findings related to schedule from Section IV (Eligibility) and verified QW and QE excluding completion bond fees or any “uplifts”. Note maximum tax credit amount in re-computation is capped at CAL amount. Include the completed form **Exhibit 2** in Excel format.

Note final jobs ratio in **Exhibit 1A** or **1B** as applicable.

5. Compare original CFC approved Adjusted Jobs Ratio from Eligibility procedure IV(3) to the re-computed Adjusted Jobs Ratio. If the new Adjusted Jobs Ratio is significantly lower than the original Jobs Ratio, a penalty may apply. If the Jobs Ratio has been reduced by more than 10 percent, the credit will be reduced by the total percentage, (e.g., if 9%, no reduction; if 12% reduction, then the penalty percentage is 12%). If the penalty percentage is over 20%, reduce by total percentage and state in the Report.

6. If the Company states there is reasonable cause as defined in the Regulations, Section ~~5520~~(v)5520(y) to justify the reduction in the Jobs Ratio, please inform a representative of the Company to contact the CFC. Once the CFC has made a determination, obtain verification from the CFC and recalculate the Jobs Ratio if necessary. A reduction in the jobs ratio due to reduced expenditures related to Covid-19 pandemic may be included in the definition of reasonable cause.

### XIII. Wrap-up Procedures

1. As applicable, verify and note that the Independent Film did not exceed a maximum of \$2.5 million dollars in tax credits (the \$10 million-dollar qualified expenditure threshold exclusive of uplifts) or the non-independent project did not exceed \$20 million dollars in tax credits (the \$100 million qualified expenditure threshold exclusive of uplifts). Verify that uplift amounts do not exceed the maximum allowable as per Section 5522 (f) and (g) of the Regulations.

2. If applicable (if the production does not meet the 75% principal photography threshold in Section IV Eligibility procedure 5), recalculate the 75% spend test (e.g., Eligibility procedure 6) after accounting records are revised for findings in QE and QW procedures. Confirm that 75% of Total Production Expenditures were spent for California Expenditures.
3. If completion bond costs are included in qualified spend, obtain total completion bond costs and recalculate as a percentage of qualified expenditures not to exceed 2%. If cost exceeds 2%, reduce completion bond fee to no more than 2% of qualified spend.
4. Complete and attach **Exhibit 1A** or **1B** as applicable, based on findings in **Exhibit 2**.