



EMBARGOED MATERIAL

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Mr. Kim Kaufman
Executive Director
Independent Regulatory Review Commission
14th Floor
333 Market Street
Harrisburg, PA 17101

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INDEPENDENT REGULATORY
REVIEW COMMISSION

RE: Proposed Realty Transfer Tax Regulations - Pennsylvania Department of Revenue

Dear Mr. Kaufman:

I write regarding proposed revisions to certain realty transfer tax regulations offered by the Pennsylvania Department of Revenue.

In April 2007, the Philadelphia Bar Association identified substantial problems with an earlier version of the draft regulations. Those problems continue in this version. For example, the proposed regulations' inconsistency with Exton Plaza Associates and current regulations relating to real estate companies, as described in detail by the Bar Association, remains in this draft.

The Department indicates it intends to codify existing law, yet over the seven-year drafting (and re-drafting) period, the "codification" has materially and substantially evolved. This evolution confirms that these draft regulations are not a codification of well-settled law but rather legislative action by an administrative agency.

Consequently, I would respectfully request that you reject these proposed regulations as being outside the proper scope of administrative rulemaking.

Sincerely,

Shaun R. Eisenhauer

SRE/ds