



Judiciary Committee News

United States Senate
Senator Patrick Leahy, Chairman

Submissions for the Record by Chairman Patrick Leahy (D-Vt.)

Senate Judiciary Committee Hearing On:

“S. 598, The Respect for Marriage Act:

Assessing the Impact of DOMA on American Families”

July 20, 2011

Testimony From Vermont Residents:

- Wilfredo Docto, Waterbury
- Colleen Montgomery, Burlington
- Jason Stuart, Essex Junction
- Maria Tomaselli, Ludlow
- Mark Westergard, South Burlington



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July 15, 2011

Sen. Patrick Leahy
Chair, U.S. Senate Judiciary Committee
437 Russell Senate Bldg
United States Senate
Washington, DC 20510

Dear Sen. Leahy:

I am writing you in support of repealing the Defense of Marriage Act (DOMA). Apart from the social injustices, DOMA has hurt us economically by forcing us to pay higher federal income taxes and higher deductibles on our health insurance than married heterosexuals of similar circumstances.

My partner Greg Trulson and I have been in a committed, loving relationship for 19 years. In 1996, due to my partner's job transfer through IBM, we moved to Duxbury, Vermont where we purchased a log home and turned it into a thriving B&B to supplement our income. When Vermont became the first state to legalize civil unions, Greg and I were thrilled to be residents of the most enlightened state in the country! We celebrated by exchanging vows on November 10, 2001. Then, after the marriage equality law passed, we repeated our vows and were legally married on November 10, 2009.

In 2003, we found ourselves more dependent on our B&B income after IBM gave my partner early retirement after 22 years of service. No longer just a "side business," our growing B&B had become our main source of income and we became even more aware of economic pitfalls of legal discrimination.

According to our accountants at Spaulding & Madden (please see attached), in the six years between the years 2004 and 2009, our federal income tax payment was \$24,487 more because we had to file as "Single" rather than "Married Filing Jointly." That is an average of more than \$4000 per year that we had to pay more. In addition, our accountants had to do extra work, because in order to file our taxes in Vermont, the accountants needed to do a mock Federal filing as if we were "Married Filing Jointly." Thus, over the years, we have had to pay for extra accounting services. This "Gay Marriage Penalty" is unfair.

Furthermore, because we are self-employed, we are paying our own premiums on health insurance. To make it affordable we have chosen to have Health Savings Accounts (HSA), which allow us to deposit funds that are free of federal taxes. However, we have a high deductible of \$2500 each. Because we are not allowed to buy a Family insurance plan, our combined deductible is \$5000. In order for our insurance to kick-in during a given year, we each need to pay \$2500 out of our own pockets.

As very small business owners, we contribute greatly to the local economy by marketing to and attracting visitors from all around the world to our 86-acre destination property. We support the local economy by hiring local vendors for catering, equipment, weddings and other special events; plus local contractors for major renovations and repairs. We - and our guests - heavily patronize local restaurants, markets, and attractions. In addition, Greg and I personally contribute to cultural and business organizations throughout the state. And as a couple with no children, we contribute greatly each year to local and state taxes to help maintain our roads and schools. We are happy to pay our fair share of taxes, but DOMA unfairly punishes us.

There is no reason why our long-term committed relationship should be deprived of benefits that other couples are provided. I urge the Judiciary Committee to support the Respect for Marriage Act and get rid of unfair discrimination.

I greatly appreciate the opportunity to submit this letter to you. I thank you for your consideration and hard work on behalf of equality.

Sincerely,



Wilfredo T. Docto

Co-Owner, Moose Meadow Lodge LLC
Owner, Docto Association Management LLC
President, Vermont Gay Tourism Association
Treasurer, Waterbury Tourism Council
President, Eleva Chamber Players

Enclosure

Tax Year	Actual Tax Paid by Greg Trulson (single tax rate)	Actual Tax Paid by Wilfredo Docto (single tax rate)	Actual Total Tax Paid (single tax rate)	Total Tax Owed if able to file Jointly (joint rate)	Tax Difference (single rate vs. if able to file jointly)
2004	\$0.00	\$3,209.00	\$3,209.00	\$1,454.00	\$1,755.00
2005	\$0.00	\$4,684.00	\$4,684.00	\$454.00	\$4,230.00
2006	\$0.00	\$7,051.00	\$7,051.00	\$693.00	\$6,358.00
2007	\$0.00	\$7,536.00	\$7,536.00	\$1,197.00	\$6,339.00
2008	\$0.00	\$6,369.00	\$6,369.00	\$618.00	\$5,751.00
2009	\$0.00	\$54.00	\$54.00	\$0.00	\$54.00
2010					
Totals	\$0.00	\$28,903.00	\$28,903.00	\$4,416.00	\$24,487.00

2010 figures unavailable at this time due to extensions being filed awaiting business K1 forms

SUMMARY: Taxpayers paid \$24,487 more in income tax for 2004 through 2009 due to not being able to file jointly

Letter from Mrs. Colleen Montgomery, CPA
Burlington Vermont
To Senator Patrick J. Leahy

I am a CPA in Burlington. Our small firm prepares numerous tax returns for same sex couples-some married/civil unioned and some not. There is no question that these returns present additional challenges and they surely serve to remind these families that they are not considered equal outside of Vermont. I look forward to the day that we don't need to distinguish between "Married in VT" and "Married". I believe that quite a few of our couples will actually end up paying more tax once DOMA is gone---and they will be happy to do so. I know that our bills for tax preparation will be reduced---and we will be happy to take that cut in pay.

If there is anything we can do to help with the committee hearings, just let us know!

Mrs. Colleen Montgomery
Burlington, VT

Testimony of Jason A. Stuart Walt of Essex Junction, VT for the hearing titled
“S.598, The Respect for Marriage Act: Assessing the Impact of DOMA on American Families”
July 20, 2011

Thank you for coordinating the updates on the Respect for Marriage Act. I am a current resident of Essex VT and am married to a French Canadian citizen living in Montreal. We have been together for 5 1/2 years now, and married since September of last year. DOMA prevented my husband, Sylvain, from being eligible to immigrate to the United States as my spouse. After a period of time we decided that we wanted to spend every day together and not have to commute back and forth between Essex and Montreal every weekend. It isn't enough to have so little time with the man you love. Given DOMA's effect on immigration eligibility, I have had to leave my job, my friends, my family and country behind to begin the process of becoming a permanent resident of Canada. We are currently working on the immigration paperwork. It is sad to think that the United States of America, with all its talk of freedom for all, is behind other international countries like Canada on human rights. Actually, it is just sad.

Anyway, thank you for supporting this legislation and keeping us updated. Maybe someday soon my husband and I could even consider living in the United States together!

Testimony of Maria Tomaselli of Ludlow, VT for the hearing titled
"S.598, The Respect for Marriage Act: Assessing the Impact of DOMA on American Families"
July 20, 2011

I'm a Vermonter who is in a same sex relationship with an Australian citizen. We are not married yet because we're still trying to figure out what we're going to do to keep her here after next winter. She works seasonally as a ski instructor in VT with me on an H2B visa. Inevitably, she has to leave at the end of each winter. Even if we were to marry, I still couldn't keep her here thru immigration sponsorship or through a fiancee visa because of DOMA. I need something to change quickly before the end of next winter or I may have to leave this country just for us to be together. Australia will recognize our relationship, but my country won't! So much for liberty and justice for all!!!

Testimony of Mark S. Westergard of South Burlington, VT for the hearing titled
“S.598, The Respect for Marriage Act: Assessing the Impact of DOMA on American Families”

Both my husband, Curt, and I work for the one employer in Vermont that is permitted to discriminate against us: the Federal government. Neither of us can carry the other on our health insurance. All of our co-workers in opposite-gender marriages have the option of carrying their spouse on their health insurance. If Curt could insure me I would retire but because he can't I continue working to get health insurance. I like my job but I could do a lot of good work if I retired. Unfortunately I am not able to do that. I would be a great witness. I'm a lawyer that has tons of experience speaking to the governing bodies of governments. I'm not the least bit nervous or reluctant and I know how to answer the question asked, if any. Thanks for your work.