

BOARD OF EQUALIZATION, WASHOE COUNTY, NEVADA

MONDAY

9:00 A.M.

JANUARY 30, 2012

PRESENT:

James Covert, Chairman
John Krolick, Vice Chairman
James Brown, Member
Philip Horan, Member
Linda Woodland, Member*

Nancy Parent, Chief Deputy Clerk
Herb Kaplan, Deputy District Attorney

The Board of Equalization convened at 9:16 a.m. in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Chairman Covert called the meeting to order, the Chief Deputy Clerk called the roll and the Board conducted the following business:

12-009E PUBLIC COMMENT

There was no response to the call for public comment.

12-010E SWEARING IN

Nancy Parent, Chief Deputy Clerk, administered the oath to the following members of the Assessor's staff who would be presenting testimony for the 2012 Board of Equalization hearings: Craig Anacker; Mike Bozman; Mike Churchfield; Steve Clement; Ivy Diezel; Stacy Ettinger; Michael Gonzales; Joe Johnson; Peter Kinne; Rigo Lopez; Paul Oliphint; Pat Regan; Chris Sarman; Ron Sauer; Jana Spoor; Dona Stafford; Mark Stafford; Howard Stockton; Ginny Sutherland; John Thompson; Gail Vice; Theresa Wilkins; and, Josh Wilson.

12-011E WITHDRAWN PETITIONS

There were no withdrawn petitions.

12-012E REQUEST FOR CONTINUANCE

At the request of the Petitioner, the following hearings were rescheduled to February 24, 2012:

| Roll No. | Petitioner | Hearing No. |
|-----------------|----------------------------|--------------------|
| 2472013 | Gray Television Group Inc. | 12-0118PP |
| 2472014 | | 12-0119PP |

12-013E CONSOLIDATION OF HEARINGS

The Board consolidated items as necessary when they each came up on the agenda.

12-014E ROLL NO. 2211369 – SINGH, KRIPAL –
HEARING NO. 12-0012PP

A Petition for Review of Assessed Valuation was received protesting the 2011-12 taxable valuation for personal property located at 2285 Kietzke Lane, Washoe County, Nevada.

The following exhibits were submitted into evidence:

Petitioner

Exhibit A: Personal Property Declaration, 1 page.

Assessor

Exhibit I: Assessor's Hearing Evidence Packet including personal property records, 17 pages.

On behalf of the Petitioner, Navdeep Singh was sworn in by Chief Deputy Clerk Nancy Parent.

On behalf of the Assessor and having been previously sworn, Mark Stafford, Sr. Appraiser, oriented the Board as to the location of the subject property. He explained it was the Franktown Market located in the Franktown Corners Shopping Center on Kietzke Lane.

Mr. Singh stated the market opened in January 2011. He said they were open for only five months when they closed it in May, because they felt it was not a good location. He stated they moved out all their belongings at that time.

Appraiser Stafford said the taxpayer returned the required Personal Property Declaration to the Assessor's Office. After receipt of the Declaration, assessment of their business personal property was performed, pursuant to Nevada Revised Statutes (NRS) 360.450 (2). He stated that a perpetual lien for taxes was attached upon all property within the County on July 1st. The owner of personal property located in Nevada on the day the tax lien attached was liable for the personal property tax even if the property was removed from the State before the actual assessment was made. Appraiser Stafford directed the Board to page 1 of Exhibit I wherein an Attorney General's Opinion was cited: "So long as the property had situs in the county in July, the assessor has the right to demand the full amount of the tax...". He said the quote continued stating, "There is no legal basis for an assessor or board of equalization to prorate or apportion personal property tax liability." He informed the Board he also

attached and opinion written by the Washoe County District Attorney's (DA's) Office which concluded that if the property was present in the county as of the lien date, it established situs in the county at that time, and taxes for the full year were due and payable. He reiterated there was no authorization for a proration or refund of taxes if the property left the county. He thought the statute was there to stop someone from removing their property from the county to avoid paying taxes as of the lien date. As of the lien date (July 1st), the subject personal property had situs in Washoe County.

Chairman Covert asked if there would be an adjustment to the equipment if there was some kind of impairment. Appraiser Stafford stated there was statutory authority for an adjustment to damaged or destroyed property, such as fire.

Member Horan inquired what happened to the property. Appraiser Stafford stated he did not know what happened to the property and felt the Petitioner should answer the question.

In rebuttal, Mr. Singh stated the building was still vacant, no one was at the location and the property was still available. Chairman Covert asked if the equipment was destroyed or sold. Mr. Singh stated the equipment was owned by the landlord, such as the walk-in cooler and the checkout counter and the Petitioner had nothing to do with that equipment. Chairman Covert then asked if the Petitioner owned the equipment. Mr. Singh replied they did not own all the equipment and what they owned, they removed when they moved out.

Appraiser Stafford went over page 2 of Exhibit I, which showed the property that was reported to the Assessor's Office by the operators of the business and subsequently assessed. He said he did not see any items of real property that would belong to the real property owner. He believed the legal ownership of the equipment belonged to the operators as they were the ones who sent in the Declaration. Chairman Covert asked if the equipment on the list was owned by Mr. Singh or the business. Mr. Singh responded none of the equipment was owned by him. He said #11 (software) on the list was removed when they moved. He explained the sound system was still at the location. Chairman Covert inquired if the Petitioner bought the sound system. Mr. Singh said everything was already at the location when they moved in. He explained they leased the property. Mr. Singh said they took some shelves to the property, but removed them when they moved out.

Chairman Covert asked how they could prove ownership of the equipment. Appraiser Stafford felt the written lease should have a description of the property being provided to the tenant as part of the agreement. Chairman Covert inquired if that was provided to the Assessor's Office. Appraiser Stafford stated he did not have the lease, but he had the Declaration which was provided by the Petitioner. Member Horan asked if the Declaration indicated they owned the property. Appraiser Stafford stated that was correct. He next went to page 4 of Exhibit I showing the items that were submitted, which included signage that would normally be owned by the operator of the business. He said he hoped if there was equipment provided by the landlord to the tenant,

it would be listed on the lease agreement. Chairman Covert stated the Petitioner listed the equipment on the Declaration as being their property. Appraiser Stafford stated the Petitioner filed the Declaration on-line.

Member Horan stated it should be up to the Petitioner to provide proof they did not own the property to avoid the taxable assessment. Chairman Covert agreed.

Chairman Covert inquired if there was any more discussion. Hearing none, he brought the discussion back to the Board. Member Horan stated it was up to the Petitioner to show they were not the owners of the equipment. Absent that, he believed the taxes were still due and payable.

With regard to Roll No. 2211369, which Petition was brought pursuant to NRS 361.357, based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Brown, seconded by Member Horan, which motion duly carried with Member Woodland absent, it was ordered that the Assessor's taxable values for the 2011-12 Unsecured Roll Year be upheld. It was found that the Petitioner failed to meet his/her burden to show that the personal property was valued incorrectly or that the total taxable value exceeded full cash value.

12-015E ROLL NO. 5600748 – BOARDROOM AVIATION LLC –
HEARING NO. 12-0010PP

A Petition for Review of Assessed Valuation was received protesting the 2011-12 taxable valuation on the personal property located at 485 S. Rock Boulevard, Hanger F2, Washoe County, Nevada.

The following exhibits were submitted into evidence:

Petitioner

Exhibit A: Discounts and offsets by Hawker Beech to Boardroom Aviation, specs and invoices, 17 pages.

Exhibit B: Letter and supporting documentation, 33 pages.

Assessor

Exhibit I: Assessor's Hearing Evidence Packet including aircraft personal property information, 8 pages.

On behalf of the Petitioner, Timothy F. McKernan was sworn in by Chief Deputy Clerk Nancy Parent.

On behalf of the Assessor and having been previously sworn, Mark Stafford, Sr. Appraiser, oriented the Board as to the location of the subject property. He explained the property was a 2010 Beechcraft Premier 1A business jet. He said the taxable value was set at \$4,680,000.

Mr. McKernan stated he filed the Personal Property Declaration on July 1, 2011 and on September 26, 2011 he received the assessment notice of \$59,725. He reviewed the Declaration form and noticed on the back there were some allowable exemptions that could be offset from the purchase price. He then contacted the Assessor's Office and asked if he could re-declare the value and purchase price of the aircraft. He was informed that it was too late to do that and the only way to re-declare the purchase price of the aircraft was through the appeal process.

Mr. McKernan stated in today's economic environment, it was common place for high-end equipment and aircraft manufacturers to maintain their published selling prices. The only way the manufacturers could maintain their asking price was to offer offsets. He said the offsets were not included in the published price. He believed associations and organizations that monitor selling prices for *Blue Book* value, could probably determine what new aircrafts were selling for, however, he thought they would not know about hidden prices. Mr. McKernan presented as evidence a list of the offsets he was given when he purchased the aircraft (Exhibit A).

9:45 a.m. Member Woodland arrived at the meeting.

Mr. McKernan stated attached to the spreadsheet presented, were the contractual pages from the original purchase agreement with Hawker Beechcraft which described the offsets. He was claiming there were \$862,000 worth of offsets, which would make the net purchase price of the aircraft \$4.34 million. He said he would like to submit that as his re-declared purchase price. Chairman Covert clarified the offsets were somewhat the same as when buying a car; the list price and extra options at no charge, which reduces the sticker price of the car. Mr. McKernan said it might be similar, but in the aircraft industry it was huge with the potential of \$400,000 more offered for a trade-in, or a year's worth of free fuel (\$250,000). The manufacturer could maintain their published prices that way and help their marketing efforts. Chairman Covert inquired if he purchased the aircraft new and Mr. McKernan responded yes.

Member Horan asked if the offsets were a one-time option or would they recur. Mr. McKernan stated some of the offsets he was given were for one time and some would recur for five years. He said those were identified in Exhibit B.

Chairman Covert inquired what CAMP service referred to. Mr. McKernan replied it was a maintenance tracking system offered for sale by the manufacturer. He explained this type of aircraft had specific required maintenance. Chairman Covert asked what RVSM service referred to. Mr. McKernan stated Radar Vertical Separation Minimums, which was reflected separation of smaller aircraft in altitude.

Member Horan stated the offsets did not affect the value of the aircraft. He felt the value of the aircraft was the value of the aircraft regardless of the deal given when it was purchased. Chairman Covert stated his definition of value was what a willing buyer and willing seller agreed upon regardless of offsets.

Appraiser Stafford asked if the summary (page 1 of Exhibit A) was prepared by the Petitioner. Mr. McKernan replied it was. Appraiser Stafford then reviewed the invoice dated October 11, 2010 (page 2 of Exhibit A) which showed the price of the aircraft at \$6.5 million, plus \$123,000 in additional equipment, for a list price of \$6.6 million, less a discount of \$1,450,050 arriving at a purchase price of \$5.21 million. The trade-in and deposit were then subtracted for a balance due on delivery of \$1,347,000.

Appraiser Stafford stated page 4 of Exhibit I included an excerpt from the Aircraft Price Digest (Blue Book) which showed the aircraft had an average retail price of \$5.6 million, and a wholesale value of \$4.97 million. He said the testimony that aircrafts, especially multi-million dollar jets, have lost a lot of value over the last three years was correct, just like everything else in the current economy. He noted he found from discussions with jet owners that most of the time these planes would sell closer to wholesale rather than retail. He included a listing of a similar aircraft (page 5 of Exhibit I), which was currently listed for \$5.2 million representing the value was closer to wholesale. He said the Assessor's Office had \$4.68 million as the assessed value of the aircraft.

Appraiser Stafford noted the assessment was derived from replacement cost new, less depreciation and could not exceed market value. He said the value was developed based on the sales price of the aircraft, which was less than all the dollar amounts referenced and did not exceed market value. Chairman Covert asked if the \$4.68 million included one year's worth of depreciation. Appraiser Stafford stated that was correct, with a 20-year life double-declining balance, or 10 percent of the \$5.2 million.

In rebuttal, Mr. McKernan stated someone could not tell what the details were on the inside of the aircraft based on what the appraiser was referring to. He believed the purchase price of the aircraft to be \$4.3 million in these economic times, not what was recorded in the publications. He noted his evidence showed if the aircraft had a similar maintenance and trade-in for five years, not two years, the plane would net out to about \$4.347 million. Chairman Covert stated he recognized both standpoints, which certainly clouded the valuation methods.

Chairman Covert inquired if there were any questions. Hearing none, he brought the discussion back to the Board. Member Brown inquired if the Board was dealing with a gap between \$4.68 million and \$4.3 million. Chairman Covert said that was correct. Member Brown stated he was willing to split the difference. Chairman Covert said it was a difficult appeal for both sides, because unless the aircraft was sold, the Board would not know the value.

Appraiser Stafford stated he would like to clarify what Member Brown was referring to. He said the Petitioner was seeking the Board to consider the gross selling price was \$5.2 million, minus the \$800,000 in offsets, resulting in a tangible assessment of \$4.34 million. The Petitioner would like 10 percent depreciation from that discounted price. Appraiser Stafford stated 90 percent of \$4.34 million versus 90 percent

of \$5.2 million. Member Brown thanked Appraiser Stafford for the clarification. Member Horan stated he supported the Assessor's Office valuation.

Member Krolick stated without a fee appraisal, the Board had to make this decision.

Mr. McKernan stated as a consumer he would have been better off to pay the net price of \$4.34 million and recorded that price. Chairman Covert stated the Assessor's Office had to use the total value of the aircraft, as long as it did not exceed the purchase price less depreciation.

With regard to Roll No. 5600748, based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Brown, seconded by Member Horan, which motion duly carried with Member Woodland abstaining, it was ordered that the Assessor's taxable values for the 2011-12 Unsecured Roll Year be upheld. It was found that the Petitioner failed to meet his/her burden to show that the personal property was valued incorrectly or that the total taxable value exceeded full cash value.

12-016E PARCEL NO. 011-529-02 – NIRDLINGER, SHAWN –
HEARING NO. 12-0005E11

A Petition for Review of Assessed Valuation was received protesting the 2011-12 taxable valuation on land and improvements located at 50 N. Sierra Street, #902, Washoe County, Nevada.

The following exhibits were submitted into evidence:

Petitioner

- Exhibit A: Letter from Department of Veterans Affairs, 1 page.
- Exhibit B: Letter from Department of Veterans Affairs, 1 page.
- Exhibit C: Letter from Department of Veterans Affairs, 1 page.
- Exhibit D: Explanation of VA compensation and benefits, 1 page.
- Exhibit E: Description of disabilities, 1 page.
- Exhibit F: Certificate of discharge from active duty, 1 page.

Assessor

- Exhibit I: Assessor's Hearing Evidence Packet including exemption information and regulations, 3 pages.

On behalf of the Petitioner, Shawn Nirdlinger was sworn in by Chief Deputy Clerk Nancy Parent.

On behalf of the Assessor and having been previously sworn, Ivy Diezel, Department Systems Support Analyst, oriented the Board as to the location of the subject property.

Mr. Nirdlinger said he purchased the subject property with a Veteran's Administration (VA) home loan. He said he received a 100 percent disability pension from the VA and Social Security disability. He believed paying the taxes for this property was much like his benefits were going from the federal government to the State government and he happened to be the middle man. He said if the Board could grant him the exemption, it would help. Chairman Covert asked if he felt the Assessor's Office had made an error. Mr. Nirdlinger stated the property value was appropriate, he was just requesting the exemption.

Ms. Diezel stated the request was to have the exemption applied for the 2011-12 tax year. She emphasized the Petitioner qualified for a 100 percent Disabled Veteran's exemption. The Petitioner went to the Assessor's Office on July 18, 2011 to apply for the exemption; however, Nevada Revised Statute (NRS) required that in order to apply the exemption to the 2011-12 tax roll, the Petitioner would have had to apply by June 15, 2011. The Assessor's Office could not apply the exemption, even though he qualified, without going through this process. Chairman Covert confirmed the issue was just a timing issue. Mr. Nirdlinger stated he was not aware of the deadlines. He reiterated he paid the full tax amount last year. He said he never really knew this was available to him.

Herb Kaplan, Deputy District Attorney, stated the Legislature provided a change to the NRS to allow an individual who missed the deadline, or was denied an exemption, to petition to this Board and the Board had the ability to grant or deny the exemption.

Ms. Diezel informed the Petitioner he would have to renew the exemption each and every year by way of a postcard, which should be mailed to him in March of each year.

With regard to Parcel No. 011-529-02, based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Woodland, seconded by Member Krolick, which motion duly carried, it was ordered that the Petitioner be granted an exemption for property taxes for tax year 2011-12, pursuant to NRS 361.155.

12-017E ROLL NO. 2600359 – DE SALVO, ELISE ANTONIA –
HEARING NO. 12-0009PP

A Petition for Review of Assessed Valuation was received protesting the 2011-12 taxable valuation on the personal property located 3259 Barbara Circle, Washoe County, Nevada.

The following exhibits were submitted into evidence:

Petitioner

Exhibit A: Letter, Personal Property Declaration, record card and photograph, 5 pages.

Assessor

Exhibit I: Assessor's Hearing Evidence Packet, including Unsecured Roll records, 4 pages.

On behalf of the Petitioner, Elise DeSalvo stated she did not wish to be sworn in as she would not be offering any testimony.

On behalf of the Assessor and having been previously sworn, Mark Stafford, Sr. Appraiser, oriented the Board as to the location of the subject property.

Ms. De Salvo stated she appreciated how the Board worked and thanked them for their time and effort to help the citizens of the community.

Appraiser Stafford stated it was the Assessor's Office recommendation to adjust the taxable value to \$837.

With regard to Roll No. 2600359, based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Woodland, seconded by Member Horan, it was ordered that the total taxable value be reduced to \$837 for the 2011-12 Unsecured Roll Year. The reduction was based on newly calculated values. With this adjustment, it was found that the personal property was valued correctly and the total taxable value does not exceed full cash value.

12-018E PARCEL NO. 035-571-07 – SCHMIDT, MARY A –
HEARING NO. 12-0001E11

A Petition for Review of Assessed Valuation was received protesting the 2011-12 taxable valuation on land and improvements located at 956 Bernice Court, Washoe County, Nevada.

The following exhibits were submitted into evidence:

Petitioner

None

Assessor

Exhibit I: Assessor's Hearing Evidence Packet including exemption information and regulations, 3 pages.

On behalf of the Petitioner, no one was sworn in by Chief Deputy Clerk Nancy Parent.

On behalf of the Assessor and having been previously sworn, Ivy Diezel, Department Systems Support Analyst, oriented the Board as to the location of the subject property.

Ms. Diezel stated this was an exemption appeal under Nevada Revised Statute 361.155. She explained the Petitioner qualified for both the Surviving Spouse and the Surviving Spouse of a Disabled Veteran exemption; however, her initial claim was made after the deadline. The Assessor's Office could not grant the exemption due to the lateness of the filing.

With regard to Parcel No. 035-571-07, based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Brown, seconded by Member Woodland, which motion duly carried, it was ordered that the Petitioner be granted exemption for property taxes for tax year 2011-12, pursuant to NRS 361.155.

12-019E PARCEL NO. 524-091-10 – DELANEY, DIANA –
HEARING NO. 12-0002E11

A Petition for Review of Assessed Valuation was received protesting the 2011-12 taxable valuation on land and improvements located at 3284 Genil Court, Washoe County, Nevada.

The following exhibits were submitted into evidence:

Petitioner

None

Assessor

Exhibit I: Assessor's Hearing Evidence Packet including exemption information and regulations, 3 pages.

On behalf of the Petitioner, no one was sworn in by Chief Deputy Clerk Nancy Parent.

On behalf of the Assessor and having been previously sworn, Ivy Diezel, Department Systems Support Analyst, oriented the Board as to the location of the subject property.

Ms. Diezel stated the Petitioner qualified for both the Surviving Spouse and the Surviving Spouse of a Disabled Veteran exemption. She reported the Petitioner received this exemption in the past, but failed to submit the paperwork before the deadline for 2011-12. The appeal was presented under Nevada Revised Statute 361.155.

With regard to Parcel No. 524-091-10, based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Brown, seconded by Member Krolick, which motion duly carried, it was ordered that the Petitioner be granted exemption for property taxes for tax year 2011-12, pursuant to NRS 361.155.

12-020E PARCEL NO. 036-311-11 – MILLER, CLIFFORD J –
HEARING NO. 12-0003E11

A Petition for Review of Assessed Valuation was received protesting the 2011-12 taxable valuation on land and improvements located at 935 Madrone Circle, Washoe County, Nevada.

The following exhibits were submitted into evidence:

Petitioner

None

Assessor

Exhibit I: Assessor's Hearing Evidence Packet including exemption information and regulations, 3 pages.

On behalf of the Petitioner, no one was sworn in by Chief Deputy Clerk Nancy Parent.

On behalf of the Assessor and having been previously sworn, Ivy Diezel, Department Systems Support Analyst, oriented the Board as to the location of the subject property.

Ms. Diezel stated the Petitioner had met the requirements and qualified to receive a 100 percent Disabled Veteran's exemption. She said the appellant would like the exemption applied to his home; however, he did not close on the home until July 1, 2011. She explained the Nevada Revised Statutes (NRS) allowed the Assessor's Office to apply an exemption on any property that was owned by June 30th. Chairman Covert inquired why the Petitioner was being assessed when he did not own on the property on June 30th.

Josh Wilson, Assessor, previously sworn, stated the lien date for assessment was July 1st and the appellant did own the property on the lien date. He said they were only talking a day, but he did own the property for the entire fiscal year. He was not sure what action was appropriate for this Board to take. Ms. Diezel stated the Petitioner filed his initial application, which had been used on his previously owned property.

With regard to Parcel No. 036-311-11, based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Woodland, seconded by Member Brown, which motion duly carried, it was ordered that the Petitioner be granted a 100 percent Disabled Veteran exemption for property taxes for tax year 2011-12, pursuant to NRS 361.091.

12-021E PARCEL NO. 028-201-07 – WESTBROOK, KENDRICK –
HEARING NO. 12-0004E11

A Petition for Review of Assessed Valuation was received protesting the 2011-12 taxable valuation on land and improvements located at 560 Gault Way, Washoe County, Nevada.

The following exhibits were submitted into evidence:

Petitioner

None

Assessor

Exhibit I: Assessor's Hearing Evidence Packet including exemption information and regulations, 3 pages.

On behalf of the Petitioner, no one was sworn in by Chief Deputy Clerk Nancy Parent.

On behalf of the Assessor and having been previously sworn, Ivy Diezel, Department Systems Support Analyst, oriented the Board as to the location of the subject property.

Ms. Diezel stated the Petitioner qualified to receive a Veteran's exemption; however, he failed to return the renewal affidavit before the deadline.

With regard to Parcel No. 028-201-07, based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Brown, seconded by Member Horan, which motion duly carried, it was ordered that the Petitioner be granted exemption for property taxes for tax year 2011-12, pursuant to NRS 361.155.

12-022E ROLL NO. 5101053 – LAUSSER, BRANDON –
HEARING NO. 12-0014PP

A Petition for Review of Assessed Valuation was received protesting the 2011-12 taxable valuation on the personal property located in Washoe County, Nevada.

The following exhibits were submitted into evidence:

Petitioner

None

Assessor

Exhibit I: Assessor's Hearing Evidence Packet including personal property records, 18 pages.

On behalf of the Petitioner, no one was sworn in by Chief Deputy Clerk Nancy Parent.

On behalf of the Assessor and having been previously sworn, Mark Stafford, Sr. Appraiser, oriented the Board as to the location of the subject personal property.

Appraiser Stafford stated the appeal was for an aircraft on the unsecured roll for year 2011-12. The aircraft (1974 Grumman Traveler) was based at the Stead Airport. He reported the taxpayer relocated to Virginia and took the aircraft with him. He said the aircraft was present in Washoe County as of the lien date and it was the Assessor's Office recommendation to deny the request for exemption.

Appraiser Stafford cited an Attorney General's opinion (Exhibit I) stating, "There is no legal basis for an assessor or board of equalization to prorate or apportion personal property tax liability..."

Chairman Covert brought the discussion back to the Board. Member Horan questioned the Attorney General's opinion quoted by Appraiser Stafford. For clarification, he wondered if the opinion meant the Board could not act on this appeal. Herb Kaplan, Deputy District Attorney, stated the appraiser was talking about personal property being prorated that had been located in the State of Nevada for only a portion of the appeal year. Member Horan asked if the opinion meant the Board could not prorate personal property. Mr. Kaplan stated that was correct.

With regard to Roll No. 5101053, based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Woodland, seconded by Member Horan, it was ordered that the Petitioner be denied the requested exemption for property taxes pursuant to NRS 361.450 for tax year 2011-12, as the Petitioner failed to establish at least one of the requirements for that exemption.

DISCUSSION FOR HEARING NOS. 12-0064PP, 12-0065PP & 12-0066PP

On behalf of the Petitioner, no one was sworn in by Chief Deputy Clerk Nancy Parent.

On behalf of the Assessor and having been previously sworn, Mark Stafford, Sr. Appraiser, oriented the Board as to the location of the subject property.

Appraiser Stafford requested the hearings for 12-0064PP, 12-0065PP and 12-0066PP be consolidated. He stated the petitions referenced property owned by First American Title Insurance Company of Nevada, who had offices in Incline Village, Reno and Sparks. He said the taxpayer submitted multiple Declarations to the Assessor's Office. He reported the taxpayer contacted the Assessor's Office indicating the spreadsheet that was uploaded to the Assessor's site was the one to be utilized. The

Assessor's Office then recalculated (page 2 of Exhibit I) that information for assessment. He forwarded the recalculated figures to the taxpayer, but did not receive a response. He said the taxpayer had been advised of the Assessor's Office recommendation to adjust the assessment (page 1 Exhibit I). He explained the adjustment was based on the corrected Declaration sent in by the Petitioner. Chairman Covert inquired if the adjustment was to increase the assessment. Appraiser Stafford replied two had an increase and one had a decrease. Chairman Covert thought the appeals should be heard separately, in light of that information.

Josh Wilson, Assessor, previously sworn, stated Nevada Revised Statute (NRS) 361.357 provided that no appeal heard under this statute could result in an increase. He noted the Petitioner marked 361.357 on the petition, but then crossed it out. Herb Kaplan, Deputy District Attorney, stated he did not think the Board could increase an assessment without giving the appellant proper notice, regardless of what statute they were appealing under. The way the appeal was agendized, did not give the Board the authority to act to set a hearing. He thought the hearing should be re-agendized to allow the Board to authorize notice to be given of a possible increase.

Assessor Wilson stated he was concerned about the language in NRS 361.357(4) wherein it stated that no appeal under this section may result in an increase in the taxable value of the property. He said if the Board found it necessary to add to the assessed valuation of any property on the assessment roll, they shall direct the Clerk to give notice to the person by registered, certified or personal service naming the date and time of the hearing. Assessor Wilson testified the submitted Declaration was incorrect and Appraiser Stafford discovered new property which lead him to believe the assessment should be increased. The discovery also indicated Roll No. 2117928 should be decreased.

Mr. Kaplan remarked this appeal should have been agendized similar to Item 10 on the agenda. He felt the appeal should be pulled and put on for another date to allow the Clerk to give proper notice to the property owner pursuant to NRS 361.345. Assessor Wilson suggested another solution, stating the Board could uphold the current assessed values with no change and then the Assessor's Office would do a supplement assessment to the Petitioner for the newly discovered property (roll change). He further explained if the assessment was made prior to May 15th it could still be brought to the State Board of Equalization for challenge. He said the assessment would be made as a supplemental assessment based on the discovery of new property that was not on the Assessment Roll.

Mr. Kaplan agreed it would be easier to go with Assessor Wilson's suggestion. Appraiser Stafford reminded the Board that Hearing No. 12-0066PP had a recommendation to decrease the assessed value.

See 12-023E through 12-025E below for details concerning the petition, exhibits and decision related to each of the properties in the consolidated group.

12-023E ROLL NO. 2156010 – FIRST AMERICAN TITLE INS CO OF NV – HEARING NO. 12-0064PP

A Petition for Review of Assessed Valuation was received protesting the 2011-12 taxable valuation on the personal property located in Washoe County, Nevada.

The following exhibits were submitted into evidence:

Petitioner

Exhibit A: Letter, 2011 Personal Property Declaration and supporting documentation, 10 pages.

Assessor

Exhibit I: Assessor's Hearing Evidence Packet including personal property records, 4 pages.

For the discussion that took place for this hearing, see DISCUSSION FOR HEARING NOS. 12-0064PP, 12-0065PP & 12-0066PP.

With regard to Roll No. 2156010, pursuant to NRS 361.357, based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Woodland, seconded by Member Brown, it was ordered that the Assessor's taxable value of \$22,886 be upheld for the 2011-12 Unsecured Roll Year. It was found that the Petitioner failed to meet his/her burden to show that the personal property was valued incorrectly or that the total taxable value exceeded full cash value.

12-024E ROLL NO. 2156003 – FIRST AMERICAN TITLE INS CO OF NV – HEARING NO. 12-0065PP

A Petition for Review of Assessed Valuation was received protesting the 2011-12 taxable valuation on the personal property located in Washoe County, Nevada.

The following exhibits were submitted into evidence:

Petitioner

Exhibit A: Letter, 2011 Personal Property Declaration and supporting documentation, 16 pages.

Assessor

Exhibit I: Assessor's Hearing Evidence Packet including personal property records, 14 pages.

For the discussion that took place for this hearing, see DISCUSSION FOR HEARING NOS. 12-0064PP, 12-0065PP & 12-0066PP.

With regard to Roll No. 2156003, pursuant to NRS 361.357, based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Woodland, seconded by Member Horan, it was ordered that the Assessor's taxable value of \$86,928 be upheld for the 2011-12 Unsecured Roll Year. It was found that the Petitioner failed to meet his/her burden to show that the personal property was valued incorrectly or that the total taxable value exceeded full cash value.

12-025E ROLL NO. 2117928 – FIRST AMERICAN TITLE INS CO – HEARING NO. 12-0066PP

A Petition for Review of Assessed Valuation was received protesting the 2011-12 taxable valuation on the personal property located in Washoe County, Nevada.

The following exhibits were submitted into evidence:

Petitioner

Exhibit A: Letter, 2011 Personal Property Declaration and supporting documentation, 9 pages.

Assessor

Exhibit I: Assessor's Hearing Evidence Packet including personal property records, 3 pages.

For the discussion that took place for this hearing, see DISCUSSION FOR HEARING NOS. 12-0064PP, 12-0065PP & 12-0066PP.

With regard to Roll No. 2117928, pursuant to NRS 361.260, based on the evidence presented by the Assessor's Office and the Petitioner, on motion by Member Woodland, seconded by Member Brown, it was ordered that the Assessor's taxable value be reduced from \$34,737 to a total taxable value of \$17,169 for the 2011-12 Unsecured Roll Year. With that adjustment, it was found that the personal property is valued correctly and the total taxable value does not exceed full cash value.

10:46 a.m. The Board took a short recess.

10:54 a.m. The Board reconvened with all members present.

12-026E ROLL CHANGE REQUESTS – DECREASES

Mark Stafford, Sr. Appraiser, previously sworn, explained the roll change requests listed on the agenda were to correct values to the Unsecured Tax Roll for the 2011-12 tax year. He explained the Assessor's Office was making the request, not the property owners. In response to Chairman Covert, Appraiser Stafford stated the owners were aware of the correction.

Pursuant to NRS 361.345, on motion by Member Brown, seconded by Member Woodland, which motion duly carried, it was ordered that the proposed decreases in taxable values to the 2011-12 unsecured roll as recommended in the Assessor's Roll Change Request Nos. PP12009 through PP12013 (listed below) be approved. With those adjustments, it was found that the accounts are valued correctly and the total taxable value does not exceed full cash value.

| ROLL NO. | OWNER | RCR # |
|-----------------|------------------------------------|--------------|
| 2600253 | LIFETIME LEARNING AND CARE LLC | PP12009 |
| 2106702 | LAND RESOURCE CONCEPTS INC. | PP12010 |
| 2121392 | TROPICAL CAR WASH LLC | PP12011 |
| 2119890 | BETTER HOMES & GARDENS REAL ESTATE | PP12012 |
| 5600709 | WATKINS, LANCE & VERONICA J. | PP12013 |

12-027E ROLL CHANGE REQUESTS – INCREASES

Nancy Parent, Chief Deputy Clerk, read each of the following properties into the record. She said direction would need to be given to set a hearing for the individual property owners and to the Clerk to send out notice of the hearings.

On motion by Member Woodland, seconded by Member Horan, it was ordered to set the following Roll Change Requests to be heard on February 17, 2012, and to direct the Clerk's Office to forward the proper notice to the property owners.

| ASSESSOR'S PARCEL NO | PROPERTY OWNER | RCR # |
|-----------------------------|------------------------------------|--------------|
| 031-341-21 | GERALDINE DEPAOLI TRUST | 974F08 |
| 031-341-21 | GERALDINE DEPAOLI TRUST | 974F09 |
| 031-341-21 | GERALDINE DEPAOLI TRUST | 974F10 |
| 520-371-14 | ODEGAARD TRUST, RICHARD E & PAMELA | 1022F10 |
| 526-542-04 | LEAK, KENNETH E & LINDA J | 1086F10 |
| 502-250-08 | DESERT VIEW COMM PROP LLC | 1088F11 |
| 502-250-08 | DESERT VIEW COMM PROP LLC | 1088F10 |
| 007-201-37 | MCCOMBS LIVING TRUST | 1089F09 |
| 007-201-37 | MCCOMBS LIVING TRUST | 1089F10 |
| 007-201-37 | MCCOMBS LIVING TRUST | 1089F11 |

12-028E BOARD MEMBER COMMENTS

Member Woodland welcomed Member Horan to the Board.

12-029E PUBLIC COMMENT

Josh Wilson, Assessor, encouraged all Board members to carefully review the entire hearing package for the meeting scheduled for February 2, 2012. He explained there were issues that would affect the entire month of hearings, including but not limited

to, the hearing for Mr. Galloway. He stated the decisions by the Board on that date could set the stage for the rest of the appeals.

* * * * *

11:05 a.m. There being no further hearings or business to come before the Board, on motion by Member Woodland, seconded by Member Horan, which motion duly carried, the meeting was adjourned.

JAMES COVERT, Chairman
Washoe County Board of Equalization

ATTEST:

AMY HARVEY, County Clerk
and Clerk of the Washoe County
Board of Equalization

*Minutes prepared by
Jaime Deller, Deputy Clerk*