

BOARD OF EQUALIZATION, WASHOE COUNTY, NEVADA

TUESDAY

9:00 A.M.

FEBRUARY 15, 2008

PRESENT:

Patricia McAlinden, Chairperson

Benjamin Green, Vice Chair

John Krolick, Member

Linda Woodland, Member

Philip Horan, Alternate Member

Amy Harvey, County Clerk

Herb Kaplan, Deputy District Attorney

ABSENT:

James Covert, Member

The Board convened in the Silver and Blue Room, Lawlor Events Center, University of Nevada, Reno, 1664 North Virginia Street, Reno, Nevada. Chairperson McAlinden called the meeting to order, the Clerk called the roll and the Board conducted the following business:

08-706E SWEARING IN

Amy Harvey, County Clerk, swore in the following members of the Assessor's staff who would be presenting testimony for the 2008 Board of Equalization hearings: Howard Stockton.

08-707E CONSOLIDATION OF HEARINGS

Chairperson McAlinden indicated the Board would consolidate items as necessary when they each came up on the agenda.

07-708E AGENDA ITEM 4 – ROLL CHANGE REQUESTS FOR PERSONAL PROPERTY

Mark Stafford, Senior Appraiser, explained the roll change requests listed in Exhibits A through E of Assessor's Recommendation RCR-PP-01 were intended to correct factual or clerical errors on the 2007-08 unsecured personal property tax roll.

The Chairperson closed the public hearing.

Chairperson McAlinden observed there were various reasons for the corrections, such as personal property items that were destroyed or moved out of Washoe County prior to the lien date, businesses that closed and double assessments.

Based on the recommendation of the Assessor's Office, on motion by Member Horan, seconded by Member Woodland, which motion duly carried, it was ordered that the values for personal property identified in Agenda Item 4 be decreased as indicated in Exhibits A through E of Assessor's Recommendation RCR-PP-1. The Assessor was directed to make the appropriate adjustments and the Board found, with these adjustments, that the personal property was valued correctly.

**08-709E AGENDA ITEM 5 – INCLINE VILLAGE – ADDRESS AND
CONSIDER THE FOLLOWING GROUP/CLASS PETITIONS:**

<u>PARCEL NO.</u>	<u>PETITIONER</u>	<u>HEARING NO.</u>
122-162-09	LOWE, TODD & JANET	08-CA-1
123-260-11	ANDERSON, J. ROBERT & CAROL	08-CA-2
125-503-01	HENDERSON, TOM & NANCY	08-CA-4
130-241-21	INGEMANSON, DEAN TRUST	08-CA-6
130-241-23	V PARK LLC	08-CA-5
130-241-24	NELSON, KATHY TRUST	08-CA-3

Petitions for Review of Assessed Valuation were received from the six Petitioners listed above, on behalf of themselves and similarly situated taxpayers, protesting the taxable valuation on land located in Incline Village and Crystal Bay, Washoe County, Nevada. A list of several thousand parcels was attached to each of the six petitions.

The following exhibits were submitted into evidence:

Petitioner

Exhibit A, Statement on Behalf of Class Petitioners Regarding Board Jurisdiction, 9 pages (pages numbered 2 through 10).

Exhibit B, Letter dated February 14, 2008 from Suellen Fulstone to Deputy District Attorney Herb Kaplan, 3 pages.

Assessor

Exhibit I, Letter from Deputy District Attorney Terrance Shea dated January 25, 2008 regarding "Class Petitions", 12 pages.

Member Horan disclosed that he was a beneficial owner of Parcel No. 126-251-02, which was included on the list attached to each of the six group/class petitions. He indicated the parcel was included without his knowledge, consent or authorization. He requested, in the event the Board accepted the petitions, that the Board exclude said parcel. Member Horan stated he did not feel the unauthorized inclusion of said parcel would in any way affect any vote of the Board in which he might participate.

Suellen Fulstone, the Petitioners' representative, registered her objection to the Board proceeding to hear the issue without independent legal counsel, as outlined

in her letter (Exhibit B) to Deputy District Attorney Herb Kaplan, legal counsel for the Board. Chairperson McAlinden acknowledged having read the letter and assured Ms. Fulstone that Deputy District Attorney Terrance Shea, legal counsel for the Assessor's Office, could make comments and present arguments on behalf of the Assessor but had no influence over the direction or vote of the Board. With respect to any possible ethical conflict raised by Mr. Kaplan's representation of the Board, Chairperson McAlinden emphasized the Board was doing what was fair and what was allowed under statute, and was not influenced in any way by Mr. Shea. Ms. Fulstone responded that her objection was not based on a conflict of interest but alleged there was a due process issue created by the Board and the Assessor having the same lawyer. Chairperson McAlinden pointed out that Mr. Shea and Mr. Kaplan were separate individuals and therefore not the same lawyer. Ms. Fulstone asserted that, since both individuals worked for District Attorney Richard Gammick, Mr. Kaplan could not possibly give independent advice. Chairperson McAlinden related, as an example to the contrary, that the Board took Mr. Kaplan's advice and accepted a form letter submitted by several Incline Village and Crystal Bay petitioners into evidence after Mr. Shea formally objected to the Board's acceptance of the form letter. She duly noted Ms. Fulstone's continued due process objection.

Washoe County Assessor Josh Wilson, previously sworn, stated that such objections had been raised before. He likened it to the Attorney General representing the State Board of Equalization, the Nevada Tax Commission and the Nevada Department of Taxation.

Mr. Wilson indicated the parcels listed on the attachment to each of the six petitions were all Lake Tahoe residential properties. He said the proceeding should not be treated as a formal hearing because it was a jurisdictional issue of the County Board to determine whether the petitions were appropriately filed under any of the statutes governing how appeals were filed with the Board of Equalization. He pointed out the six petitions were filed on a form created by the Village League to Save Incline Village Assets, Inc., entitled "Class Petition for Review..." across the top. Mr. Wilson observed the form was not developed by the Nevada Department of Taxation and not approved by the Nevada Tax Commission. Mr. Wilson remarked that what was before the Board was unprecedented and never before filed in the State of Nevada.

Chairperson McAlinden commented that neither the Assessor's Office nor anyone else influenced the Board in setting the agenda item as an opportunity to address and consider a possible group/class action petition. She talked about a similar issue that came before the Board in a previous year, noting the list at that time included parcels owned by the State of Nevada, Washoe County and the University of Nevada Reno. She pointed out there was a parcel owned by Nevada Bell included on the list attached to the petitions currently under discussion.

Chairperson McAlinden noted there were letters received from attorney Norman Azevedo asking that three of his clients, who were listed on the attachment to the six petitions, be rescheduled to a separate date so that he could represent them.

Chairperson McAlinden asked Ms. Fulstone what legal authority she had to form a class. Ms. Fulstone explained the legal authority to be identified was not the authority to form a class but the legal authority of the Board to hear a class petition. She read from NRS 361.345(1): “...*the county board of equalization may determine the valuation of any property assessed by the county assessor, and may change and correct any valuation found to be incorrect either by adding thereto or by deducting therefrom such sum as is necessary to make it conform to the taxable value of the property assessed...*” She stated this statute granted authority to the Board to determine the proper taxable value of any property assessed by the Assessor’s Office.

Chairperson McAlinden again questioned what Ms. Fulstone’s authority was to form the class and wanted to know how the class was determined. Ms. Fulstone responded this was not a class action suit but was a class petition to the Board of Equalization for review of the constitutionality of the valuations done by the County Assessor. She stated the class of people was determined by the Assessor’s Office when they appraised property within a defined geographic area such as Incline Village and Crystal Bay using methodologies that were not promulgated by the Tax Commission and not in compliance with regulations actually promulgated by the Tax Commission. She asserted the valuations were unconstitutional as decided by the Nevada Supreme Court in the 2003 Bakst case and that was the basis for defining the class.

Chairperson McAlinden wondered whether Ms. Fulstone had written authorization, pursuant to NRS 361.362, to represent the thousands of individuals included on the list of parcels attached to the six petitions. Ms. Fulstone replied that NRS 361.362 was specifically limited and applied only to petitions, stating: “...*at the time that a person files an appeal pursuant to NRS 361.356, 361.357 or 361.360 on behalf of the owner of a property, the person shall provide...the authorization.*” She explained the six petitions were not filed under NRS 361.356, 361.357 or 361.360. She added that NRS 361.362 was adopted in 2001 and, if one looked at the legislative history behind the provision, it was intended to deal with speculators or persons who would make a claim on behalf of a taxpayer, recover on their behalf, and then seek to share whatever tax refund there was. She stated it was not intended to prevent a class petition based on the unconstitutional methodologies used by the Assessor’s Office.

Chairperson McAlinden observed the petitions were filed on behalf of other people, as well as the individuals who signed each one. She asked Ms. Fulstone if she had authorizations for all of the names attached to each petition. Ms. Fulstone stated she did not have authorizations and the statutes did not require them. She indicated the petitions were filed under the authority of NRS 361.345 and the Imperial Palace decision of the Nevada Supreme Court. Ms. Fulstone explained the Imperial Palace decision was a response to the State’s argument that a taxpayer could not challenge a taxable valuation unless it was in excess of full cash value under 361.357 and, in that case, the Court decided valuations could be attacked under NRS 361.345 if the assessment was wrong. Ms. Fulstone emphasized there was no authorization requirement for NRS 361.345.

Member Green remarked there were courtrooms to deal with interpreting what was intended by a statute. He read NRS 361.362, which he thought was very specific, into the record in its entirety: *“Appeal on behalf of owner of property. Except as otherwise provided in this section, at the time that a person files an appeal pursuant to NRS 361.356, 361.357 or 361.360 on behalf of the owner of a property, the person shall provide to the county board of equalization or the State Board of Equalization, as appropriate, written authorization from the owner of the property that authorizes the person to file the appeal concerning the assessment that was made. If the person files the appeal in a timely manner without the written authorization required by this section, he may provide that written authorization within 48 hours after the last day allowed for filing the appeal.”* Member Green suggested, in the event the Board were to make an adjustment that was not satisfactory to the owner of a property who had not requested representation, the owner would not have been given his/her constitutional right to appeal. He stated it was his opinion that Ms. Fulstone should have authorization from those she claimed to represent. Ms. Fulstone reiterated her argument that petitions filed under NRS 361.345 did not require authorization.

Chairperson McAlinden discussed the Board’s powers under NRS 361.355, 361.356 and 361.357, which dealt, respectively, with complaints of overvaluation by reason of undervaluation or nonassessment of other property, appeals where inequity existed, and appeals where the full cash value of property was less than its taxable value. She said it was her position the Board could not hear appeals unless the property owners had signed a petition or provided a release for Ms. Fulstone to do so.

Member Woodland said she thought the statutes were clear on what the Board could do.

Member Green moved that the Board would not hear the petitions as presented because authorizations were not provided. The motion was seconded by Member Woodland.

Member Krolick asked legal counsel to weigh in.

Mr. Kaplan opined that NRS 361.345, the statute cited by Ms. Fulstone as her authority, could not be read alone. According to the statute, he said the Board could provide relief to a taxpayer based on taxable value in excess of full cash value or the existence of inequity. Mr. Kaplan stated that NRS 361.356 explained what was meant by inequity and provided the basis for the Board to act under a petition; NRS 361.357 explained taxable value less than full cash value and provided the Board with that basis for jurisdiction; and NRS 361.362 specifically covered petitions filed under those two statutes. He did not believe NRS 361.345 provided an independent basis for a petition.

Chairperson McAlinden commented that, although there was a motion before the Board, she had not closed the public hearing. Member Green acknowledged that the public hearing had not been closed but said he did not see any basis for continuing. He asked for a vote on his motion.

Mr. Kaplan requested the motion be withdrawn. He indicated it was procedurally important for Ms. Fulstone to be given the opportunity to respond to comments made thus far and an appropriate motion should be made after the public hearing was closed. Members Green and Woodland withdrew the motion.

Ms. Fulstone stated the Imperial Palace decision made by the Nevada Supreme Court in 1992 determined that an appeal to the Board could be processed as a matter of administrative procedure under NRS 361.345. She quoted from the Court's opinion: "*The State argues that if an assessor computes the taxable value by a method prescribed by law and if the taxable value does not exceed the property's full cash value, the taxpayer cannot challenge the valuation. We disagree with this position. If an assessor inaccurately calculates the taxable value, a taxpayer may challenge an assessor's incorrect valuation under NRS 361.345 regardless of whether the erroneously calculated taxable value exceeds the full cash value.*" Ms. Fulstone reiterated that NRS 361.345 authorized the Board to review any assessment or valuation by the Assessor, whether there had been an appeal or not. Ms. Fulstone added there were cases dating back to 1892 where the Supreme Court decided a board of equalization could review property valuations without a complaint having been filed.

Chairperson McAlinden said it sounded like Ms. Fulstone was suggesting the Board could review anything it liked. She remarked that the Board based its review on appropriately filed petitions and did not just review the entire County.

Ms. Fulstone suggested it was the Board's obligation to equalize throughout the County, which it had done in the past. She defined the geographic area to be reviewed as Incline Village and Crystal Bay. Ms. Fulstone provided a copy of her written comments, which were distributed to the Board members and placed on file with the Clerk (Exhibit A). She asked the Board to assume the six Petitioners were correct and that all of Incline Village and Crystal Bay had been valued for ad valorem tax purposes by the Assessor unlawfully, improperly and in violation of the Nevada Constitution. She referenced the Nevada Supreme Court decision in the 2003 Bakst case, which provided relief to 17 taxpayers on that basis. Ms. Fulstone emphasized that the Board ought to consider what should be the remedy for the Incline Village and Crystal Bay taxpayers who were not granted tax relief by the Supreme Court. She said the focus should not be on the individual taxpayer but on the actions of the Assessor and alleged there was constitutional wrongdoing for which the Board should provide a remedy.

Mr. Kaplan pointed out that NRS 361.356 did not exist when the Imperial Palace decision was made in 1992. He suggested the language in the Supreme Court opinion regarding the filing of petitions may very well have changed to NRS 361.356.

Terrance Shea, Deputy District Attorney representing the Assessor, remarked that the arguments presented asked the Board to assume there was damage. He pointed out it was the job of the Board and a statutory requirement that a value be sustained unless a petitioner presented a preponderance of evidence to show the value

was wrong. Mr. Shea noted the Assessor had no objection to changing a value if there was evidence it should be changed, but emphasized it could not just be assumed that something was wrong. He stated he did not believe it was the Board's job to delve into constitutional issues. He indicated the Board's authority started with NRS 361.345 but it was spelled out in statute and regulation how their job was to be done. Mr. Shea stated the petitions coming to the Board had to be properly filed, in a form and manner approved by the Nevada Tax Commission, which then gave the Board jurisdiction to act. He remarked that these petitions were not filed in that manner and there was no such thing as a class petition. Mr. Shea referenced his letter (Exhibit I), containing a set of points and authorities in which the Assessor objected to the petitions being considered because the Board did not have the authority to hear them as filed.

Chairperson McAlinden asked the Assessor to clarify when the Incline Village and Crystal Bay area was physically reassessed, how factors were approved, and whether or not he had approval for any factors being used.

Mr. Wilson indicated factors had not been used for the 2008-09 tax year in Incline Village, Crystal Bay, Area One or Area Five, and all of those areas were reappraised under regulations adopted by the Nevada Tax Commission. He stated the factored areas for 2008-09 in Washoe County consisted of Areas Two, Three and Four. He said Areas Two, One and Five were to be reappraised next year, as the Assessor migrated to a system of annual reappraisal for all properties in Washoe County. Mr. Wilson noted the regulations adopted August 4, 2004 were utilized during the 2008-09 reappraisal of Incline Village and Crystal Bay and updated regulations that were pending adoption by the Nevada Tax Commission were also considered. He pointed out the adoption of new regulations at the January 2008 meeting of the Nevada Tax Commission was postponed at the request of The Village League to Save Incline Assets, Inc., and then postponed by the Commission again in February 2008. Mr. Wilson noted his personal participation in the regulation-making process to try to correct any inequities and said his office spent a lot of time trying to abide by all applicable statutes and regulations. He strongly objected to Ms. Fulstone's comments and emphasized he had never violated the constitution. He assured the Board he wanted values that were fair and equitable to all of the property owners in Washoe County.

Mr. Wilson suggested that, if there were some sort of mass problem or issue with the valuations at Incline Village, it would be demonstrated in a sales ratio study. He pointed out that a sales ratio study actually showed the median assessment level of Incline Village and Crystal Bay properties to be lower than the rest of Washoe County. Mr. Wilson explained the Constitution called for a uniform rate of assessment and taxation. He discussed calculations for an Effective Tax Rate based on 2007 sales, which demonstrated a Median Effective Tax Rate of 0.6 percent for Lake Tahoe and 0.7 percent for the rest of Washoe County. Mr. Wilson stated this illustrated that Tahoe was lower than the rest of Washoe County in both assessment level and tax burden.

Mr. Kaplan noted one further issue in connection with the viability of a petition filed pursuant to NRS 361.345. He stated the Nevada Supreme Court came out

with the following opinion in 2005 in Mineral County versus the State Board of Equalization: *“taxpayers who claim inequity or erroneous valuation of their property may appeal the county assessor’s valuation to the county board of equalization”*, which also cited a footnote with NRS 361.356(1) and NRS 361.357(1) but did not list NRS 361.345 in any manner whatsoever.

Mr. Kaplan cautioned that the discussion was going beyond what was indicated in the agenda item, which was not published as a hearing on the merits. He asked the Chair to bring the matter back within the scope of the agenda item.

There being no further questions for the Petitioners’ representative or the Assessor’s Office, the Chairperson closed the public hearing.

Ms. Fulstone asked to respond to comments made by Mr. Shea, Mr. Wilson and Mr. Kaplan. She clarified she had not asked the Board to make any decisions on the merits, but to assume that she and the Petitioners were right. She said she was not claiming this to be a factor year but took issue with the methodologies used during reappraisal. She stated the Assessor should not be opposed to going forward and having the issues heard as a geographic area-wide determination because he would be vindicated if he had followed the regulations. Ms. Fulstone indicated the Mineral County case referenced by Mr. Kaplan was not based on the same issue.

The Chairperson closed the public hearing.

County Clerk Amy Harvey stated there was one individual signed in to speak on the Petitioners’ sign-in sheet. Discussion determined that the individual was not one of the six Petitioners, but that he was included on the list of property owners attached to the petitions. Mr. Kaplan advised that, unless the individual had signed one of the six petitions or filed an authorization at the time the six were filed, he was not considered a valid petitioner at this point.

Member Krolick had a question for Mr. Shea but was reminded that the public hearing was closed.

Chairperson McAlinden pointed out that anyone who filed an individual petition was or would be scheduled for a separate hearing and the Board had already heard a number of Tahoe petitioners at other hearings.

Member Krolick stated the Board heard similar arguments last year pertaining to the equalization of the geographic area of Incline Village. His opinion was that the Board did have the ability to hear the merits of the class-action Petitions.

Member Horan observed there were a number of Incline Village and Crystal Bay petitions already heard by the Board this year where similar types of arguments were made relative to the valuations being legal or not. He pointed out the valuations in the 2003 Bakst case were not found to be incorrect, but the methodologies

were found to be unconstitutional. He noted that, after listening to arguments from the petitioners and the Assessor's Office during recent hearings where the appeals were based on the methodologies rather than the valuations, records would show the Board found in favor of the Assessor and the methodologies used for the 2008-09 reappraisal year. Member Horan remarked it was not, as suggested by Ms. Fulstone, that the Board made up its mind before hearing arguments or had not thought about the issue. He added the Board had acted consistently and had not heard any petitions that were submitted late or were submitted without proper authorization. He stated it was not clear to him that all of the property owners attached to the six petitions wanted to be heard. He acknowledged that some of the arguments concerned technicalities in the process, but pointed out there were statutes and regulations to be followed. Member Horan disagreed with Member Krolick and thought the Board should not hear the petitions at this time.

Member Woodland said her mind was not made up prior to the meeting and she objected to the suggestion that it was. She thought the Board had bent over backwards to be completely fair but was being asked to ignore the statutes it must abide by. It was her position the Board should not hear the petitions.

Chairperson McAlinden stated that, should the Board determine there were no valid authorizations filed in a timely manner, then the only valid petitioners were those who signed each of the six petitions. It was her understanding that, if each of the six petitioners had also filed individual petitions, they were already scheduled for hearings or could be scheduled later in the month if necessary. Ms. Harvey clarified that the six individuals who signed the petitions were not necessarily scheduled.

Chairperson McAlinden indicated there were limits on what the Board could do. Although she understood the Petitioners' argument, she stated she had not seen or heard information demonstrating how the class was formed or whether there were appropriate authorizations.

Member Green moved that the Board would not hear the petitions as filed because authorizations had not been presented. Member Woodland seconded the motion.

Member Horan asked for clarification about the status of the six individuals who actually signed the petitions. Ms. Harvey emphasized the Clerk's Office was awaiting the Board's direction and would schedule those individuals if the Board's motion included instructions to do so.

Chairperson McAlinden asked Member Green if he wanted to amend his motion. Member Green withdrew the motion and Member Woodland agreed.

Member Green asked if the six individuals were present and could be heard today. Chairperson McAlinden pointed out it was beyond the scope of the agenda to hear the merits of the petitions.

Member Woodland stated she wanted everyone to be heard and asked if the six petitions were valid for the individuals who filed them as class actions. Chairperson McAlinden said it was her sense that, although they altered the petition, the individuals could be heard solely for their particular situation. She felt it was up to the Board to decide whether or not to hear the six petitions as representing a class action.

Ms. Fulstone interjected that she thought each of the six individuals had filed a separate petition solely on their own behalf. Mr. Wilson agreed and suggested the Board could deny the six. Chairperson McAlinden remarked it was not the intention of the Board to deny any petitioner their right to be heard, but to consider whether or not they could hear a class action appeal.

Member Green moved to deny hearing the petition for relief based on the fact the Board did not have the authority to do that. Mr. Kaplan thought the motion was vague and Member Green withdrew it.

Chairperson McAlinden made a motion, based on the information presented by the Petitioners' representative and the Assessor's office, to deny hearing the group or class action petitions based on statute, which would indicate that the Board did not have the authority to hear a petition that had not developed a recognized class and had not provided authorizations. Following a discussion about wording, the motion was withdrawn.

On motion by Chairperson McAlinden, seconded by Member Green, which motion duly carried with Member Krolick voting "no", the Washoe County Board of Equalization determined that it did not have jurisdiction to hear the petitions.

Member Green commented that finding the correct wording for a motion was difficult because this was not normal business for the Board and it was embarking on uncharted territory, but he thought the last motion was sufficient.

Member Krolick indicated his "no" vote was based on what was heard by the Board last year.

Ms. Fulstone wanted to confirm the letter of objection she sent to Mr. Kaplan was included as part of the record. Chairperson McAlinden acknowledged it would be marked as Petitioner's Exhibit B.

10:19 a.m. Chairperson McAlinden declared a brief recess.

10:29 a.m. The Board reconvened with all members present.

Chairperson McAlinden stated the Clerk had asked the Board for clear instruction regarding the six Petitioners, in the event any of them had not filed a separate petition. Mr. Kaplan stated he did not think there was a need to reopen the matter based on statements in the record by Ms. Fulstone and Mr. Wilson that the six Petitioners filed

individual petitions and would each have individual hearings on their parcels. Ms. Harvey clarified the Clerk's Office had no way to check the facts until returning to the office. She wanted to know if the Board's direction was to schedule a hearing for any Petitioners who may not have filed a separate petition. Mr. Kaplan reiterated his opinion that the statement on the record by the Petitioners' counsel was sufficient.

08-710E PARCEL NO. 122-112-13 – FETTERLY, LYNN & MELODY –
HEARING NO. 08-0587

A Petition for Review of Assessed Valuation was received from Lynn and Melody Fetterly protesting the taxable valuation on land located at 549 Ponderosa Avenue, Incline Village, Washoe County, Nevada. The property was zoned MDS and designated Single Family Residence.

The Petitioners were not present for the hearing. Chairperson McAlinden noted Mr. Fetterly's written statement waiving a formal Notice of Hearing pursuant to his request to be placed on the agenda for February 15, 2008.

The following exhibits were submitted into evidence:

Petitioner

Exhibit A, Incline Village/Crystal Bay Form Letter, 2 pages.

Exhibit B, Petitioner's waiver of hearing notice, 2 pages.

Assessor

Exhibit I, Assessor's hearing evidence packet including comparable sales, maps and subject's appraisal records, 21 pages.

Exhibit II, appraisal record card, 2 pages.

County Assessor Josh Wilson, duly sworn, oriented the Board as to the location of the subject property. He asked the Board to uphold the taxable values based on the written information submitted in Exhibit I.

Chairperson McAlinden closed the public hearing.

Chairperson McAlinden commented, although the petition referred to noncompliance with the Nevada Supreme Court ruling, she saw no evidence to suggest the taxable value exceeded full cash value or there was any inequity pursuant to NRS 361.356.

Based on the evidence presented by the Petitioner and the Assessor's Office, and the finding that the land and improvements were valued correctly and the total taxable value did not exceed full cash value, on motion by Chairperson McAlinden, seconded by Member Woodland, which motion duly carried, it was ordered that the taxable value of the land and improvements on Parcel No. 122-112-13 be upheld.

08-711E PARCEL NO. 125-491-02 – FETTERLY, LYNN & MELODY –
HEARING NO. 08-0586

A Petition for Review of Assessed Valuation was received from Lynn and Melody Fetterly protesting the taxable valuation on land located at 578 Knotty Pine Drive, Incline Village, Washoe County, Nevada. The property was zoned MDS and designated Single Family Residence.

The Petitioners were not present for the hearing. Chairperson McAlinden noted Mr. Fetterly's written statement waiving a formal Notice of Hearing pursuant to his request to be placed on the agenda for February 15, 2008.

The following exhibits were submitted into evidence:

Petitioner

Exhibit A, Incline Village/Crystal Bay Form Letter, 2 pages.

Exhibit B, Petitioner's waiver of hearing notice, 2 pages.

Assessor

Exhibit I, Assessor's hearing evidence packet including comparable sales, maps and subject's appraisal records, 20 pages.

Exhibit II, appraisal record card, 2 pages.

Howard Stockton, duly sworn, oriented the Board as to the location of the subject property. He asked the Board to uphold the taxable values based on the written information submitted in Exhibit I.

Member Krolick noted the improvement value was very low and wondered if the structure on the property was occupied. Mr. Stockton had no information concerning occupancy, although the records indicated there was a house available on the site. Josh Wilson, County Assessor, observed the house was built in 1982, was receiving 42 percent depreciation and was in an average quality class. He stated it would be typical with that much depreciation for the improvement value to be somewhat minimal relative to the land value.

Member Green asked if there were any more recent sales than what was provided in Exhibit I. Mr. Stockton referred to those numbered I-40 and above on page 17 of Exhibit I, showing sales in the Ponderosa area subsequent to July 1, 2007.

Chairperson McAlinden closed the public hearing.

Based on the evidence presented by the Petitioner and the Assessor's Office, and the finding that the land and improvements were valued correctly and the total taxable value did not exceed full cash value, on motion by Member Green, seconded by Member Woodland, which motion duly carried, it was ordered that the taxable value of the land and improvements on Parcel No. 125-491-02 be upheld.

08-712E BOARD MEMBER COMMENTS

There were no comments.

08-713E PUBLIC COMMENT

Tom Bruno identified himself as a graduate of the University of California, Berkeley in business administration with an emphasis in real estate, who had been a real estate broker at Incline Village since 1971 and was also an appraiser at one time. He objected to the methodology used by the Assessor's Office and saw no evidence to justify a 110 percent increase in land value from 2003 to 2008. He discussed appreciation rates at Lake Tahoe for various subdivisions and suggested the median value obtained by the Assessor's Office was high because of a large number of sales in excess of \$2 million.

* * * * *

10:47 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.

BENJAMIN GREEN, Vice Chairman
Washoe County Board of Equalization

ATTEST:

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

*Minutes prepared by
Lisa McNeill, Deputy Clerk*