



STATE OF NEVADA
STATE BOARD OF EQUALIZATION

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CHRISTOPHER G.
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Secretary

In the Matter of

John Prather Living Trust
John David Cass Prather, Trustee
APN: 162-16-814-055
Clark County, Nevada
PETITIONER

Michele Shafe
Clark County Assessor
RESPONDENT

Case No. 13-130A
Case No. 13-130B

And Cross-Appeal of

Michele Shafe
Clark County Assessor
PETITIONER

John Prather Living Trust
John David Cass Prather, Trustee
APN: 162-16-814-055
Clark County, Nevada
RESPONDENT

Case No. 13-243

Appeal of the Decision of the
CLARK COUNTY
BOARD OF EQUALIZATION

NOTICE OF DECISION

Appearances

No one appeared on behalf of John David Cass Prather Living Trust (Taxpayer).

Heather Drake appeared on behalf of the Clark County Assessor's Office (Assessor).

Summary

The matter of the Taxpayer's petition and the Assessor's petition for review of property valuations for the 2013-14 Secured Roll within Clark County, Nevada, came before the State Board of Equalization (State Board) for hearing in Henderson, Nevada, on June 4, 2013 after due notice to the Taxpayer and the Assessor. The Taxpayer's appeal was assigned case number 13-130 and the Assessor's appeal was assigned case number 13-243.

Pursuant to NAC 361.7014, the Secretary to the State Board examined the petition in Case number 13-130 and found the petition appealed the taxable value of Mr. Prather's residential condominium property located in the Park Towers at One Hughes Center Drive (APN 162-16-814-055), as well as "30 referenced comparable land tracts." The Secretary to the Board bifurcated the appeal into Case Number 13-130A regarding APN 162-16-814-055 and Case Number 13-130B regarding the "30 referenced comparable land tracts." The 30 referenced parcels are listed on pages 14 and 28 of the Record, Case No. 13-130.

The Secretary to the State Board recommended that Case Number 13-130B with regard to the "30 referenced comparable land tracts" be dismissed because those parcels had not been previously appealed to the Clark County Board of Equalization (County Board). *See Record, Case Number 13-130, p. 94; Tr. 6-4-13, p. 373, ll. 4-18.* In addition, the Deputy Attorney General noted that there was no authorization in the record that would allow Mr. Prather to represent owners of the said tracts and the agent authorization for the appeal was not submitted within 48 hours of submission of the appeal form. *See Tr., 6-4-13, p. 375, ll. 7-24.*

The State Board consolidated case numbers 13-130A, 13-130B, and 13-243 for hearing. *See Tr., 6-4-13, p. 371, ll. 3-6.*

As a preliminary matter, the State Board considered Taxpayer's motion of March 8, 2013 to add eight properties to the original appeal requesting equalization pursuant to NRS 361.355(5). *See Record, SBE page 34.* The eight properties are all casino-hotel operations. The Taxpayer made a second motion on March 26, 2013, requesting a DVD containing videos of the County Board hearings regarding Ballys, Imperial Palace, Riviera, Tropicana, and Dave Prather (Taxpayer's own subject property) be admitted into the record; and to request the State Board determine the legality of the County Board actions regarding those properties. Taxpayer's stated purpose of the motion submitted on March 26, 2013, was to provide evidence of undervaluation or non-assessment of properties. The State Board denied both the March 8, 2013 and March 26, 2013 motions. *See Tr., 6-4-13, p. 374, l. 18 through p. 375, l. 6.*

State Board, having considered all evidence, documents and testimony pertaining to the valuation of the property in accordance with NRS 361.227, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

- 1) The State Board is an administrative body created pursuant to NRS 361.375.
- 2) The State Board is mandated to hear all appeals of property tax assessments pursuant to NRS 361.360 and NRS 361.400.
- 3) The Taxpayer and the Assessor were given adequate, proper and legal notice of the time and place of the hearing before the State Board, and the matter was properly noticed pursuant to the Open Meeting Law at NRS 241.020. The Department provided evidence to show the Taxpayer

received notice of the hearing. *See Record, Case Number 13-130A, p. 96; Case number 13-243, page 54; Tr., 6-4-13, p. 374, ll. 9-16.*

- 4) The subject property is a residential condominium containing 3,515 square feet, located on the 11th floor in the South Tower of the Park Towers at Hughes Center complex, Las Vegas, Clark County, Nevada. *See Record, Case No. 13-130, SBE page 70; Tr., 6-4-13, p. 371, ll. 12-14.*
- 5) Although the Assessor recommended a reduction of the subject property to \$1,600,000, the Clark County Board of Equalization (County Board) ordered the original total taxable value for the subject property of \$1,756,911 be further reduced to \$1,500,000 for the 2013-2014 secured roll. *See Record, SBE pages 48, 70, 72, and 92; Tr., p. 371, ll. 15-18.*
- 6) For Case number 13-130B, the State Board found the appeals for properties other than APN 162-16-814-055 as referenced on SBE page 1, and enumerated on SBE pages 14 and 28, Case No. 13-130, were improperly filed. The appeal with regard to these properties was filed by Taxpayer, however, he was not authorized by the property owners to do so per NRS 361.362. As a result, the State Board denied the Taxpayer's motion to increase the taxable values of the properties listed on SBE pages 14 and 28 for purposes of equalization. *See Tr., 6-4-13, p. 375, l. 7 through p. 377, l. 3; Record, SBE page 27.*
- 7) For Case numbers 13-243 and 13-130A regarding APN 162-16-814-055, the State Board found the County Board improperly lowered the taxable value of the subject property because there was insufficient evidence in the record to support \$1,500,000. The State Board further found the Assessor provided sufficient evidence to support a taxable value of \$1,600,000. *See Tr., 6-4-13, p. 372, ll. 4-9; Record, SBE pages 70, 78-89.*
- 8) For Case numbers 13-243 and 13-130A regarding APN 162-16-814-055, the State Board found the taxable value of the subject property should be increased from \$1,500,000 to \$1,600,000 based on the evidence of comparable sales provided by the Assessor. *See Tr., 6-4-13, p. 372, ll. 6-18.*
- 9) The assessed value as adjusted by the State Board is 35% of taxable value.
- 10) Any finding of fact above construed to constitute a conclusion of law is adopted as such to the same extent as if originally so denominated.

CONCLUSIONS OF LAW

- 1) For Case No. 13-130A, the Taxpayer timely filed a notice of appeal, and the State Board accepted jurisdiction to determine this matter.
- 2) For Case No. 13-243, the Assessor timely filed a notice of appeal, and the State Board accepted jurisdiction to determine this matter.
- 3) Pursuant to NRS 361.362, at the time a person files an appeal pursuant to NRS 361.356, 361.357 or 361.360 on behalf of the owner of the 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. The agent authorization must be submitted within 48 hours of the last day allowed for filing the appeal which was March 11, 2013. No agent authorization was filed for properties referenced on SBE page 1 (Case No. 13-130B). The State Board found the appeal was not authorized by the owner of the property and filing deadline for

the agent authorization was not met; the appeal to the State Board was therefore not timely filed. See *Tr.*, 6-4-13, p. 372, ll. 4-9; *Record*, SBE pages 70, 78-89.

- 4) The Taxpayer and the Assessor are subject to the jurisdiction of the State Board.
- 5) The State Board has the authority to determine the taxable values in the State.
- 6) The Taxpayer failed to appear at the hearing. Pursuant to NAC 361.708, the State Board proceeded with the hearing.
- 7) The subject property, APN 162-16-814-055, is appraised, as adjusted, at the proper taxable value in accordance with NRS 361.227.
- 8) Any conclusion of law above construed to constitute a finding of fact is adopted as such to the same extent as if originally so denominated.

DECISION

The Petition of the Taxpayer is denied in Case No. 13-130A and the Petition of the Assessor is granted in Case No. 13-243, based on the above Findings of Fact and Conclusions of Law. The Clark County Comptroller is instructed to correct the assessment roll by adjusting the assessed valuation of the subject property as follows:

2013-2014 Secured Roll

Parcel Number	Taxable Value		Assessed Value	
	Established by County Board of Equalization	Revised By State Board	Established by County Board of Equalization	Revised by State Board
Land	\$659,189	\$659,189	\$230,716	\$230,716
Improvements	\$840,811	\$940,811	\$294,284	\$329,284
TOTAL	\$1,500,000	\$1,600,000	\$525,000	\$560,000

The Clark County Comptroller is instructed to certify the assessment roll of the county consistent with this decision.

BY THE STATE BOARD OF EQUALIZATION THIS 1 DAY OF AUGUST, 2013.



Christopher G. Nielsen, Secretary
CGN/ter