



STATE OF NEVADA
STATE BOARD OF EQUALIZATION

BRIAN SANDOVAL
Governor

1550 College Parkway, Suite 115
Carson City, Nevada 89706-7921
Telephone (775) 684-2160
Fax (775) 684-2020

CHRISTOPHER G.
NIELSEN
Secretary

In the Matter of

Ngoc Nyugen
dba American Dream Real Estate
APN: 124-33-110-019
Clark County, Nevada
PETITIONER

Michele Shafe
Clark County Assessor
RESPONDENT

Appeal of the Decision of the
CLARK COUNTY
BOARD OF EQUALIZATION

Case No. 13-153

NOTICE OF DECISION

Appearances

No one appeared on behalf of Ngoc Nyugen dba American Dream Real Estate (Taxpayer).

James DaSilva appeared on behalf of the Clark County Assessor's Office (Assessor).

Summary

The matter of the Taxpayer'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 Assessor offered new evidence consisting of information on a comparable sale. The State Board admitted the new evidence into the record. See *Tr.*, 6-4-13, p. 12, l. 21 through p. 13, l. 8.

The 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 Tr., 6-4-13, p. 10, ll. 11-15; Record, SBE page 26-27.*
- 4) The subject property is a one-story, single-family residence containing 1,503 square feet, built in 2003, and located near the intersection of Anne Road and Clayton Street on Roaring Surf Drive in Las Vegas, Clark County, Nevada. *See Record, SBE pages 17, 19-21; Tr., 6-4-13, p. 10, l. 21 through p. 11, l. 1.*
- 5) The Clark County Board of Equalization (County Board) ordered that the total taxable value for the subject property of \$92,151 be upheld for the 2013-2014 secured roll. *See Record, SBE pages 12 and 24; Tr. 6-4-13, p. 13, ll. 16-19.*
- 6) The State Board found the Taxpayer did not present sufficient evidence to support values different from that established by the County Board. *See Tr., 6-4-13, p. 14, ll. 3-5.*
- 7) The State Board affirmed the decision of the County Board. *See Tr., 6-4-13, p. 14, ll. 3-17.*
- 8) 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) The Taxpayer timely filed a notice of appeal, and the State Board accepted jurisdiction to determine this matter. *NRS 361.360.*
- 2) The Taxpayer and the Assessor are subject to the jurisdiction of the State Board.
- 3) The Taxpayer failed to appear at the hearing. Pursuant to NAC 361.708, the State Board proceeded with the hearing.
- 4) The State Board has the authority to determine the taxable values in the State. *NRS 361.395.*
- 5) The Taxpayer has the burden of overcoming the presumption that the Assessor's valuation is correct. *Pittsburg Silver Peak Gold Mining Co. v. Tax Commission*, 49 Nev. 46, 54-55 (1925).
- 6) The assessed value as previously determined by the County Board is 35% of taxable value as required by NRS 361.225.
- 7) 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 based on the above Findings of Fact and Conclusions of Law. 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