



STATE OF NEVADA
STATE BOARD OF EQUALIZATION

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CHRISTOPHER G.
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In the Matter of

NV Springs, LLC
APN: 178-02-801-003,
APN: 178-02-801-004
Clark County, Nevada
PETITIONER

Michele Shafe
Clark County Assessor
RESPONDENT

Appeal of the Decision of the
CLARK COUNTY
BOARD OF EQUALIZATION

Case No. 14-165
Case No. 14-299
Consolidated

NOTICE OF DECISION

Appearances

Jonathan Jorgenson appeared on behalf of NV Springs, LLC (Taxpayer).

David Bichsel and Jeff Payson 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 2014-15 Secured Roll within Clark County, Nevada, originally came before the State Board of Equalization (State Board) for hearing in Las Vegas, Nevada, on June 23, 2014 after due notice to the Taxpayer and the Assessor.

The State Board consolidated case numbers 14-165 and 14-299.¹

¹ See Tr., 6-23-14, p. 171, ll. 14-22: 14 MS. BUONCRISTIANI: So we need a motion to 15 consolidate. 16 MEMBER JOHNSON: So moved. 14-165 and 14-299. 17 CHAIRMAN MESERVY: Any second? 18 MEMBER HARPER: Second. 19 CHAIRMAN MESERVY: Any more comment? All in 20 favor. 21 THE BOARD PANEL: Aye. 22 CHAIRMAN MESERVY: Any opposed? There aren't 23 any, so it's unanimous. So we'll go forward with 24 that.

The Taxpayer offered new evidence consisting of information about property value. The new evidence was not admitted into the record because the motion to admit the evidence failed due to lack of a majority vote.²

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 241.020.³
- 4) The subject property consists of two vacant industrial parcels. APN 178-02-810-003 contains 19.20 acres and APN 178-02-810-004 contains 19.59 acres, both located off of Warm Springs Road in Henderson in Clark County, Nevada.⁴
- 5) The Clark City Board of Equalization (County Board) ordered the total taxable value for the subject property, APN 178-02-810-003 of \$2,509,056 and APN 178-02-810-004 of \$2,560,020 be upheld on the 2014-2015 secured roll.⁵
- 6) The State Board found the Taxpayer did not present sufficient evidence to support values different from that established by the County Board. The State Board placed little weight on Taxpayer's comparable sales, based on the Assessor's comments that the majority of the sales are not valid or credible. The State Board found the \$3.00 per square foot established by the Assessor was well supported by market evidence.⁶

² See Tr., 6-23-14, p. 173, l. 11 through p. 174, l. 11:

11 CHAIRMAN MESERVY: I'll entertain a motion 12 from the board if they have any one way or the 13 other. 14 MEMBER JOHNSON: I would make the motion that 15 we allow it in and give it the weight we feel it 16 should be due as in Case 14-165. 17 CHAIRMAN MESERVY: And 14-299? 18 MEMBER JOHNSON: Yeah. They both have new 19 evidence. 20 CHAIRMAN MESERVY: Any second? 21 MEMBER HARPER: Second. 22 CHAIRMAN MESERVY: Just for comment, I'm not 23 sure why we want to do this, but anyhow, go ahead. 24 We'll make -- 25 MEMBER JOHNSON: It's the weight that it's due Page 174 1 in my opinion and if it was reasonably foreseeable 2 as of the date of value, I have some issues with it, 3 but if it helps to confirm a trend or something 4 else, if I can -- we would give some latitude here. 5 CHAIRMAN MESERVY: Any other comment? 6 All in favor? 7 MEMBER HARPER: Aye. 8 MEMBER JOHNSON: Aye. 9 CHAIRMAN MESERVY: All opposed? Nay. It's 10 not allowed in because of the rules, so now we'll go 11 forward and you get to present your case.

³ See Record, SBE page 34 in case no. 14-165 and page 31 in case no. 14-299, Receipt of certified mail.

⁴ See Record, Case No. 14-165, SBE pages 17, Subject Parcel Information; pages 19-20, Maps; and Case No. 14-299, SBE pages 14, Subject Parcel Information; pages 16-17, Maps; and Tr., 6-23-14, p. 171, l. 25 through p. 172, l.5:

25 MR. BICHSEL: Case 165 is parcel 187802003. Page 172 1 It's a 19.2 acre space of vacant industrial zoned 2 parcel. 3 Case 299 is the adjacent parcel, 4 17802801004, and it is 19.59 acres on vacant land, 5 industrial.

⁵ See Record, Case No. 14-165, SBE page 29-32, CBE Minutes; Case No. 14-299, SBE page 26-29, CBE Minutes.

⁶ See Tr., 6-23-14, p. 192, l. 2 through p. 193, l. 12:

2 MEMBER JOHNSON: I think that we'll make the 3 motion here as you're more knowledgeable on this 4 specific property time than either of us are, but 5 overall I have hard time relying on the new evidence 6 as due to the assessor's comments that the majority 7 of them are not valid sales, and the one that is has 8 the wrong land area. So it's indicated prior price 9 per acre is off. So I can't put any weight there. 10 I also have a difficult time giving a lot of 11 credence to the sale of the subject as it was tax 12 auction. It's been my professional experience, due 13 to limited exposure in terms of payment and limited 14 ability to do due diligence, that properties at tax 15 auction sell for a lower price due to those 16 conditions at sale. 17 CHAIRMAN MESERVY: I do think though it is 18 part of the market. There are

- 7) The State Board affirmed the decision of the County Board.⁷
- 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.
- 2) The Taxpayer and the Assessor are subject to the jurisdiction of the State Board.
- 3) The State Board has the authority to determine the taxable values in the State.
- 4) The subject property is appraised at the proper taxable value in accordance with NRS 361.227 for the 2014-2015 tax year. The assessed value is 35% of the taxable value.
- 5) 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 30th DAY OF SEPTEMBER, 2014.



Christopher G. Nielsen, Secretary
CGN/ter

those types of sales 19 out there. So I don't know that I always carte 20 blanc would give it a percentage, but I agree there 21 is enough evidence that the property might support a 22 \$3 anyhow, so that's where I'm looking. Any other 23 comments? I'll entertain a motion. 24 MEMBER HARPER: Well, I guess my only comment 25 for the record is I'm obviously familiar with these Page 193 1 properties, their location. They are actually 2 pretty well along Warm Springs near 95 over in the 3 Henderson area. And based on my knowledge of the 4 market, I understand the assessor's office had 5 limited data here and the sales are all except for 6 the exceptions of sales six are smaller as far as 7 the size of the property. I don't know that size is 8 that major of an issue that would require any 9 significant adjustments to these comps. So the 10 bottom line is based on the market information 11 supplied, I feel like the \$3 a square foot is 12 well-supported.

⁷ See Tr., 6-23-14, p. 193, l. 13 through p. 194, l. 2:

13 CHAIRMAN MESERVY: So I'll entertain a motion. 14 MEMBER HARPER: So my motion and 15 incorporating, I think, all of the testimony and 16 everything into both cases which is 14-165 and 17 14-299, that my motion would be in both those cases 18 to uphold the Clark County Board of Equalization's 19 taxable values for both those properties at \$3 a 20 square foot. 21 CHAIRMAN MESERVY: Do we have a second? 22 MEMBER JOHNSON: I would second that. 23 CHAIRMAN MESERVY: Anymore comments? All in 24 favor. 25 THE BOARD PANEL: Aye. Page 194 1 CHAIRMAN MESERVY: Any opposed? It's 2 unanimous.