



STATE OF NEVADA
STATE BOARD OF EQUALIZATION

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CHRISTOPHER G.
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Secretary

In the Matter of

County of Clark (Aviation)-Beltway Business
APN: 176-01-301-038
Clark County, Nevada
PETITIONER

Michele Shafe
Clark County Assessor
RESPONDENT

Appeal of the Decision of the
CLARK COUNTY
BOARD OF EQUALIZATION

Case No. 14-218

NOTICE OF DECISION

Appearances

No one appeared on behalf of County of Clark (Aviation) – Beltway Business (Taxpayer).

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, came before the State Board of Equalization (State Board) for hearing in Las Vegas, Nevada, on July 29, 2014 after due notice to the Taxpayer and the Assessor.

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., 7-29-14, p. 366, ll. 9-12; Record, SBE page 39.*
- 4) The subject property is the Beltway Commons Retail Center located at 6020 W. Badura, on the northeast corner of Badura and Jones, south of the 215 southern Beltway. The property consists of three inline retail buildings totaling approximately 24,440 square feet, constructed in 2008 and two vacant land pads totaling approximately 1.19 acres. The property is situated on one 5.15 acre parcel in Las Vegas, Clark County, Nevada. *See Record, SBE pages 20, 26, 31-33; Tr., 7-29-14, p. 369, ll. 15-20.*
- 5) Upon recommendation of the Assessor to reduce the taxable value, the Clark County Board of Equalization (County Board) ordered the total taxable value for the subject properties of \$2,568,320 be reduced to \$2,024,370 for the 2014-2015 secured roll. *See Record, SBE pages 11 and 37; Tr. 7-29-14, p. 369, ll. 21-23.*
- 6) After reviewing the file, the State Board found the Taxpayer did not present sufficient evidence to support values different from that established by the County Board and did not overcome the presumption that the Assessor's valuation is correct. *See Tr., 7-29-14, p. 370, ll. 15-21.*
- 7) The State Board affirmed the decision of the County Board. *See Tr., 7-29-14, p. 370, l. 22 through p. 371, l. 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.
- 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 Taxpayer failed to appear at the hearing. Pursuant to NAC 361.708, the State Board proceeded with the hearing.
- 5) The Taxpayer has the burden of overcoming the presumption that the Assessor's valuation is correct. *See Pittsburg Silver Peak Gold Mining Co. v. Tax Commission, 49 Nev. 46, 54-55 (1925).*
- 6) The subject property is appraised at the proper taxable value without further adjustment, in accordance with NRS 361.227.
- 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 20th DAY OF OCTOBER, 2014.

A handwritten signature in black ink, appearing to read 'C. Nielsen', written over a horizontal line.

Christopher G. Nielsen, Secretary
CGN/ter