



STATE OF NEVADA
STATE BOARD OF EQUALIZATION

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Governor

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DEONNE CONTINE
Secretary

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| In the Matter of |) | |
| |) | |
| BCLO Trust, Bendict Ow, Trustee |) | |
| APN: 163-29-612-005 |) | |
| Clark County, Nevada |) | |
| PETITIONER |) | |
| |) | Case No. 16-142 |
| Michele Shafe |) | |
| Clark County Assessor |) | |
| RESPONDENT |) | |
| |) | |
| Appeal of the Decision of the |) | |
| CLARK COUNTY |) | |
| BOARD OF EQUALIZATION |) | |

NOTICE OF DECISION

Appearances

Eric N. Tran, Esq., appeared on behalf of the BCLO Trust (Taxpayer).

Melodie Garfield 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 2016-17 Secured Roll within Clark County, Nevada, came before the State Board of Equalization (State Board) for hearing in Las Vegas, Nevada, on July 19, 2016 after due notice to the Taxpayer and the Assessor.

The Assessor offered new evidence consisting of property record cards and photographs. The State Board did not admit the new evidence into the record. See *Tr.*, 7-19-16, p. 219, ll. 8-16.

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 Record, SBE page 100.*
- 4) The subject property is a two-story, single family residence containing 7,794 square feet, built in 2002, and located on .38 acres on Spanish Hills Drive in Las Vegas, Clark County, Nevada. *See Record, SBE page 66; Maps, SBE pages 72, 92-93.*
- 5) The Clark County Board of Equalization (County Board) accepted the Assessor's recommendation that the total taxable value estimate for the subject property of \$1,927,549 be reduced to \$1,700,000 including common element for the 2016-2017 secured roll based on the requirements of NRS 361.345. *See Record, SBE pages 38 and 98.*
- 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 found the market data of recently sold comparable properties presented on SBE page 66 was reliable and is a better indication of market value than the taxable value of comparable unsold properties as presented by the Taxpayer on SBE page 47. The State Board found the Taxpayer's comparable taxable value information incomplete in terms of the year built. Based on the market data presented by the Assessor, the State Board found the taxable value of the subject property did not exceed market value. *See Tr., 7-19-16, p. 263, l. 12 through p. 266, l. 4.*
- 7) The State Board considered whether the subject property was valued in a non-uniform manner with surrounding neighborhood properties. The State Board found, based on the Assessor's testimony, that most of the neighboring properties were older, and had different property characteristics than the subject property, such as view and story height, which would cause a difference in replacement cost and the total amount of depreciation. Such differences were accounted for in the adjustments made to comparable sales by the Assessor. *See Tr., 7-19-16, p. 262, l. 23 through p. 264, l. 18.*
- 8) The State Board affirmed the decision of the County Board. *See Tr., 7-19-16, p. 265, l. 25 through p. 266, l. 11.*
- 9) 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 as previously determined by the County Board in accordance with NRS 361.227 for the 2016-2017 tax year. The assessed value is 35% of taxable value.
- 5) The County Board may not make a reduction from the assessment of the county assessor if the person complaining of the assessment of his or her property has, without good cause, refused entry to the assessor for the purpose of conducting the physical examination required by NRS 361.260. NRS 361.345(2).
- 6) When applying the sales comparison approach using a single property technique, the county assessor shall adjust the sales prices or unit value of comparable properties as necessary to eliminate differences between the comparable properties and the subject property that affect value. NAC 361.118(1). The elements of comparison that may be considered include market conditions, location, and physical characteristics. NAC 361.118(2). After adjusting the comparable properties for differences that affect value, the county assessor shall analyze the range of adjusted sales prices of the comparable properties to arrive at an estimate of value for the subject property. NAC 361.118(3).
- 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 27 DAY OF SEPTEMBER, 2016.



Deonne Contine, Secretary
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