



STATE OF NEVADA
STATE BOARD OF EQUALIZATION

BRIAN SANDOVAL
Governor

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DEONNE CONTINE
Secretary

In the Matter of

Department of Taxation
PETITIONER

El Aero Services, Inc.
RESPONDENT

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Case No. 16-314

NOTICE OF DECISION

Appearances

Terry Rubald appeared on behalf of the Department of Taxation (Department).

No one appeared on behalf of El Aero Services, Inc. (Taxpayer).

Summary

The matter of the Department's petition for review of unitary valuations came before the State Board of Equalization (State Board) for hearing in Las Vegas, Nevada, on July 20, 2016 after due notice to the Taxpayer and the Department.

The State Board, having considered all evidence, documents and testimony pertaining to the valuation of the property in accordance with NRS 361.320, 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 direct appeals of assessments established by the Nevada Tax Commission (Commission) where overvaluation or excessive valuation of property is claimed, pursuant to NRS 361.403.
- 3) The Taxpayer and the Department 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 7.*
- 4) The Nevada Tax Commission (Commission) is required to establish the valuation for assessment purposes of any property of an interstate and inter-county nature, including the property of all interstate or inter-county air transport companies pursuant to NRS 361.320 and applicable regulations. The subject property is property of an interstate or inter-county nature

used directly in the operation of an unscheduled air transport company. See *Record, SBE pages 3 and 4*.

- 5) The Department reported the company is dissolved and is no longer in operation. The company will have no property in the state on the lien date of July 1, 2016. See *Tr., 7-20-16, p. 317, ll. 16-19; Record, SBE page 5*.
- 6) Based upon the Department's recommendation, the State Board reduced the taxable value of the subject property to zero. See *Tr., 7-20-16, p. 317, l. 20 through p. 319, l. 5*.
- 7) 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 State Board accepted jurisdiction to determine this matter.
- 2) The Taxpayer and the Department 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) All real and secured personal property that is in the county on July 1 is subject to taxation, Such property must be listed and assessed to the person, firm, corporation, association or company owning it on July 1 of that fiscal year. See *NRS 361.260(1)*.
- 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 granted based on the above Findings of Fact and Conclusions of Law. The Department is instructed to correct the assessment roll by adjusting the assessed valuation of the subject property as follows:

2016-2017 Secured Roll

	Taxable Value		Assessed Value	
	Established by Tax Commission	Revised By State Board	Established by Tax Commission	Revised by State Board
El Aero Services, Inc. Unitary Value				
Unitary Value	\$3,756,714	\$0	\$1,314,900	\$0
TOTAL	\$3,756,714	\$0	\$1,314,900	\$0

The Department is instructed to certify the assessment consistent with this decision.

BY THE STATE BOARD OF EQUALIZATION THIS 27 DAY OF SEPTEMBER, 2016.



Deonne Contine, Secretary
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