

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 167.*
- 4) The subject property is a 2003 Gulfstream Aerospace G-V model aircraft bearing tail number 111AM, Serial # 5018, and having partial taxable situs in Clark County, Nevada. *See Record, SBE pages 11 and 128; Tr., 7-18-16, p. 288, ll. 20-21.*
- 5) The Assessor established the total taxable value for the subject property of \$23,138,796. The taxes after abatement based on the taxable value were then apportioned 76% to Clark County for the 2015-2016 unsecured roll. The Assessor recommended a reduction in the apportionment factor from 76% to 71%. The factor was based on activity recorded in a flight log between May 17, 2015 and March 31, 2016. *See Record, SBE pages 121-122; 124; Tr., 7-18-16, p. 300, l. 13 through p. 301, l. 3; p. 304, ll. 10-14.; p. 327, l. 22 through p. 328, l. 7*
- 6) The State Board found the subject property had established situs in Nevada as well as other multiple locations and thus required an allocation of a portion of the taxable value to Nevada to appropriately account for the location of and time spent by the aircraft in this state during the 2015-16 fiscal year. *See Tr., 7-19-16, p. 27, l. 1 through p. 28, l. 24, p. 34, ll. 2-23.*
- 7) Using the analysis provided by the Taxpayer with regard to determining the proper method of allocation of value, the State Board found the measure of the allocation should be based on the actual presence of the aircraft during the fiscal year prior to the lien date of July 1, 2015 rather than to project an estimate of situs in the current fiscal year. The State Board further found the measure of allocation should be based on the number of days the aircraft resided in Nevada compared to 365 days in the fiscal year rather than comparing to the date when the current owner first took possession of the aircraft. *See Tr., 7-18-16, p. 297, l. 2 through p. 299, l. 7. See Tr., 7-19-16, p. 37, l. 25 through p. 38, l. 9; p. 39, l. 3 through p. 41, l. 10; p. 50, l. 21 through p. 52, l. 6; p. 54, l. 19 through p. 56, l. 12; p. 58, l. 23 through p. 59, l. 25.*
- 8) The State Board found the taxable value of the subject property should be allocated to Nevada based on the proportion of 23 days residing in Clark County out of 365 days in the year, or 6.3%. The taxable value so allocated is \$23,138,796 times 6.3%, or \$1,457,744. *See Tr., 7-19-16, p. 64, ll. 2-15.*
- 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, as adjusted, at the proper taxable value in accordance with NRS 361.227. The assessed value is 35% of 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

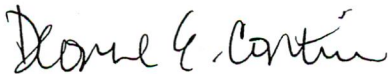
The Petition of the Taxpayer is granted based on the above Findings of Fact and Conclusions of Law. The Clark County Comptroller is instructed to correct the assessment roll by adjusting the assessed valuation of the subject property as follows:

2015-2016 Unsecured Roll

Assessor's ID Number 183178	Taxable Value		Assessed Value	
	Established by Assessor	Revised By State Board	Established by Assessor	Revised by State Board
Aircraft Value	\$23,138,796	\$23,138,796	\$8,098,579	8,098,579
Apportionment Factor	71%	6.3%		
TOTAL	\$16,428,545	\$1,457,744	\$5,749,991	\$510,210

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 26 DAY OF SEPTEMBER, 2016.



Deonne Contine, Secretary
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