



STATE OF NEVADA
STATE BOARD OF EQUALIZATION

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Governor

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DEONNE E. CONTINE
Secretary

In the Matter of

APN 001-660-125
ASPEN PLAZA PARTNERS, LLC
PETITIONER

Elko County Assessor,
RESPONDENT

Direct Appeal of the Decision of the
ELKO COUNTY ASSESSOR

Case No. 17-167A

NOTICE OF DECISION

Appearances

John Fericks appeared on behalf of Aspen Plaza Partners, LLC (Taxpayer).

Curtis Moore, Elko District Attorney's Office, and Katrinka Russell, Elko County Assessor appeared on behalf of the Elko County Assessor's Office (Assessor).

Summary

The matter of the Taxpayer's petition for review of commercial property valuations for the 2016-17 Unsecured Roll within Elko County, Nevada, came before the State Board of Equalization (State Board) for hearing in Carson City, Nevada, on August 28, 2017, after due notice to the Taxpayer and the Assessor.

Taxpayer leases the property from the City of Elko and claims the property is exempt from taxation pursuant to NRS 361.157(1) and (2), as it is located on the Elko Regional Airport.

The State Board, having considered all evidence, documents and testimony pertaining to this matter, in accordance with the requirements of NRS 361.360(3) and NRS 361.157, 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.
- 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.
- 4) Taxpayer leases the real property from the City of Elko, and its Elko Regional Airport.
- 5) Taxpayer constructed a commercial building on the property which is rented to various retail and office businesses.
- 6) The property is located on the Airport Layout Plan.
- 7) The property is located outside the airport security fencing and does not include businesses that service the airport.
- 8) The property is not located within the area of the airport operations and does not cater to the airport's aviation activities.
- 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 State Board has authority to hear this matter pursuant to NRS 361.360(3).
- 2) The Taxpayer's property is not exempt from taxation under NRS 361.157(2)(a).
- 3) 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

Based on the above Findings of Fact and Conclusions of Law, the State Board, by a vote of 4-1, upheld the Elko County Assessor's assessed value of the Taxpayer's property. The Taxpayer's Petition for Direct Appeal is denied.

The Elko County Comptroller is instructed to certify the assessment roll of the county consistent with this decision.

BY THE STATE BOARD OF EQUALIZATION THIS 27th DAY OF NOVEMBER, 2017.



Deonne Contine, Secretary
DC/jm