



STATE OF NEVADA  
STATE BOARD OF EQUALIZATION

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|   |   |                 |
|---|---|-----------------|
| In the Matter of                              | ) | Case No. 19-132 |
|   | ) |                 |
| APN: 162-09-502-001                           | ) |                 |
|   | ) |                 |
| SLS Las Vegas Resort Holdings LLC. et al,     | ) |                 |
| PETITIONERS                                   | ) |                 |
|   | ) |                 |
| v.  | ) |                 |
|   | ) |                 |
| Briana Johnson                                | ) |                 |
| Clark County Assessor,                        | ) |                 |
| RESPONDENT                                    | ) |                 |
|   | ) |                 |
| Appeal from the Decision of the Clark County) | ) |                 |
| Board of Equalization                         | ) |                 |

**NOTICE OF DECISION**

***Appearances***

Paul Roshetko, Mike Bosma and Mark Stafford appeared on behalf of the Petitioner, SLS Las Vegas Resort Holdings LLC. et al (Taxpayers).

Jeff Denman and Mary Ann Weidner appeared on behalf of the Respondent, the Clark County Assessor's Office (Assessor).

***Summary***

The matter of Taxpayers' petition for review of personal property valuation for the 2018-2019 unsecured roll within Clark County, Nevada, came before the State Board of Equalization (State Board) for hearing in Carson City and Las Vegas, Nevada, on August 26, 2019, after due notice to Taxpayer and Assessor. The subject property is hotel and casino personal property located at the SLS Las Vegas in Clark County, Nevada.

Taxpayer petitioned the Clark County Board of Equalization (County Board) for review of the taxable valuation of the subject property which was heard by the County Board on or about February 25, 2019. The County Board accepted the Assessor's taxable value of \$36,477,580.

Taxpayer presented a replacement page for SBE 19 with a deleted column. Assessor did not object to it being added to the record. The State Board voted to allow the new evidence to be added to the record.

The State Board, having considered all evidence, documents and testimony pertaining to the taxable value of the subject property in accordance with NRS 361.360, 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. Taxpayer and 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.
3. Taxpayer has the burden of proof pursuant to NAC 361.741.
4. On April 3, 2018, the SLS Las Vegas was sold to Taxpayers for a total purchase price of \$230,272,939, with the land and improvements totaling \$191,921,510.
5. The taxable value for the land and improvements for the 2018/2019 tax year as determined by Assessor was \$321,273,974.
6. By the time Taxpayers purchased the subject property, the deadline to challenge the taxable value for the 2018/2019 secured roll had passed.
7. The personal property valuations for the 2018/2019 tax year are appealable in the 2019/2020 tax year.
8. Real property appeals of the 2018/2019 secured roll must be filed with the County Board by January 15, 2018 and personal property appeals of the 2018/2019 unsecured roll must be filed by January 15, 2019.
9. The taxable value for the personal property based on declarations from the Taxpayers is \$36,477,580 which was placed on the 2018/2019 unsecured roll.
10. As Taxpayers could not challenge the taxable value for the real property and improvements, Taxpayers challenged the personal property allocation because the sum total of the taxable value exceeded the purchase price paid by Taxpayers.
11. Assessor argued that the taxable value for the personal property should not be compared with the taxable value for the land and improvements to correct the total taxable value exceeding full cash value for the same tax year.
12. Assessor stated the personal property value for the 2018/2019 tax year is not known to the Assessor when the taxable value for the land and improvements for the same tax year is calculated.
13. 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. Taxpayer and Assessor are subject to the jurisdiction of the State Board.
2. The State Board has the authority to determine the taxable values in the State.

Taxable value shall not exceed full cash value. NAC 361.131

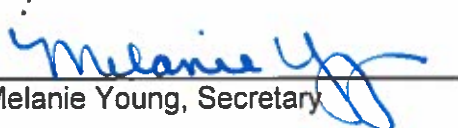
3. NAC 361.131 provides when the taxable value exceeds full cash value reduction can be taken from the taxable values of the land, improvements and personal property which the State Board interprets to apply to the same assessment year even if the taxable value for the land and improvements cannot be reduced in the same assessment year as the personal property.

4. 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 and by a preponderance of the evidence, the State Board decided by unanimous vote to reduce the taxable value of the personal property to zero due to obsolescence and the total taxable value for the land, improvements and personal property exceeding full cash value for the 2018/2019 tax year. The Petition is granted. The Clark County Comptroller is instructed to certify the unsecured assessment roll of the county consistent with this decision.

BY THE STATE BOARD OF EQUALIZATION THIS 10<sup>th</sup> DAY OF October, 2019.

  
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Melanie Young, Secretary