



STATE OF NEVADA
STATE BOARD OF EQUALIZATION

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Governor

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SHELLIE HUGHES
Secretary

In the Matter of)	Case No. 21-143
)	
APN: 178-03-110-008; 178-03-110-009;)	
179-03-110-005)	
)	
BPC Henderson, LLC)	
PETITIONER)	
)	
v.)	
)	
Clark County Assessor,)	
RESPONDENT)	
)	
Appeal from Decision of the Clark County)	
Board of Equalization)	

NOTICE OF DECISION

Appearances

Chelley Becker, Shawn Venstrom and Charles Jack appeared on behalf of Petitioner, BPC Henderson, LLC (Taxpayer).

Carolanne Doherty and Maryanne Weidner appeared on behalf of the Respondent, Clark County Assessor (Assessor).

Summary

The matter of the Taxpayer's petition for review of property valuation for real property on the 2021-2022 secured roll came before the State Board of Equalization (State Board) for hearing in Las Vegas, Nevada on July 20, 2021. The Clark County Board of Equalization (County Board) heard Taxpayer's property tax appeal on February 23, 2021. The County Board reduced the taxable value to \$90,947,978 based on a 13% CAP rate on the 2019 actual income. The subject property is the Galleria Mall in Henderson, Nevada. The State Board admitted new evidence presented by Taxpayer.

The State Board, having considered all evidence, documents and testimony pertaining to the taxable value of the subject property, 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. 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.

4. Taxpayer has the burden of proof pursuant to NAC 361.741.

5. Taxpayer presented evidence of the financial impacts of Covid-19 and that even prior to the pandemic shopping malls generally are declining.

6. Taxpayer presented an appraisal concluding the value of the subject property is \$76,000,000 using a 13% capitalization rate.

7. Assessor presented evidence of the income approach using a 9% capitalization rate.

8. The income approach used is similar between the Assessor and Taxpayer, but they use a different capitalization rate.

9. Assessor used Pricewaterhouse Coopers and local sales to establish the capitalization rate.

10. 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.

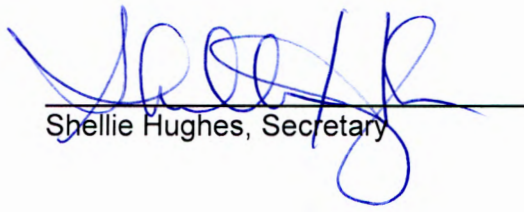
3. The capitalization rate to apply to the net operating income determined by the Assessor should be 10% based on the subject property being in an asset class that is in decline.

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 a preponderance of the evidence, the State Board decided by a unanimous vote to reduce the taxable value for the subject property to \$85,000,000 with the reduction to be taken from the improvements. Taxpayer's petition is granted as provided in this decision. The 2021-2022 secured roll shall be amended as provided in this decision.

BY THE STATE BOARD OF EQUALIZATION THIS 29th DAY OF September, 2021.


Shellie Hughes, Secretary