



STATE OF NEVADA
STATE BOARD OF EQUALIZATION

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Secretary

In the Matter of)

Shree Ganesha Inc.)
APN: 138-03-611-009, 138-03-611-010,)
138-03-611-011)
Clark County, Nevada)
PETITIONER)

Case No. 12-304

Michele Shafe)
Clark County Assessor)
RESPONDENT)

Appeal of the Decision of the)
CLARK COUNTY)
BOARD OF EQUALIZATION)

NOTICE OF DECISION

Appearances

Steven Fink appeared on behalf of Shree Ganesha, Inc. (Taxpayer).

Bob Costello appeared on behalf of the Clark County Assessor's Office (Assessor).

Summary

The matter of the Taxpayer's petition for review of property valuations for the 2012-13 Secured Roll within Clark County, Nevada, came before the State Board of Equalization (State Board) for hearing in Las Vegas, Nevada, on October 16, 2012 after due notice to the Taxpayer and the Assessor.

The Assessor offered new evidence consisting of sales information occurring after the appraisal date. The State Board did not admit the new evidence into the record. *See Tr., 10-16-12, p. 229, l. 11 through p. 230, l. 5; NAC 361.739.*

The Taxpayer requested the testimony and evidence entered into the record for case number 12-302 be included in the record of the current matter. *See Tr., 10-16-12, p. 231, ll. 1-2.*

The State Board, having considered all evidence, documents and testimony pertaining to the valuation of the property in accordance with NRS 361.227, 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) 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) The subject property is a commercial retail center containing 48,561 net rentable square feet built in 2009, and located on 3.57 acres on North Tenaya Way north of Craig Road in Las Vegas, Clark County, Nevada. *See Tr., 10-16-12, p. 230, ll. 7-19; Record, SBE page 30, 33, 52, 57-59.*
- 5) The Clark County Board of Equalization (County Board) accepted the Assessor's recommendation to uphold the total taxable value of \$2,290,723 for the 2012-2013 secured roll. *See Record, SBE page 20; 66-67.*
- 6) The Taxpayer presented sufficient evidence to support a value different from that established by the County Board. The State Board found the value should be reduced based on information regarding the income approach to value. *See Tr., 10-16-12, p. 255, ll. 3-25; p. 260, l. 15 through p. 266, l. 5.*
- 7) The State Board found the taxable value of the subject property should be reduced to \$2,038,000 with the taxable value of the land remaining the same and the obsolescence applied to the improvements. *See Tr., 10-16-12, p. 266, l. 18 through p. 267, l. 13.*
- 8) The assessed value as adjusted by the State Board is 35% of taxable value.
- 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 has jurisdiction to determine this matter.
- 2) The Taxpayer and the Assessor are subject to the jurisdiction of the State Board. In particular, the State Board has jurisdiction to hear Taxpayer's appeal for the 2012-2013 secured roll pursuant to NRS 361.360(1) and NRS 361.400.
- 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.
- 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:

2012-2013 Secured Roll

Parcel Number	Taxable Value		Assessed Value	
	Established by County Board of Equalization	Revised By State Board	Established by County Board of Equalization	Revised by State Board
138-03-611-009, 138-03-611-010, 138-03-611-011				
Land	\$811,517	\$811,517	\$284,031	\$284,031
Improvements	\$1,479,206	\$1,226,483	\$517,722	\$429,269
TOTAL	\$2,290,723	\$2,038,000	\$801,753	\$713,300

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 31st DAY OF JANUARY, 2013



Christopher G. Nielsen, Secretary
CGN/ter