

Nevada Tax Commission Meeting

NEVADA LEGISLATIVE BUILDING
401 S Carson Street, Room 2134
Carson City, Nevada

VIDEO CONFERENCE

LEGISLATIVE COUNSEL BUREAU
Grant Sawyer State Office Building
555 E Washington Avenue, Room 4412
Las Vegas, Nevada

June 25, 2012

Note: Items on this agenda may be taken in a different order than listed.
Items may be combined for consideration by the Tax Commission.
Items may be pulled or removed from the agenda at any time.

9:00 a.m. I. ****Public Comment** – In consideration of others, who may also wish to provide public comment, please avoid repetition and limit your comments to no more than five (5) minutes.

II. CONSENT CALENDAR¹:

A. Matters of General Concern:

- 1) Bonds Administratively Waived (dates as indicated) (Sales/Use Tax).
 1. Advanced Windows and Door Inc (for possible action)
 2. Airport Concessions Inc (for possible action)
 3. Barcor Inc (for possible action)
 4. Benjamin's Auto Body (for possible action)
 5. BM6 Inc (for possible action)
 6. BM7 LLC (for possible action)
 7. Bowteek LLC (for possible action)
 8. Campus Park Tavern (for possible action)
 9. Car Country Auto Sales (for possible action)
 10. Dragonfly Creative (for possible action)
 11. Environmental Equipment Inc (for possible action)
 12. Firefly Henderson LLC (for possible action)
 13. Gaughan Flying LLC (for possible action)
 14. GDL Zapopan Inc (for possible action)
 15. Hermosa Partners (for possible action)
 16. Jesus Magana (for possible action)
 17. John D Wood & Joyce A Wood (for possible action)
 18. Jose C Renteria & Maria C Renteria (for possible action)

¹ The Commission will review all of the following items on the consent calendar unless a member of the Commission, the Attorney General's Office, the Department or the public wishes to speak in regard to a certain issue, in which case the Commission may, in its discretion, pull the item from the consent calendar.

19. Leastrans Inc (for possible action)
 20. LHQ Inc (for possible action)
 21. Neil B Smith (for possible action)
 22. P&B Financial Inc/Wicked Rods & Customs (for possible action)
 23. Peppermill/Western Village Inn & Casino (for possible action)
 24. Peppermill Hotel Casino (for possible action)
 25. Peppermill/Peppermill Inn (for possible action)
 26. Peppermill/Rainbow Casino (for possible action)
 27. Peppermill/Rainbow Club (for possible action)
 28. PH Pool & Spa Service Inc (for possible action)
 29. Remsen Animal Support (for possible action)
 30. Sansone's Independent Honda & Acura Service Inc (for possible action)
 31. SI SI Pizza No 1 LLC (for possible action)
 32. Vegas Special Tees LLC (for possible action)
 33. Volcano Tea House (for possible action)
 34. Weight Watchers of Las Vegas Inc (for possible action)
 35. Wonder Bar (for possible action)
 36. Yogurtland – Las Vegas Two LLC (for possible action)
 37. Zamanudeen Jalali (for possible action)
- B. Consideration of Recommended Settlement Agreements and Stipulations (sales/use and/or modified business tax unless otherwise stated):
- 1) Westcliff Station (for possible action)
 - 2) Al Nessinger, Beverly C. Nessinger and Sheila L. Gutierrez (for possible action)
 - 3) Workflow Management Inc et al n/k/a Old WM Inc et al (for possible action)
 - 4) T-Fab, Inc., dba Ruth's Chris Steak House (for possible action)
- C. Consideration for Approval of Payment Plan Request:
New Payment Plans – Current (Sales/Use and/or Modified Business Tax)
- 1) IMNYLV LLC / Mulino New York (for possible action)
 - 2) Nationwide Auto Finance LLC (for possible action)
 - 3) Summerlin Vision Centers (for possible action)
 - 4) Vinny's Pizza (for possible action)
 - 5) Pamela & Robert Waits / RP Trade Co.
 - 6) Limey Pub LLC / Queen Victoria Pub (for possible action)
 - 7) Lazy Lawn of Las Vegas (for possible action)
 - 8) Tyler Spring Valley / Hooters Restaurant (for possible action)
 - 9) Meskerem Restaurant & Ethiopian Market (for possible action)
 - 10) JMG at Town Square LLC (for possible action)
 - 11) Matkari Inc. dba Las Vegas Wine Co. (for possible action)
 - 12) Grujeet S. Grewal dba MD Mini Market (for possible action)
- D. Review and Consideration of Payment Plans Previously Approved by the Nevada Tax Commission (Sales/Use and/or Modified Business Tax):
- 1) Jennifer Diamond / Hi Desert Appliances (for possible action)
 - 2) The Nail Store & More Inc. (for possible action)
- E. Waiver of Penalty and/or Interest Pursuant to NRS 360.419 that exceeds \$10,000:
- 1) Metro PCS Nevada LLC (for possible action)
 - 2) Smith's Food and Drug (for possible action)
 - 3) Razorstream LLC (for possible action)

4) Ubiquitel Operating Company (for possible action)

F. Waiver of Penalty and Interest Pursuant to a Request on a Voluntary Disclosure (Sales/Use Tax):

- 1) Duplin Wine Cellars, Inc. (for possible action)
- 2) Omax Corp (for possible action)
- 3) Kegel, LLC (for possible action)
- 4) Royston Silver (for possible action)
- 5) International Code Council, Inc. (for possible action)
- 6) API National Service Group, Inc (for possible action)
- 7) American Check Management (for possible action)
- 8) Advantage Performance Group, Inc (for possible action)
- 9) Blue Man Vegas LLC (for possible action)

G. Approval of Refund Request in Excess of \$250,000:

- 1) DCO Energy LLC (Sales Tax) (for possible action)

III. DIVISION OF LOCAL GOVERNMENT SERVICES:

Local Government Finance Section:

A. **Certification of Ad Valorem Tax Rates for Fiscal Year 2012-2013 pursuant to NRS 361.4547 (for possible action)**

Locally Assessed Properties Section:

A. Consideration of Adoption of Additions and Amendments to Permanent Regulations:

- 1) **LCB File No. R068-12, providing additional criteria to be used to determine whether property is a fixture; definition of trade fixtures, including additional criteria to be used to determine whether property is a trade fixture; permit the use of any nationally recognized valuation technique to establish the value of personal property when the reported acquisition cost is determined to not equal the fair market value of the property at the time of acquisition; and to set forth and clarify various substantive and procedural matters in connection with the administration of taxation in this state. (for possible action)**

B. **Discussion and consideration for approval of the proposed improvement factors for 2013-2014 pursuant to NRS 361.260 and NRS 361.261 including, pursuant to NRS 361.261(3). (for possible action)**

C. **Discussion and Consideration of 2012-2013 Ratio Study and Action as authorized under NRS 361.333. (for possible action)**

IV. COMPLIANCE DIVISION:

A. Taxpayer's Appeal of Hearing Officer's Decision:

- 1) **Magic Transportation (for possible action)**

- B. Department's Recommendation to the Commission for Approval of an Offer-In-Compromise pursuant to NRS 360.263:
 - 1) **Passkey Systems Inc. / Las Vegas Business Scope (for possible action)**
 - 2) **Maria's Mexican Cuisine (for possible action)**

- C. Department's Recommendation to the Commission for Denial of an Offer-In-Compromise pursuant to NRS 360.263:
 - 1) **Business Equipment & Supply Company (for possible action)**

- D. Department's Recommendation to the Commission for Denial of a Payment Plan Request (sales/use tax):
 - 1) **Mesquite Auto Tech LLC (for possible action)**

- E. Status update on Nevada Tax Commission list of conditions to stay order of revocation:
 - 1) **Kettenring LLC dba Sinbad's Hot Dogs (for possible action)**

- F. Petition for Reconsideration of Department's Denial of Exemption Status for Organization Created for Religious, Charitable or Educational Purposes (Sales/Use Tax):
 - 1) **National Association of School Resource Officers, Inc (for possible action)**
 - 2) **Airborne Law Enforcement Association, Inc. (for possible action)**

- G. Taxpayer's opportunity pursuant to district court order dated January 24, 2012 to present additional evidence to the NTC so that the NTC can amend the Findings of Fact, Conclusions of Law dated October 12, 2007, reverse the Decision, or affirm the Decision, and consideration of Taxpayers' request for subpoenas:
 - 1) **K-Kel, Inc. dba Spearmint Rhino Gentlemen's Club; Olympus Garden Inc., dba Olympic Garden; SHAC LLC dba Sapphire; The Power Company, Inc. dba Crazy Horse Too Gentlemen's Club; D Westwood Inc dba Treasures; DI Food & Beverage of Las Vegas, LLC dba Scores, Déjà vu Showgirls of Las Vegas, LLC dba Déjà vu; and Little Darlings of Las Vegas, LLC dba Little Darlings (for possible action)**

- H. Taxpayer's Appeal of Hearing Officer's Decision Upholding Department's Denial of Use Tax Refund Request/Sales Tax Deficiencies on Complimentary Meals and Department's Partial Appeal of Hearing Officer's Decision:
 - 1) **Exber, Inc. / El Cortez (for possible action) (Request Closed Hearing)**

- I. Limited Supplemental Briefing and Consideration of Statute of Limitations Issue on Taxpayer's Appeal of Hearing Officer's Decision Upholding Department's Denial of Use Tax Refund Request/Sales Tax Deficiencies on Complimentary Meals and Employee meals:
 - 1) **Harrah's Entertainment Inc. (for possible action) (Request Closed Hearing)**

- J. Consideration of Adoption of Additions and Amendments to Permanent Regulations:
 - 1) **Adding to and amending Chapter 372 of the Administrative Code to revise provisions relating to the sale of complimentary food to patrons and employees; and providing other matters properly relating thereto. LCB File No. R057-12**

V. COMPLIANCE DIVISION:

A. Informational Items:

- 1) Penalty and Interest Waivers granted by the Department for Sales/Use Tax, Modified Business Tax and Excise Tax (dates as indicated).
- 2) Approval and Denial Status Report Log for Organizations Created for Religious, Charitable or Educational Purposes (dates as indicated) (Sales/Use Tax Exemption).

VI. BRIEFING:

A. Briefing to/from the Commission and the Executive Director.

- 1) Pursuant to NRS 360.105, the proposed budget and legislation for the upcoming Legislative Session
- 2) The Education Initiative

VII. **Next Meeting Date**

VIII. ****Public Comment** – In consideration of others, who may also wish to provide public comment, please avoid repetition and limit your comments to no more than five (5) minutes.

IX. **Items for Future Agendas**

X. Adjourn

Any appeal to the Nevada Tax Commission (Commission) concerning the liability of tax must be heard in open session. A taxpayer may request that a portion of the hearing be closed to the public so that the Commission can receive proprietary or confidential information pursuant to NRS 360.247. The request must be submitted to the Commission in writing and contain a list or summary of the information that the taxpayer believes is proprietary or confidential. It must also include a short statement explaining how the information qualifies as proprietary or confidential information pursuant to NRS 360.247. The submission must be made no later than fourteen (14) days prior to the date of the hearing. *All requests for closed hearings will be noted as such on the Commission's agenda.

Decisions of the Tax Commission and any information submitted in public session will become public and may be published. If a transcript of any hearing held before the Commission is desired by the petitioner or appellant, he/she may obtain a copy, at the party's expense, from the reporter furnished by the Commission.

**This item is to receive public comment on any issue and any discussion of those items; provided that comment will be limited to areas relevant to and within the authority of the Nevada Tax Commission. No action will be taken on any items raised in the public comment period. At the discretion of the Chairman, public comment may be received prior to action on individual agenda items. Public Comment may not be limited based on viewpoint. Prior to the commencement and conclusion of a contested case or a quasi judicial proceeding that may affect the due process rights of an individual the board may refuse to consider public comment. See NRS 233B.126.

Members of the public who are disabled and require accommodations or assistance at this meeting are requested to notify the Department of Taxation in writing or call 684-2096 prior to the meeting.

Notice of this meeting has been posted at the Department of Taxation 1550 College Parkway; and mailed to each County Public Library for posting.

Notice of this meeting was EMAILED for posting to the following locations: Department of Taxation, 555 E. Washington Street; Las Vegas, Department of Taxation, 2550 Paseo Verde, Suite 180, Henderson, Department of Taxation, 4600 Kietzke Lane, Building L, Suite 235, Reno, Department of Taxation, and FAXED to the State Library, Carson City, Nevada.