

Nevada Tax Commission Meeting

GAMING CONTROL BOARD
1919 College Pkwy, Room 100
Carson City, Nevada

VIDEO CONFERENCE

GAMING CONTROL BOARD
Grant Sawyer State Office Building
555 E Washington Avenue, Room 2450
Las Vegas, Nevada

May 11, 2015
9:00 a.m.

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.

- 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. Consideration for Approval of the March 9, 2015 Nevada Tax Commission Meeting Minutes (for possible action)
- III. CONSENT CALENDAR¹:
 - A. Matters of General Concern:
 - 1) Bonds Administratively Waived (dates as indicated) (Sales/Use Tax):
 - 1) La Michoacana Mexican Restaurant LLC (for possible action)
 - 2) Lilys China Bistro LLC (for possible action)
 - 3) Hariom Gulati (for possible action)
 - 4) Jagdev Ram (for possible action)
 - 5) Bauer's Fashion Eyewear GB LLC (for possible action)
 - 6) Bautista Contracting Services LLC (for possible action)
 - 7) China Kitchen LV LLC (for possible action)
 - 8) Healthy Tails LLC (for possible action)
 - 9) Mr Pool And Mrs Patio LLC (for possible action)
 - 10) SMBT LLC (for possible action)
 - 11) Salomon Incorporated (for possible action)
 - 12) Tyler Eastern LLC (for possible action)
 - 13) Helianthus LLC (for possible action)
 - 14) Mr W and D Inc. (for possible action)
 - 15) Feneche Group LLC (for possible action)
 - 16) Henriques McKen Enterprises Inc. (for possible action)
 - 17) Kailey Corporation (for possible action)
 - 18) Rant & Rave of Nevada Inc. (for possible action)

¹ The Commission will review all of the 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) Sub America LLC (for possible action)
 - 20) Paul Everts RV Country Inc. (for possible action)
 - 21) Elite Wine and Spirits Inc. (for possible action)
 - 22) Hodges Enterprises of Las Vegas #1 LLC (for possible action)
 - 23) Maria Mijangos (for possible action)
 - 24) Paw Prints LLC (for possible action)
 - 25) China Tango Inc. (for possible action)
 - 26) Plastic Process Equipment Inc. (for possible action)
 - 27) Vegas Gifts LLC (for possible action)
 - 28) Century Graphics Printing of Nevada LLC (for possible action)
- 2) Standard Direct Sales Organization Agreements (date as indicated):
- 1) Xcellent Choice Global Inc. (for possible action)
 - 2) Orange Peel Inc. (for possible action)
- B. Consideration for Approval of Payment Plan Request: 12 Month Review (Sales/Use and/or Modified Business Tax):
- 1) Got Tools Inc. (for possible action)
 - 2) JNJ Inc. dba Stash (for possible action)
 - 3) Southern Comfort LLC (for possible action)
 - 4) Don Calley Services Inc dba Image Sound and Control (for possible action)
- C. Waiver of Penalty and/or Interest Pursuant to NRS 360.419 that exceeds \$10,000:
- 1) Just for Show Inc. (for possible action)
 - 2) Bridgestone Retail Operations LLC (for possible action)
 - 3) Sams West Inc. (for possible action)
 - 4) Nevada Property 1 LLC (for possible action)
 - 5) Intuit Inc. (for possible action)
 - 6) Walmart Stores Inc. (for possible action)
 - 7) Western Nevada Supply Co. (for possible action)
 - 8) CCI Corporate Services, Inc. (for possible action)
 - 9) Tropicana Las Vegas, Inc. (for possible action)
- D. Waiver of Penalty and Interest Pursuant to a Request on a Voluntary Disclosure (Sales/Use Tax):
- 1) Formglass Products LTD (for possible action)
 - 2) One Source Virtual HR Inc (for possible action)
 - 3) National Association of Tax Professionals, Inc. (for possible action)
 - 4) Jusuru International Inc. (for possible action)
 - 5) Alex & Ani LLC (for possible action)
 - 6) SLS Las Vegas (for possible action)
 - 7) Bungie Inc. (for possible action)
 - 8) Fonality, Inc. (for possible action)
- E. Consideration of Recommended Settlement Agreements and Stipulations (sales/use and/or modified business tax):
- 1) Your Wholesaler (for possible action)
 - 2) Certified Systems Corporation dba Cross Country Motors (for possible action)
 - 3) Estate of Bernice Clark (for possible action)
 - 4) Ryan Stewart for the Debts of Framecon Incorporated (for possible action)

- F. Approval of Refund/Credit Request in Excess of \$250,000:
 - 1) Western United Insurance Company (for possible action)
 - 2) CSAA Fire & Casualty Insurance Company (for possible action)
 - 3) Prudential Insurance Company of America (for possible action)
 - 4) Graymont Western US Inc. (for possible action)

IV. COMPLIANCE DIVISION:

- A. Taxpayer's Appeal of Department's Denial of Exemption Status for Organization Created for Religious, Charitable or Educational Purposes (Sales/Use Tax):
 - 1) **Nevada Association of the Deaf (for possible action)**
 - 2) **CHR, Inc. (for possible action)**
- B. Department's Recommendation to the Commission for Approval of an Offer-In-Compromise pursuant to NRS 360.263:
 - 1) **Darrell Whitaker (for possible action)**
 - 2) **James Phalan II (for possible action)**
- C. Department's Recommendation to the Commission for Denial of an Offer-In-Compromise pursuant to NRS 360.263:
 - 1) **JAZS Pizza Inc. (for possible action)**
- D. Taxpayer's Appeal of Hearing Officer's Decision (Sales/Use Tax):
 - 1) **Rainbow Gardens (for possible action)**
- E. Taxpayer's Appeal of Advisory Opinion 14-024 (sales/use tax):
 - 1) **Pricewaterhouse Coopers, LLP dba Novocure Inc. (for possible action)**
- F. Taxpayer's Appeal of Advisory Opinion 15-002 (sales/use tax):
 - 1) **Nevada Ready Mix, Inc. (for possible action)**
- G. Taxpayer's Appeal of Advisory Opinion 15-001 (sales/use tax):
 - 1) **Service Rock Products, Inc. (for possible action)**
- H. On remand from the First Judicial District Court for further action in accordance with the Order Granting Petition for Judicial Review entered February 12, 2015 and consideration of Proposed Decision in accordance with the Order:
 - 1) **Matthew Sheets v. the Nevada Department of Taxation (for possible action)**
- I. Consideration for Approval of Adoption of Additions and Amendments to Permanent Regulations:
 - 1) **Adding to and amending Chapter 360 of the Administrative Code revising provisions governing agreements between the Department of Taxation and Taxpayers for the payment of taxes, interest and penalties in installments. LCB File No. R089-14 (for possible action)**

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. DIVISION OF LOCAL GOVERNMENT SERVICES:

Locally Assessed Properties Section:

A. Review and Consideration of Approval on the Renewal of the Residential Construction Tax:

- 1) **Storey County School District (for possible action)**
- 2) **Lincoln County School District (for possible action)**

B. Consideration for Approval and Adoption of the 2015 – 2016 Ratio Study (Pursuant to NRS 361.333). (for possible action)

C. Taxpayer's Appeal of the Assessor's Denial of Waiver of Penalty and Interest per NRS 361.4835 for Fiscal Year 2014 - 2015 (Clark County):

- 1) **Caesars Entertainment Corporation (for possible action)**

D. Discussion and Consideration of Request for Adoption of Regulations to Address the Proper Classification of Telecommunications Properties and to Determine whether any Further Clarification is Necessary with Respect to Valuation Methodology for Real and Personal Property. (for possible action)

E. Discussion and Consideration for Approval for the 2016-2017 Personal Property Manual as authorized under NRS 361.227 and NAC 361.1365. (for possible action)

VII. BRIEFING:

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

VIII. Next Meeting Date

IX. ****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.**

X. Items for Future Agendas

XI. 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.

Please contact Tina Padovano, 775-684-2096 for the Nevada Tax Commission support materials. The support materials are made available at the Department of Taxation, 1550 College Pkwy, Carson City, NV and made available during the meeting located at the Gaming Control Board, 1919 College Pkwy, Suite 100, Carson City, NV.

**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. Notice of this meeting was also posted on the Internet through the Department of Taxation website at www.tax.nv.gov.