

PUBLIC COMMENT FOR JUNE 25, 2021 TAX COMMISSION MEETING

I ask that this statement be included in the minutes of this meeting.

The Tax Commission is the head of the Department of Taxation and is designed to supervise the overall administration and operations of the Department of Taxation.

My public comment is to address the questionable financial practices of Nye County government and specifically to a non-existent local government of the Town of Belmont within Nye County.

Nye County allows this phantom entity to act with impunity with respect to violating the laws of the State of Nevada..

For eight years Nye County Commissioners claimed to be the governing body of the Unincorporated Town of Belmont, even though **Belmont has never been an unincorporated town**, in the eyes of Nye County or the State of Nevada.

The Town of Belmont is not a legitimate "local government" as defined in the NRS ([NRS 354.474](#)).

The Town of Belmont does not conform to the definition of "town or unincorporated town" as defined in the NRS ([NRS 269.520](#)).

The illegitimate entity of the Town of Belmont owns several parcels of land in Nye County. They did not pay transfer taxes on the purchase of the properties, and they do not pay property taxes on these parcels. They are considered by Nye County to be tax-exempt.

Since this entity of the Town of Belmont is not a legitimate governmental entity or local government as defined by statute, any properties owned by this entity are subject to taxation ([NRS 361.045](#)). These parcels owned by the Town of Belmont do not show up on the official secured tax roll compiled by the Nye County Assessor, as is mandated by statute.

Fraudulent conveyance of lands ([NRS 205.330](#)) and false representation concerning titles ([NRS 205.395](#)) are serious issues and should be investigated and addressed by the proper authorities.

The County adamantly maintains that Belmont does not and never has had a budget.

The County Comptroller states that it is the responsibility of the Department of Taxation to come up with a tax rate for this town before the town can even create a preliminary budget.

In an admission that it is not a town, the Belmont Town Advisory Board, has now changed its name to just the Belmont Advisory Board and is a separate entity from the Town of Belmont.

The secretary for the Belmont Advisory Board has stated in a County Commissioners meeting that these properties were purchased by the Advisory Board with monies from the budget that Nye County gave them to do as they see fit with. Nye County refuses to provide any documentation of this approval of a budget for Belmont.

This advisory board has no records of ever putting on an agenda, discussing or voting for approval of expenditures or purchasing any property at any time.

These purchases were coordinated by a private citizen, in the name of a non-existent entity and was accomplished with the full knowledge and backing of Nye County government.

Nye County cannot or will not provide any information as to who makes up the phantom governmental entity of the Town of Belmont and who would then be accountable and responsible for the actions of this entity.

The acts of malfeasance and nonfeasance by Nye County and Belmont need to be properly addressed; openly and honestly.

Documentation regarding these activities has been previously provided to the Department of Taxation, with a request to investigate, but no follow up, discussion or even acknowledgement to this request has ever been received.

I am asking for honesty, clarity, and transparency in my request for the Tax Commission to initiate a complete and thorough investigation of the financial activities of Belmont and Nye County and to provide a written report of their findings for the public's review and knowledge.

Thank you.

Respectfully,



Neal Jones



Attachments

June 1, 2021

Via Certified Mail / Return Receipt Requested:

7020 0090 0002 1106 5030

James C. DeVolld, Chairman Nevada Tax Commission
STATE OF NEVADA DEPARTMENT OF TAXATION
1550 College Parkway Suite 115
Carson City, Nevada 89706

Re: Belmont, Nye County, Nevada

Dear Mr. DeVolld:

I am writing to request that the State of Nevada Department of Taxation and its affiliated Boards investigate the financial improprieties that occur in Nye County associated with the Town of Belmont, et al. I am a property owner in Belmont and a taxpayer to the County on those properties.

I have attempted to address my concerns and issues with Nye County, but they seem to ignore the concerns of their tax paying citizens or attempt to deflect any attempts to gain answers through denial or obfuscation. The County Commissioner for our district refuses to even respond to requests to have the issues related to Belmont placed on their agenda so that we may have open discussions in their meetings. The County Manager has stated that I am required to have a commissioner sponsor my requests to have an item placed on the agenda for the Nye County Board of County Commissioners (BoCC) meetings.

For the past eight years, the Nye County BoCC has stated on every one of their agendas that they were the governing body of the *Unincorporated Town of Belmont*. This was amazing in the fact that **Belmont is not an unincorporated town**, never has been. Finally, they have removed this reference from their agenda since it was a false statement that they were claiming. The many other underlying issues related to Belmont still exist.

The Nye County District Attorney's Office, in an attempt to justify Nye County's actions in Belmont, stated in a public meeting, that Belmont had been created as a town in 1844, under United States Congressional authority. As had to be pointed out to the County, that in 1844 these lands still belonged to the Republic of Mexico, so the U.S. Congress did not have any authority to create the town.

In response to a public records request, the Department of Taxation acknowledged that they have no records associated with the Town of Belmont.

NRS 269.520 defines "Town or Unincorporated Town". Nye County has stated that the Town of Belmont does not have a budget, because they do not have a tax rate associated with the town. The Town of Belmont has no means to generate any revenue for the town to use. Somehow, the Town of Belmont has paid for and owns property in Nye County. Additionally, the Town of Belmont is considered to be a tax-exempt entity, so they do not pay transfer or property taxes. When asked through public records requests for records of how these properties were acquired and paid for, the County's response is "We have no records responsive to your request".

Nye County District Attorney's Office solution to this issue was to tell the BoCC that the DA's Office would just write a resolution to change the name on the deeds for these properties into the County's name. We are still waiting for this action to take place and the legal justification the County uses for these actions and their communications with the legal owners of these properties when the legal owners do not exist.

Requests for answers from the Nye County Treasures Office have also been futile.

The outside auditor for the County replied that there were answers to these questions but would not provide these answers in writing.

At the November 10, 2020, BoCC meeting, the secretary for the Belmont Town Advisory Board (BTAB) stated in that meeting that the BTAB had paid for these properties from the budget that the County had given the Town of Belmont, to use as they saw fit. The County cannot provide any records of when these expenditures were discussed, voted on or approved. The County has repeatedly stated that Belmont does not have a budget, because they have no tax rate, because DTax has not assigned a tax rate for Belmont. The BTAB has no records of ever approving or authorizing anyone to expend funds, that they do not have, to acquire any properties.

The NRS allows for a local government to make application to be able to acquire properties for public use and public good. No application to acquire these properties by the Town of Belmont was ever made, according to Nye County. Since the Town of Belmont is not a legitimate local governmental entity, how is it they are allowed to act as one, with no transparency and without being responsible and accountable to the public?

How is a non-existent entity allowed to take these actions? How does a phantom entity get authorized to act as if they are legitimate? Why, when the tax paying public requests answers to these questions, the County ignores those requests? Nye County cannot claim ignorance to the activities of the Town of Belmont. Nye County maintains and monitors a post office box for this nonexistent entity of the Town of Belmont. The County Manager, Tim Sutton, claims to be the contact person for this phantom Town of Belmont governmental entity. Nye County cannot, or will not, provide any records of who the Town of Belmont governmental entity is made up of. Nye County claims the Belmont Town Advisory Board is a separate governmental body and is not overseen by Nye County. Nye County condones and enables these irresponsible, and possibly illegal, actions of the Town of Belmont.

These issues have been previously brought to the attention of Mr. Jeffrey Mitchell of DTax, in an email of May 19, 2020. Mr. Mitchell had promised to investigate other financial irregularities in Nye County, I added my concerns on Belmont at that time. This investigation seems to have fallen by the wayside.

So, I am again asking the Department of Taxation to investigate these fraudulent financial activities of Nye County and the Town of Belmont and provide a written response so the public can be assured that our tax monies are being handled properly, transparently and in accordance with the laws of this State.

The tax paying public does not seem to be able to get honest answers out of Nye County government. Whether it is the BoCC or the County Administration.

- The County allows nonexistent entities to act with impunity.
- \$300,000 of marijuana tax revenue is unaccounted for (brought to DTax's attention at the January 2020 Tax Commission meeting).
- We are required to pay taxes for the Nye County Water District Governing Board, in accordance with NRS 542, according to the County Treasurer. But, NRS 542 has never been codified and does not exist. So why are we required to pay for something according to a statute that does not exist?
- Recent tax delinquent auctions for properties in Nye County have been held. Properties in Belmont were sold for prices far in excess of the delinquent taxes. These surplus revenues are supposed to be earmarked for that specific community. But, once again, the monies for Belmont do not seem to be traceable. Maybe it's that way in the rest of the County as well.

Nye County acts and continues to act as if they are not required to abide by the laws of this State. Nye County needs to clean up its financial house, but does not seem willing, or capable, of doing this.

This is why I am asking the State of Nevada Department of Taxation to investigate, report and take the necessary actions to address these issues.

If there is any questions or information that I can provide, please feel free to contact me at the address below.

Thank you in advance for your anticipated attention to these matters. I look forward to a written response from you or your office regarding these issues.

Respectfully,

Neal Jones

[REDACTED]

Cc: Melanie Young, Executive Director, Nevada Department of Taxation
Marvin Leavitt, Committee on Local Government Finance, Chair