



STATE OF NEVADA
STATE BOARD OF EQUALIZATION

Joe Lombardo
Governor

1550 College Parkway, Suite 115
Carson City, Nevada 89706-7921
Telephone (775) 684-2160
Fax (775) 684-2020

Shellie Hughes
Secretary

In the Matter of)	
)	Case No. 22-119
Oakmont Corporation,)	
PETITIONER)	
)	
vs.)	
)	
Washoe County Assessor,)	
RESPONDENT)	
)	
_____)	

NOTICE OF DECISION

Appearances

Amy Frees appeared on behalf of Petitioner Oakmont Corporation (Taxpayer).

Justin Taylor and Tony Lopez appeared on behalf of the Washoe County Assessor (Assessor).

Summary

The matter of the Taxpayer’s petition for review of personal property valuation on the 2021-22 Unsecured Roll came before the State Board of Equalization (State Board) for hearing on June 29 and October 11, 2022. The Washoe County Board of Equalization (County Board) heard Taxpayer’s personal property valuation appeal on February 25, 2022. The County Board upheld the Assessor’s decision not to allocate the taxable value based on NAC 361.1434. The subject property is a 2010 Gulfstream Model G450 aircraft. After hearing arguments from the parties on June 29, 2022, the State Board continued this case to allow the Department to survey other counties regarding taxation of aircraft and to allow Taxpayer to provide flight logs for the prior owner. The Assessor did not object to admission of this additional evidence.

The State Board having considered all the documents, evidence and testimony pertaining to the subject property hereby makes the following findings of fact and conclusions of law.

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 personal property tax assessments pursuant to NRS 361.360 and NRS 361.400.
3. Taxpayer has the burden of proof pursuant to NAC 361.741 and NAC 361.1434(1).
4. The subject property is a Gulfstream Model G450 aircraft from Hong Kong that was purchased by Oakmont Corporation for \$10,350,000 on February 22, 2021.
5. Taxpayer made improvements to the subject property.
6. The Assessor's taxable value for the subject property is \$11,877,408 which is not challenged by Taxpayer.
7. Taxpayer requested an allocation of the taxable value as provided in NAC 361.1434 based on the time the aircraft spent in Nevada.
8. Prior to the lien date of July 1, 2021, the subject property was flown from Illinois to Reno, Nevada on June 23, 2021, and left Nevada on June 29, 2021.
9. Taxpayer provided evidence that the subject property spent time in Hong Kong and other states during the preceding fiscal year from the lien date.
10. The Assessor taxed the subject property at 100% without applying an allocation based on the time spent in Nevada.
11. The Assessor concluded the aircraft did not have taxable situs anywhere other than Nevada.
12. The State Board reviewed the survey of the counties conducted by the Department.
13. Clark County's response stated: *If the flight logs indicated that the aircraft was in other jurisdictions long enough for it to have acquired a taxable situs one or more of those locations I would apportion its value.*
14. Taxable situs, defined by NAC 361.1409, requires contacts sufficient to confer the power to tax an aircraft.

15. NAC 361.1434 allows for the allocation of the taxable value for aircraft “if the aircraft has taxable situs in this State and in another state or country.”
16. The definition of taxable situs does not require that a tax is imposed by any jurisdiction.
17. Under NAC 361.1436(2), if an aircraft has taxable situs in Nevada and in another state or country, the taxable value of the aircraft must be allocated to Nevada in an amount that fairly reflects the use of the aircraft in Nevada. The portion of the taxable value of the aircraft allocated to Nevada must equal the amount determined by multiplying:
 - a. The taxable value of the aircraft; and
 - b. The fraction obtained by dividing the number of overnights spent by the aircraft in this State by the total number of days in the immediately preceding fiscal year.
18. 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. Taxpayer met its burden to show the subject property established taxable situs in other jurisdictions pursuant to NAC 361.1434.
4. The subject property’s taxable value is subject to allocation for the six nights it spent in Washoe County in June 2021 as provided in NAC 361.1436(2).
5. Based on the foregoing, the calculation of the assessed value is \$68,335.
6. 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.

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DECISION

Based on the above Findings of Fact and Conclusions of Law and a preponderance of evidence, the State Board decided by a unanimous vote to grant the Taxpayer's petition to allocate the taxable value based on the six nights the subject property was present in Nevada during the preceding fiscal year as provided in NAC 361.1436(2). The 2021-22 Unsecured Roll of Washoe County Nevada shall be revised to provide that the subject property's taxable value of \$11,877.408 is subject to allocation as set forth herein.

BY THE STATE BOARD OF EQUALIZATION THIS 8th DAY OF June, 2023.


Shelle Hughes, Secretary