

# Bakst to the Supreme Court

**ALERT: #236 DATE:** April 22, 2010 **TO:** Incline Village & Crystal Bay Property Owners **FROM:** Village League Tax Revolt Committee

**Dear Incline Village & Crystal Bay Property Taxpayers,**

As the Bonanza Newspaper reported today (1), the district court was unable to cope with the Supreme Court's requirement to order property tax equalization and punted. Having failed to specify how our assessments should be equalized, the court decided to do nothing. So the matter is on its way back to the Supreme Court once again.

Let's not forget that this whole sorry saga began eight years ago when Assessor Bob McGowan dreamed up special techniques leading to sky rocketing assessments for Incline Village and Crystal Bay that were far higher than those of our Tahoe neighbors to the south. When Alvin Bakst compared his property taxes to those paid elsewhere the tax revolt began and the "Bakst" lawsuit was filed.

Let's not forget that the Supreme Court declared those assessments and the resulting excess taxes unconstitutional in its Bakst decision and scripted equalization for the 17 plaintiffs. Because the same conditions affected all residential assessments here, during 2003 the Village League sought to obtain the same relief for everyone. That lawsuit, like most we have filed, has meandered through many courts and judges. And now, some 7 years later, the simple and obvious justice needed to resolve this case has been stalled once again.

Let us not forget that the Supreme Court's Bakst decision has also been applied to the 2004 and 2005 tax years, resulting in refunds and interest for various groups of Incline Village and Crystal Bay taxpayers. And it has effectively been applied to everyone for the 2006 tax year as well by Judge Brent Adams.

This recent district court order relates to the effort by the Village League to get Bakst applied for all taxpayers impacted by Washoe County's unconstitutional assessments in the 2003 and 2004 tax years. And while the Bonanza reported the Washoe County District Attorney whimsically dreaming that the decision "closes the door" on this dispute, no door will be shut. The means to equalize our taxes has already been established and applied. The District Court plainly and simply failed to do what the Supreme Court specifically instructed it to do. The

Village League must now appeal the District Court's unfortunate order back to the Supreme Court.

The amount of money being expended in this battle to correct the unfair, unequal, unconstitutional, non-uniform and null and void property taxes assessed by Washoe County since 2002 is enormous. The Washoe County Commissioners and the District Attorney seem to have become blinded to the fact that continuing to file countless frivolous lawsuits to stall the payment of the refunds, that have already been ordered by the court, is burdening all of the taxpayers of the entire County with tens of thousands of dollars in legal fees plus a million dollars a year in interest.

There are twelve legal actions still pending and waiting for decisions in various courts. We will keep you notified as these rulings are made available.

Sincerely,

**Les Barta**, - Village League Board Member

**Todd Lowe**, - Village League Board Member

**Maryanne Ingemanson**, - President of the Village League and Board Member

**Footnote (1):** To read the referenced article please visit: [www.NevadaPropertyTaxRevolt.org/pages/NewsArticles.html](http://www.NevadaPropertyTaxRevolt.org/pages/NewsArticles.html) or [Bonanza Tax Revolt April 22nd Article](#)

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- **John Carney**, Analyst
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