

Tax revolters get roll backs, will see McGowan in state supreme court

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Officials from the League to Save Incline Assets, flush with at least two "major" court victories in 2006 and an actual decision to roll back taxes this week for a small group of tax rebels, said the county district attorney office's attempts to have the state supreme court hearing stayed (or re-reviewed) for assessor Bob McGowan will also not happen.

County district attorney Terry Shea noted the McGowan trial will be heard in front of the supreme court as planned. However, of the five "issues" of contention the league had against McGowan, only "two-and-a-half" will be heard in front of the supreme court, Shea noted.

"(The malfeasance case) will go to trial on part of the issues," Shea said. "They're allowing the issue revolving around NRS 360 regarding the necessity to have two certifications on the assessor role, and an issue that states he didn't follow proper rules and regulations to go forward. The 'half-issue' is that he didn't use the right form (in one instance.)"

Shea was clear to note that just because the supreme court is fact-finding on part of the issues brought against McGowan, it does not give them credence.

"People need to remember, just because the (state) supreme court allows it to go forward, does not mean it's a legitimate claim - they are just allegations," Shea said.

That the malfeasance case is being heard in the first place has broader implications, league officials note.

"One of the things that's extremely egregious, supported by members of the legislature and

backed by supreme court is the role of the assessor," league president Maryanne Ingemanson said. "The assessor has enormous power because of the cost (of appealing property taxes). The assessor can appeal to judicial review and up to the supreme court. (The property owner) must hire an attorney.

If their appeal goes to the supreme court, the taxpayer must post a bond and still pay their taxes.

"The cards are stacked so far against the taxpayer - it's almost criminal."

The malfeasance suit was brought against the assessor last fall.

While the remaining counts against McGowan will "hopefully be heard by the supreme court within the next six months," district attorney Shea said he will ask for a stay on another issue Thursday - district court judge William Maddox's ruling rolling back of 17 Incline property owner's (represented by the league) tax assessments to 2002 of their property tax assessments.

"The (stay) would take away the effectiveness of Judge Maddox's order, which is causing temporarily the office to roll back taxes," Shea said. "We're asking the supreme court to issue an order to stay the effectiveness until the supreme court has an opportunity to review the issues."

The Maddox-ordered roll-back was announced to the league and the landowners they represent, one that spokeswoman Ingemanson touts as "yet another notch on our belt."

"We're so pleased because all of the petitioners had their values rolled back," Ingemanson said. "We've been told it has already been sent to the treasurer's office. I don't know if they'll get a check or a credit - but, in effect it's done."