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Lawsuit dropped against assessor

Tax revolters focus on upcoming supreme court decisions

"I think Washoe County government is not predisposed to objective level of justice."

Les Barta

Village League to Save Incline Assets

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Incline Village's tax revolt group this week dropped the lawsuit to remove Washoe County Assessor Robert McGowan from office after district judge Jerry Polaha met with attorneys from both sides Tuesday and the league's representation agreed to drop the case.

"Well, I think we were very happy," McGowan said. "They put on their case and we didn't really have to put on a case. The judge already dismissed two counts (against me) and there was only one count left.

"If you read the court transcript, they cannot appeal."

Indeed, the league agreed to drop the case with prejudice, meaning it cannot levy charges again against McGowan, 64, an Incline resident, who will not seek a seventh term as assessor this year.

"This will be my last year," McGowan said. "I'll miss this job the day I leave. I'm not as high-energy as I was... but, it turned out to be the pressure from all this that may have been bringing me down.

"Today I feel good."

McGowan has spent 34 years working for the county.

His successor may, in fact, be Josh Wilson, an appraiser in his office.

"(Wilson) is a young man with perhaps more appraisal skills than I had," McGowan said. "It's hard to find a common ground point with (the league), but I think maybe a fresh voice could help."

In January, Washoe County District Court Judge William Maddox ruled that McGowan did not assess Incline properties using the rules that had been approved by the Nevada Tax Commission, therefore his increase in the assessment values was null and void.

League representative Maryanne Ingemanson said the reason Tuesday's dismissal "had to happen" was because the court "determined the burden of proof was the same as if it were a murder trial."

"In order to meet the burden of proof you have to have DNA-like evidence," Ingemanson said. "This type of case should not be subjected to that type of burden of proof - it should be effectively compelling evidence (to dismiss), something along those lines.

"This (was) a civil case, not a criminal case."

After a string of district court victories that could lead to property tax rollbacks to 2002 if the state supreme court upholds the decisions, the dismissal of the McGowan trial was the first setback for the group since last fall.

A setback that could portend bigger things as the state supreme court readies to hear the rollback case McGowan speculated.

"(Our attorney's) interpretation is the supreme court may already have grounds to reverse judge Maddox's decision about getting approval for regulations," McGowan said.

McGowan does site a codicil that does, in fact, give him that right.

"The county assessor shall establish standards," McGowan said, "not may, not might - shall - establish standards. That means local standards. We would hope groups like the (league) understand that there are different market conditions in Washoe.

"A view of the lake is different than a view of downtown Reno."

If Maddox's order sticks, not only will assessment values be rebased back to the year 2002, refunds would be paid back to taxpayers with 6 percent interest.

As for the dismissal of the McGowan case in relation to other outstanding cases, tax revolter Les Barta said the two have "nothing to do with one another."

"I think Washoe County government is not predisposed to objective level of justice," Barta said. "It may be a different case on the state level. We had two courts say McGowan failed to follow the law. Washoe County does not want to face up to the truth.

"The bottom line is there needs to be a greater amount of sensitivity towards citizens who are served by these people ... it's not that we wanted to throw McGowan out, the goal was to get government to acknowledge what it is doing

wrong. The goal is to make it accountable to the people, not just its own agencies and employees."

Barta said he hopes the supreme court begins to hear the tax rollback cases by mid-June.

"I don't agree with the Maddox decision," McGowan said. "The (tax revolt group) said they're protecting their piggy bank. (Judge) Polaha is a scholar of the law ... but if you're not with the league, you're wrong in their eyes.

"I understand it always didn't seem fair. I see there can be common ground. One time the (property tax assessments) featured a three-percent a month increase, up to 36 percent in one year is a lot - a tough tax bill. The government shouldn't put someone in the position they're going to lose their home. But now we have a 3 percent cap. Yes, that could be overturned, but, for now we work to follow the law, to be transparent and to help make the system work."

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Washoe County Assessor

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