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Tax rebates set for Sept. 1 for Incline Village residents

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A group of Incline Village parcel owners — recently deemed the victors by the Nevada Supreme Court in a more than four-year-old tax revolt case — should expect refund checks in the mail shortly after Sept. 1.

Incline citizens, especially through the organization, the Village League to Save Incline Assets, have been striving to correct what they say are unfair property tax assessments for over five years, recently gaining some victories in court.

On July 25, the state high court ruled that various taxation departments from the state and Washoe County were unconstitutional in the way they assessed Incline Village properties during the 2004-2005 fiscal year. The court’s opinion demanded a roll back to the 2002-2003 assessed levels, plus interest, for 38 parcel owners in the case. In all, the Nevada Department of Taxation, the Nevada Tax Commission, the State Board of Equalization, Washoe County and the Washoe County Assessor’s Office were named as the unconstitutional parties in the case.

County officials confirmed last week that the county is in the process of writing the rebate checks and that the county and county assessor’s office has no plans to appeal the high court’s opinion.

Sarah Tone, community outreach coordinator for Washoe County with Washoe County, said the total refund, as estimated by the county treasurer’s office, stands at about \$350,000, not including 6 percent interest. Exact refund totals for each parcel holder are unknown, she said.

In an e-mail message to the Bonanza, Washoe County Manager Katy Simon (formerly Singlaub)

said the county is complying with the Supreme Court's decision.

“Washoe County is complying with the Nevada Supreme Court order to rebate 38 Incline Village property owners to reflect assessments based on 2002-03 property values for the (2004-2005) year,” Simon said. “We estimate the total rebate will be about \$350,000, including 6 percent interest, as directed by the court, and the treasurer tells us the target date for mailing those checks is Sept. 1, 2008.”

In its July 25 conclusion, the state Supreme Court wrote: “We conclude that nothing significant distinguishes these cases, factually or legally, from Bakst, and we therefore affirm the district court’s orders granting judicial review, declaring the taxpayers’ 2004-2005 assessments void, and setting their assessed values for 2004-2005 to the 2002-2003 levels. The taxpayers are entitled to refunds of all excess taxes paid and 6 percent annual interest.”

The Bakst case involved 17 Incline parcel owners arguing their assessed property values from 2003-2004. Their appeals eventually went to the Supreme Court, which ruled in early 2007 to roll back their rates to the 2002-2003 values.

E. Terrance Shea, deputy district attorney for Washoe County, represented the county in the July 25 case. In a Friday phone interview, he said the county “absolutely” plans to pay back the full rebate, a similar statement as Simon.

“We are going to do all the refunds, and then we’ll go from there and see what happens,” he said.

“What happens,” Shea said, depends on the current tax revolt cases in limbo between various plaintiffs from Incline Village and defendants from the county and state.

There currently are seven cases pending, from the 2003-2004, 2005-2006, 2006-2007, 2007-2008 and 2008-2009 fiscal years, involving Incline Village/Crystal Bay parcel holders arguing against illegal appraisal methodologies and/or how the way the appeals were handled.

Also last week, the Village League to Save Incline Assets, the group of nonprofit tax revolters in Incline Village, released a letter to the community, regarding the still pending cases.

Along with the letter comes a large information box, which details all the pending and past cases. It is printed below.

Side Bar: **“WHAT ABOUT ME?”**

We are frequently approached with congratulations on our two Supreme Court victories and gratitude for our efforts. However, that is quickly followed by questions as to how these decisions will impact them.

It is an understatement to say that the nearly 6-year effort is complex. There are nine major cases that we have initiated. Some involve all IV/CB taxpayers while others involve specific groups.

The matrix below will hopefully try to sort this all out. Two cases have been won and 7 are still pending.

The victories give us optimism on the remaining cases.

Several things you will note on the matrix. First, these processes take time - usually 3-4 years to wind their way through the system. Second, while the County Board of Equalization has tried to be fair (in spite of efforts by County politicians to stack the deck against us), the State Board of Equalization has been absolutely hostile toward us.

Hopefully, this matrix will help everyone understand where we've been, where we are and where we're going. It's been a long journey, but there's clearly light at the end of the tunnel. And, remember to pay your taxes under protest! Go to www.nevadaproperlytaxrevolt.org for details.

**Maryanne Ingemanson, President
Village League to Save Incline Assets**

The Tax Revolt: Summary of past and present cases

Tax Year: 2003/2004

Plantiffs/Parties: Bakst Case - 17 tax payers

Issues: Illegal assessment methods

Protest Process: Appealed to County Board of Equalization, Appealed to State Board of Equalization, District Court, Supreme Court

Disposition: Won, (appealed by County). Won again.

Remedy: Roll back to 2002.2003; Refund taxes plus interest.

Tax Year: 2003/2004

Plantiffs/Parties: All Incline Village and Crystal Bay

Issues: Illegal assessment methods

Protest Process: District Court, Supreme Court

Disposition: Lost (appealed by League). Pending

Remedy: Pending

Tax Year: 2004/2005

Plantiffs/Parties: Barta Case - 37 tax payers

Issues: Illegal methods

Protest Process: Appealed to County Board of Equalization, Appealed to State Board of Equalization, District Court, Supreme Court

Disposition: Won (appealed by County). Won.

Remedy: Roll back to 2002.2003. Refund of taxes plus interest.

Tax Year: 2005/2006

Plantiffs/Parties: 1,200 tax payers

Issues: Illegal 8 percent increase

Protest Process: Appealed to County Board of Equalization, Appealed to State Board of Equalization, District Court, Supreme Court

Disposition: Won (appealed by County), Lost (appealed by League), Remand to County Board of Equalization (appealed by League), Pending

Remedy: 8 percent refund

Tax Year: 2006/2007

Plaintiffs/Parties: All of Incline Village and Crystal

Issues: Illegal State Board of Equalization actions; Assessor fraud

Protest Process: Appealed to County Board of Equalization, Appealed to State Board of Equalization, Supreme Court - Writ

Disposition: Won, Remand to County Board of Equalization, Pending

Remedy: Roll-back to 2002/2003; refund

Tax Year: 2006/2007

Plaintiffs/Parties: Various tax payers (300)

Issues: Illegal State Board of Equalization actions; Assessor fraud

Protest Process: County Board of Equalization, State Board of Equalization, District Court

Disposition: Won, Proposed Settlement, Pending

Remedy: Roll-back to 2002/2003; refund

Tax Year: 2007/2008

Plaintiffs/Parties: 900 tax payers

Issues: Illegal methods

Protest Process: County Board of Equalization, State Board of Equalization, District Court

Disposition: Won (appealed by County), Lost (appealed by League) Pending

Remedy: Roll-back to 2002/2003; refund

Tax Year: 2008/2009

Plaintiffs/Parties: All Incline Village and Crystal Bay

Issues: Illegal methods

Protest Process: County Board of Equalization, State Board of Equalization

Disposition: Lost (appealed by League) Pending

Remedy: Roll-back to 2002/2003; refund

Tax Year: 2008/2009

Plaintiffs/Parties: All Incline Village Crystal Bay

Issues: Illegal tax bills

Protest Process: Federal Court

Disposition: Pending

Remedy: Injunction to halt tax payments

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