

# **Latest tax revolt decision rules in favor of Washoe County, state of Nevada**

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INCLINE VILLAGE, Nev. — A Washoe County judge last week ruled in favor of the county and state of Nevada regarding one of the local tax revolt group's original complaints against unfair property valuation.

In a Tuesday, April 13, ruling, Washoe County District Court Judge Patrick Flanagan denied Village League to Save Incline Assets' request to order the Nevada State Board of Equalization to equalize property values statewide while declaring the 2003-2004 property tax assessments for Incline and Crystal Bay property owners null. The litigation included the Village League's demand for the refund of excess taxes assessed during the same fiscal period.

“The county is happy to see closure to this chapter,” said David Creekman, chief deputy district attorney for Washoe County. “Assuming there is no appeal, this decision closes the door on disputes involving tax years 2003-2005.”

The village league filed its original complaint with Washoe County District Court on Nov. 13, 2003, and the court dismissed the complaint in a June 2, 2004, ruling. The village league appealed to the Nevada Supreme Court, which, on March 23, 2009, reversed part of the court's 2004 order, thus allowing the village league to file an amended complaint in district court, which it did on June 19, 2009.

Creekman said members of the Village League were never eligible for tax refunds and Flanagan's decision upholds the county's position.

Village League President Maryanne Ingemanson said she was disappointed with Flanagan's decision.

“This is terribly unfair,” she said. “This is a politically motivated solution.”

Flanagan's decision is the latest in what has become a 7-year legal battle, which began when in November of 2003 when the village league filed a district court complaint against a number of state and county tax-related agencies claiming taxes were collected illegally and unconstitutionally.

Nevada is the only state in the United States that employs a Taxable Value Property Tax System instead of the more traditional Market Value Property Tax System.

According to his ruling, while Flanagan recognized serious deficiencies in the taxable value system of assessing and collecting taxes, he said the league and Nevada tax expert Richard Almy, the league's expert witness, failed to provide an alternative statistical methodology for tax collection under the Taxable Value System.

However, Ingemanson argued the village league's position has always been there is no alternative statistical methodology under the Taxable Value System, which is the reason the system represents an unconstitutional method of assessing taxes and the

fundamental reason why IV/CB residents are entitled to a refund.

“This is a bizarre outcome,” said Ingemanson. “The taxpayers are being punished because the state didn't offer proper equalization regulations. The reason Mr. Richard Almy, one of the most highly

respected tax experts in Nevada, couldn't identify an alternative method is because there isn't one. That's our whole point.”

The appeal process is available to the Village League within 60 days of April 13, but Ingemanson said she will confer with the board before making any decisions.

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