

Explaining the tax revolt

Village League has another Supreme Court Hearing

letters to the editor

Last summer Suellen Fulstone, attorney for the Village League, filed a "Writ of Mandamus" lawsuit with the Nevada Supreme Court. Usually the Supreme Court will issue a ruling without a hearing on these kinds of issues. The Village Leagues was totally surprised two weeks ago when they were notified that a 30 minute hearing will be held Jan. 7, where each attorney will be given 15 minutes to present their case, for or against the requested ruling.

In laymen's terminology, versus legal terminology, what is at stake on this case?

How would you like it if the Federal Government decided to retroactively raise our personal income tax rate by 10 percent and raised the long term capital gains tax rate from 15 percent to 18 percent for tax years, 2004, 2005, 2006 and 2007?

How would our local businesses like it if the Nevada State Government decided early next year, to retroactively raise all business taxes by 8 percent for the last three tax years, 2005, 2006, and 2007?

This kind of action would cause chaos in our personal financial lives and the business financial issues. We are lucky to live in the United States, where the past is past with respect to all kinds of taxes. Exceptions are fraud and usage of illegal appraisal methodologies.

What I have just described is going to happen if the Nevada State Board of

Equalization has its way. And that is what the Jan. 7 State Supreme Court Hearing is all about.

By Nevada statutes, the Nevada State Board of Equalization shall complete the hearings and rulings on all tax issues by Oct. 1, of each fiscal tax year, (July 1 to June 30). These hearings conclude three months after the start of the current fiscal tax year. They are not allowed to go back to previous fiscal years to make tax rate adjustments. This procedure has been in effect for over 25 years and has worked just fine.

The Washoe County Board of Equalization unanimously voted to rollback all Incline Village and Crystal Bay taxable land values to their 2002/03 values for the tax year 2006/07, on March 8, 2006. This vote was provisional upon the favorable ruling of the Nevada Supreme Court. The Washoe County Assessors filed an appeal to the State Board of Equalization to overturn the county board decision.

The 2006 State Board of Equalization chose not to rule on the Washoe County Assessor's Appeal in their April 1 through Oct. 1 hearings. By refusing to rule on this appeal, the Washoe County Board of Equalization decision in our favor to rollback the land values should legally stand per Nevada Statutes.

In March of 2007, the State Board of Equalization suddenly decided to retroactively hear the Washoe County Assessor's 2006 Appeal. They ruled in favor

of the Assessor to deny the rollback of all Incline Village and Crystal Bay's property land value back to 2002/03, even though the Nevada Supreme Court ordered this to happen.

The above explanation is in essence the case before the Supreme Court in the hearing on Jan. 7. In legal terminology, the "Nevada State Board of Equalization does not have jurisdiction to both hear and make rulings on Tax Issues for previous tax years."

I hope the above explanation helps you to better understand what is happening at the Jan. 7 hearing and why this decision goes

way beyond just Incline Village and Crystal Bay taxpayers. It has huge tax implications for all Nevada property taxes.

A special thanks to Maryanne Ingemanson, President of the Village League, for explaining the Jan. 7 Supreme Court case to me in "Laymen's" terminology and for helping proof the above explanation.

For additional background information please visit: www.NevadaPropertyTaxRevolt.org.

Wayne Fischer

*Incline Village resident and
board member of the Village League*

#