

SHASTA COUNTY ASSESSMENT APPEALS BOARD

Wednesday, April 17, 2013

REGULAR MEETING

8:30 a.m.: The Shasta County Assessment Appeals Board convened with the following present:

BOARD MEMBERS:

Ken Brown
Larry Lewis
Ernest Rouse

Linda Samuels, Alternate

BOARD STAFF:

Donna Dilts, County Executive Officer Assistant
Jennifer Duval, County Administrative Office Typist Clerk III
Candice Martin, Administrative Board Clerk
James Underwood, Legal Counsel

ELECTION OF CHAIRMAN

By motion made, seconded (Lewis/Brown), and unanimously carried, the Assessment Appeals Board elected Ernest Rouse as Chairman and Larry Lewis as Vice Chairman.

PUBLIC COMMENT PERIOD - OPEN TIME

There was no one present who wished to speak during the Public Comment Period.

REGULAR CALENDAR

SWEARING IN OF STAFF

This was the time set for the Assessment Appeals Board to consider property assessment appeals. Appellants were duly notified by mail of the date and time of hearings.

The following County staff were sworn in: Assessor-Recorder Leslie Morgan, Deputy Assessor-Recorder Wayne Stephens, Senior Supervising Auditor Appraiser Bill Jostock, and Senior Supervising Real Property Appraiser David Baker.

REQUESTS FOR POSTPONEMENTS AS SUBMITTED BY THE ASSESSOR

Deputy Assessor-Recorder Wayne Stephens advised there were no requests for postponements submitted by the Assessor; however, he deferred the right to request a postponement through Friday, April 19, 2013 should any of the appellants who have not responded to the Assessor’s requests appear for a hearing.

POSTPONEMENTS/309 WAIVERS, WITHDRAWALS, AND STIPULATIONS

Deputy Assessor-Recorder Wayne Stephens presented the postponements, withdrawals, and stipulations as requested by appellants.

Mr. Stephens noted there have been 309 Waivers and Withdrawals received after the agenda was finalized and requested that those hearings be vacated accordingly.

By motion made, seconded (Lewis/Brown), and unanimously carried, the Assessment Appeals Board accepted the Assessor’s recommendation and approved the requests by the appellants for postponements and withdrawals of the following appeals:

WAIVERS

<u>Application Number</u>	<u>Appellant Name</u>	<u>Parcel Number</u>
2012-092	Bloom Energy 2009 PPS Project Company	800-008-793 / 086-070-071
2012-096	K.O.H. Atlas Corporation	056-350-037
2012-097	K.O.H. Atlas Corporation	056-350-027
2012-098	K.O.H. Atlas Corporation	056-350-024

WITHDRAWALS

<u>Application Number</u>	<u>Appellant Name</u>	<u>Parcel Number</u>
2012-044	Crossroads Veterinary Clinic, LLC	057-460-007
2012-066	Berlik, Gerald	066-740-015
2012-069	Hall, Robin	107-590-027
2012-071	Szody, Dennis	103-040-019
2012-083	Redding West Senior LLC	112-090-018
2012-084	Redding North Senior LLC	116-350-054
2012-085	Redding North Senior LLC	116-350-052
2012-086	Redding North Senior LLC	116-350-048
2012-087	Redding North Senior LLC	116-350-039

POSTPONEMENTS/309 WAIVERS

At the recommendation of Deputy Assessor-Recorder Wayne Stephens and by motion made, seconded (Lewis/Rouse), and unanimously carried, the Assessment Appeals Board accepted the Assessor's recommendation and approved the requests by the appellants for postponements and withdrawals of the following appeals:

WAIVERS

<u>Application Number</u>	<u>Appellant Name</u>	<u>Parcel Number</u>
2011-038	Avantair, Inc.	800-008-640
2011-043	CitationShares Management LLC	800-007-8510 / 0054-280-005
2012-004	ARC GSNPRFL001, LLC	054-210-057
2012-014	Bombardier Aerospace Corporation	800-007-850
2012-022	ARC GSNPRFL001, LLC	054-210-057
2012-036	NetJets Aviation, Inc.	800-007-854
2012-037	NetJets International, Inc.	800-007-853
2012-042	Scripps Media, Inc.	800-003-094
2012-056	Cole MT Redding CA, LP	107-160-016

<u>Application Number</u>	<u>Appellant Name</u>	<u>Parcel Number</u>
2012-063	Avantair, Inc.	800-008-640
2012-078	DIRECTV, LLC	810-000-111 / 032-140-031
2012-079	DIRECTV, LLC	810-000-255 / 102-410-020
2012-080	DIRECTV, LLC	810-000-391 / 014-520-003
2012-081	DIRECTV, LLC	810-000-436 / 094-350-014
2012-082	DIRECTV, LLC	810-000-525 / 088-070-052
2012-090	CitationShares Management LLC	800-007-851 / 054-280-005

WITHDRAWALS

<u>Application Number</u>	<u>Appellant Name</u>	<u>Parcel Number</u>
2010-122	Charter Communications	860-000-252 / 202-030-045
2010-123	Charter Communications	048-320-019 / 860-000-272
2010-124	Charter Communications	005-610-010 / 860-000-530
2010-125	Charter Communications	049-390-008 / 860-000-859
2010-126	Charter Communications	051-140-021 / 860-001-108
2010-127	Charter Communications	011-270-032 / 800-002-177
2010-128	Charter Communications	048-320-020 / 800-004-156
2010-129	Charter Communications	202-150-009 / 810-000-118
2010-130	Charter Communications	202-100-022 / 810-000-276
2010-131	Charter Communications	005-280-001 / 810-000-445
2010-132	Charter Communications	048-200-001 / 810-000-584
2011-077	DiMarco, Ralph	054-530-002
2011-289	Charter Communications	005-610-010 / 860-000-530
2011-290	Charter Communications	048-320-019 / 860-000-272
2011-292	Charter Communications	048-200-001 / 810-000-584
2011-293	Charter Communications	005-280-001 / 810-000-445
2011-294	Charter Communications	202-100-022 / 810-000-276
2011-295	Charter Communications	048-320-020 / 800-004-156
2011-296	Charter Communications	011-270-032 / 800-002-177
2011-297	Charter Communications	202-150-009 / 810-000-118
2011-298	Charter Communications	051-140-021 / 860-001-108

<u>Application Number</u>	<u>Appellant Name</u>	<u>Parcel Number</u>
2011-299	Charter Communications	049-390-008 / 860-000-859
2012-002	McEachen, Richard	086-450-044
2012-003	Oilar, Jayne	114-380-015
2012-005	Taylor, George M.	109-290-011
2012-015	McClenaghan, Alan J.	073-380-043
2012-016	Autozone Parts, Inc.	113-320-006
2012-017	Culp, Ronda Lee	105-020-005
2012-020	Cottonwood Chevron, Inc.	088-160-048
2012-021	Hiebert, Jenifer A.	041-800-005
2012-023	First States Investors 5000A LLC	101-620-040
2012-025	KayBee Gas & Liquor	059-360-020
2012-028	Marx, Charles H. and Mary Marlene	068-040-083 / 068-350-052
2012-029	Wells Fargo Home Mortgage	800-005-313
2012-031	Rawitzer, Ray	107-520-025
2012-032	Huber, Deborah L.	202-030-031
2012-033	Kennedy, Benjamin L.	110-370-039
2012-034	Sumner, Jim	054-750-027
2012-035	Robert and DeAnna Williams Trust	104-400-058
2012-038	Halkides, Dennis	201-850-084
2012-039	Halkides, Dennis	077-380-057
2012-040	MDI Dana LLC	071-140-032
2012-041	Carn, Ronald M.	115-450-027
2012-043	Ashby, Michael P.	208-370-010
2012-045	Charter Communications	860-001-108
2012-046	Charter Communications	800-002-177
2012-047	Charter Communications	800-004-156
2012-048	Charter Communications	810-000-118
2012-049	Charter Communications	810-000-276
2012-050	Charter Communications	810-000-276
2012-051	Charter Communications	810-000-584
2012-052	Charter Communications	860-000-252
2012-053	Charter Communications	860-000-272

<u>Application Number</u>	<u>Appellant Name</u>	<u>Parcel Number</u>
2012-054	Charter Communications	860-000-530
2012-055	Charter Communications	860-000-859
2012-057	GFP Holdings, LLC	012-540-012
2012-058	Macy's Department Stores, Inc.	107-280-046
2012-059	Goose Valley Ranch, LLC	030-020-032
2012-060	Ost, Linda A.	098-090-011
2012-061	Enterprise Realty	073-080-037 / 116-080-030
2012-062	Lind, Patricia	005-060-036
2012-064	Orchard Supply Hardware LLC #068	800-001-306
2012-065	2005 – C4 DMM Portfolio Properties	107-310-029
2012-067	Bunting, William	073-480-009
2012-068	Couts, Steven	005-380-030
2012-070	Walsh, Diane	056-600-019
2012-072	Trausch, Clarence	105-100-010
2012-073	Rehmann, James	208-350-015
2012-074	Tomisk, Gregory	086-280-076
2012-075	Wilson, David	050-260-009
2012-076	Lehigh Southwest Cement Company	307-030-002
2012-088	Peterson Tractor	073-040-016 / 073-040-017
2012-091	Mitchinson, Stanley	050-770-023
2012-093	Levy, Joseph	059-310-035
2012-094	Arnett, Jr., Llody M.	090-400-036
2012-100	Sierra Pacific Industries	050-110-025

REQUESTS FOR FINDINGS OF FACT

Deputy Assessor-Recorder Wayne Stephens reported that the Assessor did not have any requests for Findings of Fact on the items that were being heard, but he reserved the right to exercise this option if unexpected information was presented. By consensus, the Assessment Appeals Board agreed to the request of Mr. Stephens.

FRACTIONAL INTEREST AIRCRAFT AND REQUESTS FOR REFUNDS

Deputy Assessor-Recorder Wayne Stephens provided an update on the Fractional Interest Aircraft court case. In the coming weeks, there will be an Assessor's meeting where the counties would establish guidelines for any refunds that need to be made, and those refunds will be issued after the Assessor's Roll is completed.

Attorney James Underwood agreed with the Assessor's proposed process.

SCHEDULED HEARINGS

APPLICATION NO. 2012-006
JAMES L. AND RAELYNN M. SANTIAGO
ASSESSOR'S PARCEL NO. 048-410-037

Deputy Assessor-Recorder Cathy Scott was sworn in and stated that the appeal was based on a Change of Ownership penalty.

Appellant Raelynn Santiago was sworn in and explained that the Change of Ownership had not been received. Apparently, the Change of Ownership was mailed to a residence which was not owner-occupied, and Mrs. Santiago requested the Assessment Appeals Board abate the penalty.

By motion made, seconded (Lewis/Brown), and unanimously carried, the Assessment Appeals Board waived the penalty for Application No. 2012-006, James L. and Raelynn M. Santiago.

APPLICATION NO. 2012-018
LAWRENCE L. LIDTHILL
ASSESSOR'S PARCEL NO. 059-350-022

Deputy Assessor-Recorder Cathy Scott explained that effective January 2012, the property owner had 90 days to file the Change of Ownership. The appellant's form listed an incorrect zip code and had not been received by appellant. The Assessor's Office obtained the correct zip code and re-mailed the Change of Ownership notice to the appellant.

Appellant Lawrence Lighthill was sworn in. He denied receiving the first notice of assessment but did receive the second notice, and he paid the penalty.

By motion made, seconded (Brown/Lewis), and unanimously carried, the Assessment Appeals Board abated the penalty for Application No. 2012-018, Lawrence Lighthill.

APPLICATION NO. 2012-019
KATHLEEN JOHNSON
ASSESSOR'S PARCEL NO. 073-350-032

Deputy Assessor-Recorder Cathy Scott explained that effective January 2012, the property owner had 90 days to file the Change of Ownership, and the appellant did not file in the Change of Ownership timely manner.

Appellant Kathleen Johnson was sworn in. She stated that the property was not owner-occupied at the time the Change of Ownership notice was mailed. She did not occupy the residence until February 11, 2012. Shortly after that date her husband passed away and she failed to file the Change of Ownership.

By motion made, seconded (Lewis/Brown), and unanimously carried, the Assessment Appeals Board abated the penalty for Application No. 2012-019, Kathleen Johnson.

APPLICATION NO. 2012-027
CHERYL ABOUD
ASSESSOR'S PARCEL NO. 110-130-017

Deputy Assessor-Recorder Cathy Scott explained that effective January 2012, the property owner had 90 days to file the Change of Ownership, and the appellant did not file the Change of Ownership in a timely manner.

Appellant Cheryl Aboud was sworn in. Ms. Aboud stated that she and her husband were business partners with another couple. The Change of Ownership was mailed to the business address and was not processed in a timely manner. After receiving the penalty notice, the Change of Ownership was submitted.

By motion made, seconded (Lewis/Brown), and unanimously carried, the Assessment Appeals Board abated the penalty for Application No. 2012-027, Cheryl Aboud.

9:28 a.m.: The Assessment Appeals Board recessed, to reconvene at 1:30 p.m.

1:31 p.m.: The Assessment Appeals Board reconvened in Open Session with Board Members Ernest Rouse, Ken Brown, Larry Lewis, Alternate Linda Samuels, Legal Counsel James Underwood, Count Executive Officer Assistant Donna Dilts, County Administrative Office Typist Clerk III Jennifer Duval, and Administrative Board Clerk Candice Martin present.

SCHEDULED HEARINGS

APPLICATION NO. 2012-007
HILLTOP INN REDDING, LLC
ASSESSOR'S PARCEL NO. 107-010-022

Senior Supervising Auditor Appraiser Bill Jostock noted that the penalty was for invalid signatures. Joanne Gootman was not an authorized signer until July 26, 2012, which was after the Assessment Roll was closed.

Appellant Joanne Gootman was sworn in. Ms. Gootman agreed with the Assessor's presentation but was unaware that an authorization form was required. Appellant requested the penalty be waived because she was not informed of the requirements.

By motion made, seconded (Brown/Lewis), and unanimously carried, the Assessment Appeals Board abated the penalty for Application No. 2012-007, Hilltop Inn Redding, LLC.

APPLICATION NO. 2012-024
ROSS DRESS FOR LESS
ASSESSOR'S PARCEL NO. 800-003-747

A representative for appellant Ross Dress for Less was not present at the hearing. By consensus, the Assessment Appeals Board deferred the matter to the end of the afternoon session.

APPLICATION NO 2012-026
KASIMA LLC
ASSESSOR'S PARCEL NO. 810-001-197

A representative for appellant Kasima LLC was not present at the hearing. By consensus, the Assessment Appeals Board deferred the matter to the end of the afternoon session.

APPLICATION NO. 2012-030
JOHN HANCOCK INSURANCE C/O FARMLAND MANAGEMENT
ASSESSOR'S PARCEL NO. 800-000-648

County Executive Officer Assistant Donna Dilts stated the appellant had requested Findings of Fact and will make payment to the Clerk after the matter is heard if Findings of Fact continue to be required.

Deputy Assessor-Recorder Wayne Stephens explained that the burden of proof in this action was on the appellant as this was a property ownership dispute.

Appellant's authorized representative, Gary Schenck, was sworn in. Mr. Schenck asserted that the property was owned by John Hancock Insurance, not Farmland Management, and that Farmland Management was an Agent.

Mr. Schenck concurred that the tractors located on John Hancock Ranch were purchased by Farmland Management as an Agent to John Hancock and that all of the funds associated to the purchased equipment came from John Hancock's bank account. He asserted that the Shasta Ash Creek property was owned by John Hancock Insurance. Farmland Management had a lease agreement with John Hancock Insurance regarding the property; however, the equipment on the property was owned by John Hancock Insurance.

The Assessor's Office had been invited to perform an audit of their records in the Turlock business office which the Assessor's Office had declined.

In response to questions by the Assessment Appeals Board Member Brown, Mr. Schenck confirmed Farmland Management did have other clients.

In response to questions by Assessment Appeals Board Member Rouse, Mr. Schenck stated there are no other ranches that Farmland Management works that are located in Shasta County; however, there are other ranches in Tehama County.

Senior Supervising Auditor Appraiser Bill Jostock clarified and agreed that John Hancock Insurance was exempt; however, the equipment titled to Farmland Management was not exempt, and Farmland Management had been paying taxes since inception in 1999.

Mr. Jostock attempted to introduce exhibits. Mr. Schenck objected due to the Assessor's failure to exchange information prior to hearing.

Attorney James Underwood reviewed a certified letter dated April 2, 2013 addressed to Shasta County, and advised the request made by Mr. Schenck's was untimely. He explained the 30-day requirement to exchange information when a written request was received.

Assessor-Recorder Leslie Morgan noted that it was the intent of the Assessor-Recorder's Office to request a continuance at the conclusion of their presentation.

By motion made, seconded (Brown/Lewis), and unanimously carried, the Assessment Appeals Board continued this matter to the next available Assessment Appeals Board hearing.

Mr. Schenck requested that an audit of their records be completed at their Turlock office and the audit not be assigned to a third party or other County. Ms. Morgan asserted it was within the jurisdiction of the Assessor to have Stanislaus County audit the records on behalf of Shasta County. Mr. Schenck stipulated to allow Stanislaus County Assessor Recorder to perform the audit on behalf of Shasta County.

APPLICATION NO. 2012-024
ROSS DRESS FOR LESS
ASSESSOR'S PARCEL NO. 800-003-747

A representative for Ross Dress For Less was not present.

By motion made, seconded (Brown/Lewis), and unanimously carried, the Assessment Appeals Board denied Application No. 2012-024, Ross Dress for Less, for lack of appearance.

APPLICATION NO 2012-026
KASIMA, LLC
ASSESSOR'S PARCEL NO. 810-001-197

A representative for Kasima LLC was not present.

By motion made, seconded (Brown/Lewis), and unanimously carried, the Assessment Appeals Board denied Application No. 2012-026, Kasima LLC, for lack of appearance.

2:29 p.m.: The Assessment Appeals Board recessed to Thursday, April 18, 2013 at 9:00 a.m.

Thursday, April 18, 2013

SCHEDULED HEARINGS

9:01 a.m.: The Assessment Appeals Board reconvened in Open Session with Board Members Ernest Rouse, Ken Brown, Larry Lewis, Alternate Linda Samuels, Legal Counsel James Underwood, County Executive Officer Assistant Donna Dilts, County Administrative Office Typist Clerk III Jennifer Duval, and Administrative Board Clerk Candice Martin present.

APPLICATION NO. 2012-001
CRAIG KRAFFERT, M.D.
ASSESSOR'S PARCEL NO. 103-060-020

County Executive Officer Assistant Donna Dilts confirmed the appellant had requested Findings of Fact. The appellant withdrew his request for Findings of Fact.

Deputy Assessor-Recorder Wayne Stephens explained that the property involves a vacant land parcel lot; therefore, the burden of proof is upon the appellant.

Craig Kraffert, M.D. was sworn in.

Assessment Appeals Board member Larry Lewis announced his professional relationship with Dr. Kraffert. Deputy Assessor-Recorder Wayne Stephens announced his professional relationship with Dr. Kraffert. By consensus, the Assessment Appeals Board determined that there was no conflict, and the hearing proceeded.

Dr. Kraffert stated that the property was not purchased during the peak of the market and claimed the actual value was \$225,000, the price he paid for the property.

Senior Supervising Real Property Appraiser David Baker presented comparable properties, which ranged in price from \$135,000 to \$225,000. He said the appellant's property was a premiere lot and, therefore, was accurately valued and taxed.

Dr. Kraffert rebutted that he purchased his single-family residence at the same time as the vacant lot for \$1.6 million and \$225,000, respectively. He indicated that his single-family residence had significant depreciation and was valued at \$900,000, while the vacant lot has not depreciated at all.

By motion made, seconded (Brown/Lewis), and unanimously carried, the Assessment Appeals Board took the matter under submission.

APPLICATION NO. 2012-095
CROSSROADS VETERINARY CLINIC, LLC
ASSESSOR'S PARCEL NO. 800-000-536

County Executive Officer Assistant Donna Dilts advised Crossroads Veterinary Clinic, LLC may appear. Recess was held to allow the Clerk to attempt to reach appellant.

9:56 a.m.: The Assessment Appeals Board recessed.

10:05 a.m.: The Assessment Appeals Board reconvened in Open Session with Board Members Ernest Rouse, Ken Brown, Larry Lewis, Alternate Linda Samuels, Legal Counsel James Underwood, County Executive Officer Assistant Donna Dilts, County Administrative Office Typist Clerk III Jennifer Duval, and Administrative Board Clerk Candice Martin present.

County Executive Officer Assistant Donna Dilts advised that Crossroads Veterinary Clinic, LLC was unable to be present at the morning hearing but would appear at the originally scheduled hearing of April 19, 2013 at 1:30 p.m.

10:06 a.m.: The Assessment Appeals Board recessed to closed session.

Friday, April 19, 2013

1:30 p.m.: The Assessment Appeals Board reconvened in Open Session with Board Members Ernest Rouse, Ken Brown, Larry Lewis, Alternate Linda Samuels,

Legal Counsel James Underwood, County Executive Officer Assistant Donna Dilts, County Administrative Office Typist Clerk III Jennifer Duval, and Administrative Board Clerk Candice Martin present.

SCHEDULED HEARINGS

APPLICATION NO. 2012-095
CROSSROADS VETERINARY CLINIC, LLC
ASSESSOR'S PARCEL NO. 800-000-536

A representative for Crossroad Veterinary Clinic, LLC was not present.

By consensus, the Assessment Appeals Board deferred the matter to the end of the afternoon session.

ACTION ON ITEMS TAKEN UNDER ADVISEMENT/SUBMISSION

The Assessment Appeals Board announced the following action on items taken under advisement/submission.

APPLICATION NO. 2012-001
CRAIG KRAFFERT, M.D.
ASSESSOR'S PARCEL NO. 103-060-020

By consensus, the Assessment Appeals Board established the base year land value of the vacant lot as \$165,000.

2013 ASSESSMENT APPEALS BOARD HEARING DATES

By consensus, the Assessment Appeals Board set the 2014 Assessment Appeals hearings for April 16, 17, and 18, 2014.

SCHEDULED HEARINGS

APPLICATION NO. 2012-095
CROSSROADS VETERINARY CLINIC, LLC
ASSESSOR'S PARCEL NO. 800-000-536

A representative for Crossroad Veterinary Clinic, LLC was not present.

Chairman Rouse called a recess to give the appellant additional time to appear.

1:38 p.m.: The Assessment Appeals Board recessed.

1:45 p.m.: The Assessment Appeals Board reconvened in Open Session with Board Members Ernest Rouse, Ken Brown, Larry Lewis, Alternate Linda Samuels, Legal Counsel James Underwood, County Executive Office Assistant Donna Dilts, County Administrative Office Typist Clerk III Jennifer Duval, and Administrative Board Clerk Candice Martin present.

APPLICATION NO. 2012-095
CROSSROADS VETERINARY CLINIC, LLC
ASSESSOR'S PARCEL NO. 800-000-536

A representative for Crossroad Veterinary Clinic, LLC was not present

By motion made, seconded (Brown/Lewis), and unanimously carried, the Assessment Appeals Board denied Application No. 2012-095, Crossroads Veterinary Clinic, LLC, for lack of appearance.

1:46 p.m.: The Assessment Appeals Board adjourned.

ERNEST ROUSE, Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Assessment Appeals Board

By _____
Deputy