



Board of County Commissioners - Staff Report

Meeting Date: June 5, 2018
Submitting Dept: County Clerk

Presenter: Sherry Daigle
Subject: Balkanski Tax Appeal

Statement / Purpose:

Approval of Amended Order in Balkanski 2017 Tax Appeal.

Background / Description (Pros & Cons):

The State Board of Equalization remanded the original 2017 county order back to the Teton County Board of Equalization for more detail. The County Board of Equalization met on May 8, 2018 and denied the request for a new evidentiary hearing in Docket 2017-61, the appeal of Alexandre and Sybilla Balkanski from a decision of the Teton County Assessor 2017 property valuation and requested the amended decision of the Teton County Board of Equalization including the addition of the Finding of Fact related to the classification of the home be brought to the County Board of Equalization at a meeting on June 5, 2018.

The amended order was provided to the attorney for the landowner on May 8, 2018 to sign as to form or to file any exceptions to the order. As of May 29, 2018, the submission date of this report, the amended order has not been returned signed by the attorney for the landowner, nor has the attorney for the landowner filed any exceptions to the proposed amended order.

Attachments:

Proposed Amended Order

Suggested Motion:

I move to approve the amended order as presented in the case of in Docket 2017-61, the appeal of Alexandre and Sybilla Balkanski from a decision of the Teton County Assessor 2017 property valuation.

BEFORE THE COUNTY BOARD OF EQUALIZATION
FOR THE COUNTY OF TETON

IN THE MATTER OF THE APPEAL OF)
ALEXANDRE AND SYBILLA BALKANSKI)
FROM A DECISION OF THE TETON COUNTY ASSESSOR)
2017 PROPERTY VALUATION)

AMENDED DECISION OF TETON COUNTY BOARD OF EQUALIZATION

THIS MATTER, having come before the Teton County Board of Equalization, on the 24th day of August, 2017 on an appeal filed pursuant to Wyoming Statute §39-13-102(c)(iv). The Teton County Assessor, Melissa Shinkle, and Chief Deputy Assessor, Kristin Williamson, were present and were represented by Keith Gingery, Deputy County and Prosecuting Attorney for Teton County. The landowners appeared through their attorney, Kevin Gregory. The original decision was appealed by the landowner to the State Board of Equalization, who in turn requested that the Teton County Board of Equalization clarify their original order with more detail, which this Amended Decision is provided for such a purpose. The additions to the original decision are highlighted in the decision for easier review by the State Board of Equalization as to what has been added to the original decision and the citation to the record for such addition.

FINDINGS OF FACTS and CONCLUSIONS OF LAW

1. The Teton County Board of Equalization heard this appeal pursuant to Wyoming Statute §39-13-109 and the Uniform County Board of Equalization Practice and Procedure Rules. All of the Assessor's Exhibits (A through L) were accepted into evidence without objection. The Appellant's Exhibits (Exhibits 1 through 9) were accepted into evidence without objection. Ted Dawson, local real estate agent, testified on behalf of the landowner.
2. Alexandre and Sybilla Balkanski, as Trustees of the Balkanski Family Trust-2002, under the instrument dated December 5, 2002, own property in Teton County. The legal description of the property is PT Lot 3, PT. NE/14SE1/4, Sec. 35, Twp. 41, Rng 117 Tract AA, Teton County, Wyoming. The property is located at 555 S Ely Springs Road, Jackson, Wyoming. The Land value for 2017 was determined to be \$3,767,576.00, the Vacant Land value was determined to be \$128,310.00 and the improvements were determined to be \$7,137,845.00 for a total of \$11,033,731.00.
3. Pursuant to Wyoming Statute §39-13-109(b)(i) the presumption is in favor of the valuation asserted by the County Assessor, however a property owner may present any credible evidence, including expert opinion testimony, to rebut the presumption.
4. The Appellant argued that their property should be valued at \$8,958,125.00. Appellant had Ted Dawson, a real estate agent, testify as their sole witness at the hearing. Mr. Dawson testified that he is familiar with the high end real estate market

in the Jackson Hole area. Mr. Dawson has visited the home owned by the landowner in this case. Mr. Dawson has reviewed comparables to the Balkanski home. Mr. Dawson testified that in the high end market, which he defined as over \$5 million, there's been a "little over 30 percent decline in transaction numbers in that market segment and valuations." Mr. Dawson also testified that if properties are not selling within a year, they are not fair market value. Mr. Dawson also submitted a letter as Exhibit 2 wherein Mr. Dawson admits that many of the properties being sold at the high end are not disclosing their selling prices publicly. Mr. Dawson does not have access to the Statements of Consideration, so his testimony is irrelevant since he does not have access to the actual selling prices of high end homes through the Statement of Considerations. The Appellant also submitted "comparables" that were not from Statement of Considerations but rather from real estate listings. When looking at comparables, the County Board of Equalization relies on the official Statement of Considerations rather than real estate listings or sales listed on the local realtors' MLS system.

5. In 2015, an interior review of the property was conducted and the property was assigned a High Value 3 as opposed to its previous assigned High Value 4.
6. The Appellant failed to rebut the presumption in favor of the valuation asserted by the County Assessor. Pursuant to Wyoming law, the property owner has the burden of going forward and has the ultimate burden of persuasion. Property Owner has

failed to meet his burden in this matter. Nothing that the Appellant put forth as evidence was relevant evidence. Mr. Dawson testified that he believed that there was a 30% decline in the high end market, even though the actual numbers as provided by the Statements of Consideration showed an increase.

7. The Teton County Board of Equalization finds that the Assessor has complied with all DOR rules and therefore should be upheld. Specifically the Assessor has presented sufficient credible evidence to uphold the Assessor's valuation. The presumptions in favor of the Assessor's valuation of the property are valid, accurate and correct and should be affirmed in this case. Specifically, the Assessor showed through Exhibit K-2, that there were seven (7) valid improved sales between 2015 and 2016 which required a market adjustment of 2.335. Board members questioned the Chief Deputy County Assessor about the proper placement of this home in the H-3 high end category and the board was satisfied that the home is placed in the proper category. The Appellant failed to present convincing evidence that the home was placed in the wrong high end home category.

THE TETON COUNTY BOARD OF EQUALIZATION HEREBY ORDERS AS
FOLLOWS:

1. The Teton County Assessor's valuation is affirmed.

Dated the 5 day of June, 2018.

TETON COUNTY BOARD OF EQUALIZATION

Mark Newcomb, Chairman

Attest:

Sherry L. Daigle, Teton County Clerk

Approved as to form:

Erika Nash, Attorney for Landowner