

**ASSESSMENT APPEALS BOARD MINUTES
COUNTY OF SAN LUIS OBISPO
STATE OF CALIFORNIA**

Friday, August 21, 1998

The Assessment Appeal Board of the County of San Luis Obispo, State of California, met in regular adjourned session at 9:00 o'clock A.M., in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, California.

PRESENT: Appeals Board Members Mr. Harry Yasumoto, Joe Kelly, Alternate, and Vice-Chairperson Kem Weber

ABSENT: Appeals Board Member Mr. Tom Baron, Chairperson

Mr. Ed Olpin, Deputy County Counsel, is present and represents the Assessment Appeals Board.

Mr. Dick Frank, County Assessor, Ms. Linda Trahey, Mr. Dave Gleason, Mr. Rod Hallin, Ms. Cheryl Roberts, and Ms. Charron Sparks, Deputy Assessors, are present and sworn.

This is the time set for members of the public wishing to address the Board on items not set on the Agenda. Vice-Chairperson Weber opens the floor without response.

Application No. 1997-176, Geoffrey Beene, APN # 800,021,264, and 800,022,357 ; 1997-177, Van Huesen Direct 376, APN #800,021,262, 800,021,277; and 1997-178, Bass Company, APN # 800,021,263, 800,021,278, is presented. Ms. Joey French, Store Manager, is present and sworn. Mr. Gleason describes properties, presents Assessor's case and recommends holding the roll values as follows (Assessor's Exhibit A - Audited Values) and reads the values into the record as currently enrolled. Discussion regarding trending table by State Board of Equalization (Assessor's Exhibit B- California State Board of Equalization Assessment Standards Division). The Board discusses their concerns as to Ms. French's qualifications and being able to represent the applicants, Ms. French specifies she's here only to present a letter to the Board on behalf of the Corporation; presents a copy of the court case *Treasure Chest Advertising Company, Inc. V. County of Los Angeles*. Mr. Olpin states that this is an unpublished court case and cannot be used according to Rule 977 but is still a part of the original application filed. Ms. French continues reading the statement from the Corporation regarding these appeals (Applicant's Exhibit 2 - Corporation Statement). Discussion regarding the replacement rate of fixtures and salvage rate occurs. Mr. Hallin summarizes the Assessor's position on this appeal (Assessor's Exhibit C - Letter to Phillips-Van Heusen). Matter is fully discussed, thereafter, on motion of Mr. Yasumoto, seconded by Mr. Kelly, and unanimously carried, Application No. 1997-176, Geoffrey Beene Company, 1997-177, Van Heusen Direct 376, and 1997-178, Bass Company 455, the Roll values are upheld. Both the Assessor and Applicant waive findings of fact. Thereafter, on motion of Mr. Yasumoto, seconded by Mr. Kelly, and unanimously carried, amends original motion to: For Application No. 1997-176, Geoffrey Beene Company, 1997-177, Van Heusen, and 1997-178, Bass Company 455, that the values as outlined in Assessor's Exhibit A upheld as follows: on Application No. 1997-176, on APN #800,021,264: 1997-98 Roll Change, date of value January 1, 1997, the full value of Personal Property is fixed at \$36,822, the full value of Fixtures is fixed at \$17,987, and the full value of Improvements is fixed at \$37,826 for a total value of \$92,635; for 1996-97 Roll Change, date of value March 1, 1996: the full value of Personal Property is fixed at \$39,019, the full value of Fixtures is fixed at \$18,395, and the full value of Improvements is fixed at \$37,086 for a total value of \$94,500; for the 1995-96 Roll Change, date of value March 1, 1995: the full value of Personal Property is fixed at \$46,587, the full value of Fixtures is fixed at \$19,034, and the full value of Improvements is fixed at \$35,595 for a total value of \$101,216; for APN # 800,022,357: for the 1997-98 Roll Change, date of value January 1, 1997: the full value of Personal Property is fixed at \$44,303, the full value of Fixtures is fixed at \$26,586, and the full value of Improvements is fixed at \$56,743 for a total value of \$127,632; for 1996-97 Roll Change, date of value March 1, 1996: the full value of Personal Property is fixed at \$45,750, the full value of Fixtures is fixed at \$27,186, and the full value of Improvements is fixed at \$55,631 for a total value of \$128,567; for the 1995-96 Roll Change, date of value March 1, 1995: the full value of Personal Property is fixed at \$0, Fixtures is fixed at \$0 and Improvements is fixed at \$0.

For Application No. 1997-177, on APN #800,021,277: for the 1997-98 Roll Change, date of value January 1, 1997: the full value of Personal Property is fixed at \$51,330, the full value of Fixtures is fixed at \$31,849, the full value of Improvements is fixed at \$45,755 for a total value of \$128,934; for the 1996-97 Roll Change, date of value March 1, 1996: the full value of Personal Property is fixed at \$53,195, the full value of Fixtures is fixed at \$32,569, and the full value of Improvements is fixed at \$44,859, for a total value of \$130,623; for the 1995-96 Roll Change, date of value March 1, 1995: the full value of Personal Property is fixed at \$57,592, the full value of Fixtures is fixed at \$33,951; and the full value of Improvements is fixed at \$40,972 for a total value of \$132,515; and on APN #800,021,262: for the 1997-98 Roll Change, date of value January 1, 1997: the full value of Personal Property is fixed at \$47,903, the full value of Fixtures is fixed at \$25,844, the full value of Improvements is fixed at \$38,759 for a total value of \$112,506; for the 1996-97 Roll Change, date of value March 1, 1996: the full value of Personal Property is fixed at \$50,348, the full value of Fixtures is fixed at \$26,433, and the full value of Improvements is fixed at \$38,000, for a total value of \$114,781; for the 1995-96 Roll Change, date of value March 1, 1995: the full value of Personal Property is fixed at \$49,143, the full value of Fixtures is fixed at \$27,062; and the full value of Improvements is fixed at \$36,549 for a total value of \$112,754. For Application No. 1997-178 on APN #800,021,278: for the 1997-98 Roll Change, date of value January 1, 1997: the full value of Personal Property is fixed at \$86,673, the full value of Fixtures is fixed at \$52,500, the full value of Improvements is fixed at \$48,435 for a total value of \$187,608; for the 1996-97 Roll Change, date of value March 1, 1996: the full value of Personal Property is fixed at \$89,655, the full value of Fixtures is fixed at \$53,462, and the full value of Improvements is fixed at \$47,487, for a total value of \$190,604; for the 1995-96 Roll Change, date of value March 1, 1995: the full value of Personal Property is fixed at \$94,055, the full value of Fixtures is fixed at \$55,277; and the full value of Improvements is fixed at \$46,966 for a total value of \$196,298; and on APN #800,021,263: for the 1997-98 Roll Change, date of value January 1, 1997: the full value of Personal Property is fixed at \$61,433, the full value of Fixtures is fixed at \$35,674, the full value of Improvements is fixed at \$49,147 for a total value of \$146,254; for the 1996-97 Roll Change, date of value March 1, 1996: the full value of Personal Property is fixed at \$63,851, the full value of Fixtures is fixed at \$36,259, and the full value of Improvements is fixed at \$48,185, for a total value of \$148,295; for the 1995-96 Roll Change, date of value March 1, 1995: the full value of Personal Property is fixed at \$66,609, the full value of Fixtures is fixed at \$36,979; and the full value of Improvements is fixed at \$46,295 for a total value of \$149,883.

Application No. 1996-77, Joe Linnemann, APN #080,063,036, the application and a waiver of time is presented. Mr. Joe Linnemann is present and sworn. Mr. Frank questions each Board member about any business dealings with Mr. Linnemann or if any of them have discussed this appeal with the applicant. Mr. Weber acknowledges discussing this appeal with the applicant. Mr. Olpin, Deputy County Counsel, indicates that the appeal being discussed in advance of the hearing, with the applicant, raises concerns. MR. WEBER DISQUALIFIES HIMSELF FROM THIS HEARING WITH MR. YASUMOTO TAKING OVER THE MEETING AS ACTING CHAIRPERSON. Ms. Sparks describes the property and recommends the Board hold the roll values for the 1996-97 Regular Roll, date of value March 1, 1996, be held. Mr. Linnemann presents his case (**Applicant's Exhibit 1- Map**), discusses the Conditional Use Permit on the property, states he considers his shares in Christmas Cove to have a membership value only. Discussion regarding what was actually purchased when the deed transferred title. Mr. Frank states the best comparable to this would be to a homeowner's association. Ms. Sparks presents the Assessor's case (**Assessor's Exhibit A- Comparables, Assessor's Exhibit B - Photos and Assessor's Exhibit C - Map**). Discussion regarding the shares of Christmas Cove and whether they have any value. **The Board discusses the need for an opinion from the State Board of Equalization. A motion by Mr. Kelly, that the State Board determine the share factor contained in the sale of property dies for a lack of a second.** Mr. Olpin would like the facts from the Assessor and the Applicant and he will submit to State Board of Equalization for an opinion. **A motion by Mr. Kelly, that there be a two week time limit for the Assessor and Applicant to submit their opinions to County Counsel, dies for a lack of a second. Matter is fully discussed, thereafter, on motion of Mr. Kelly, seconded by Mr. Yasumoto, with Mr. Weber being disqualified, motion carries, on Application No. 1996-77, Linnemann, the waiver of time is approved and the Acting Chairperson is authorized to sign**

same. Thereafter, on motion of Mr. Kelly, seconded by Mr. Yasumoto, with Mr. Weber disqualified, motion carries and on Application No. 1996-77, Linnemann, the Assessor and the Applicant have two weeks to get their opinions to County Counsel for submittal to the State Board of Equalization for their opinion.

MR. WEBER IS NOW PRESENT.

Application No. 1997-80, Sidney B. Findley, APN # 940,001,615, is presented. Mr. Findley is present and sworn. Ms. Roberts describes the property and recommends the Board hold the roll value for the 1997-98 Regular Roll with the full value of land at \$3,060. Mr. Findley presents his case, discusses parking spaces are on a first-come, first-served basis, they are ~~now~~ **not** allowed to put up signs to deter unauthorized people from parking in their space, and has only used the parking space approximately 30% of the time this year because he was working in other locations. Ms. Roberts presents the Assessor's case (**Assessor's Exhibit A - E-Mail from Mr. Findley, Assessor's Exhibit B - Map, Assessor's Exhibit C - Photos, Assessor's Exhibit D- Copy of Euro Pacific vs. Alameda Court Case and Assessor's Exhibit E - Possessory Interest Valuation**), discusses possessory interest valuation, parking rates and locations. **Matter is fully discussed, thereafter, on motion of Mr. Kelly, seconded by Mr. Yasumoto, and unanimously carried, on Application No.**

1997-80, Findley, the roll values for the 1997-98 Regular Roll are upheld and the full value of the land is fixed at \$3,060. Both the Assessor and Applicant waive findings of fact.

Application No. 1997-142, LAFAMCO, Inc./SCI, APN #053,011,014, is presented. The applicant is not present. **Thereafter, on motion of Mr. Yasumoto, seconded by Mr. Kelly, and unanimously carried, Application No. 1997-142, LAFAMCO, Inc./SCI, is denied for non-appearance.**

Application No. 1997-145, SCI California Funeral Services, Inc., APN #053,021,027, is presented. The applicant is not present. **Thereafter, on motion of Mr. Yasumoto, seconded by Mr. Kelly, and unanimously carried, Application No. 1997-145, SCI California Funeral Services, Inc., is denied for non-appearance.**

The Clerk presents for approval the minutes from the June 19 and July 20, 1998 hearings. **Thereafter, on motion of Mr. Yasumoto, seconded by Mr. Weber, with Mr. Baron being absent, (Mr. Kelly doesn't vote on this item) motion carries and the Minutes of June 19 and July 20, 1998 hearing dates are approved as presented and the Vice-Chairperson is instructed to sign same.**

Application No. 1997-168, Mediq, Inc., is presented (continued from March 20, 1998) for determination of timely filing. Mr. John Stanley, Agent, is present. Mr. Hallin presents the (**Assessor's Exhibit A - State Board of Equalization opinion**) State Board opinion stating an audit does not allow for an appeal to be filed. Mr. Stanley presents his case (**Applicant's Exhibit 1 - Letters, copy of Property Tax Rules, Forms 571-L, Business Property Worksheets, Fixed Assets - Audited vs. Reported, copy of State Board Tax Rules, Copy of Ehrman vs. Flavin Court Case, State Board of Equalization - Assessment Appeals After Audit and letter of March 26, 1998, Handling of Over Assessments Discovered by Audit of Non-mandatory Accounts, and Legislation Affecting Audit Results and Appeals**) and suggests the laser device is valued improperly. **Matter is fully discussed, thereafter, on motion of Mr. Kelly, seconded by Mr. Yasumoto, and unanimously carried, Application No. 1997-168, Mediq, Inc., the Board follows the State Board of Equalization's opinion and denies the application as untimely filed.**

The Clerk presents a request by the Applicant for reinstatement on **Application No. 1997-19, Mediq, Inc.** and reminds the Board of the history of this appeal. Discussion regarding correspondence sent occurs. **Matter is fully discussed, thereafter, on motion of Mr. Yasumoto, seconded by Mr. Kelly, and unanimously carried, Application No. 1997-19, Mediq, Inc., the request for reinstatement is denied based on non-supporting data.**

A stipulation for **Application No. 1997-26, Silva IV**, is presented. The Assessor asks the Board to approve the stipulation agreed to by himself and the applicant. **Thereafter, on motion of Mr. Kelly, seconded by Mr. Yasumoto, and unanimously carried, Application No. 1997-26, Silva IV, the stipulation is approved as presented by the Assessor and the Vice- Chairperson is**

instructed Page 4
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to sign same.

This is the time set for Board members, Assessor and/or Staff to bring up items to be discussed at the next meeting. No action taken.

On motion duly made and unanimously carried, the Assessment Appeals Board of the County of San Luis Obispo, State of California, does now adjourn to Friday, September 25, 1998 at 9:00 o'clock a.m. in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, California.

Vice-Chairperson

ATTEST:

JULIE L. RODEWALD, County Clerk-Recorder
and Ex-Officio Clerk of the Assessment Appeals Board

By:
Deputy Clerk-Recorder