

**BOARD OF REVISION**

The Geauga County Board of Revision met on Monday, July 15, 2019, at 9:03 a.m. in the Auditor's Conference Room on the first floor of the Courthouse Annex.

Present: County Auditor Charles E. Walder, County Chief Deputy Treasurer Caroline Mansfield, County Commissioners Timothy C. Lennon and James W. Dvorak.

Also Present: Chief Appraiser Chris Greenawalt and Deputy Auditor Rachel Blystone.

**GENERAL BUSINESS**

**Remissions/Refunds of Late Payment Penalties per ORC 5711.33 and 5711.39**

Motioned by Charles E Walder, seconded by Timothy C. Lennon to remit and/or refund the following 2018 late payment penalties totaling \$2,068.50 due to reasonable cause and not willful neglect and based upon the recommendation of the County Treasurer Christopher P. Hitchcock:

*Voice vote, three ayes. Charles E. Walder, Caroline Mansfield and Timothy C. Lennon. Motion carried.*

1. Sliver, Robert	02-312230	\$359.12
2. Busa, Margaret F.	26-176200	\$511.44
3. Sechrist, Thomas	02-352370	\$244.54
4. Latkovic, Stephen	29-052300	\$491.43
5. Gilson, Myriam	06-034700	\$183.49
6. White, David	02-419572	\$136.59
	Totaling	\$2068.50

Motioned by Charles E. Walder, seconded by Timothy C. Lennon to remit and/or refund the following 2017 late payment penalties totaling \$263.72 due to reasonable cause and not willful neglect and based upon the recommendation of the County Treasurer Christopher P. Hitchcock.

*Voice vote, three ayes, Charles E. Walder, Caroline Mansfield and Timothy C. Lennon. Motion carried.*

1. Mullet, John	32-030500	\$263.72
	Totaling	\$263.72

**BTA Case Reviews**

**Geauga Elderly Housing Limited Partnership**

Case # 2018-1537

Upon consideration of the stipulation jointly filed by the parties, this matter is hereby remanded to the County Auditor/Fiscal Officer to take action as appropriate to give effect to the parties' settlement.

<u>PARCEL NUMBER</u>	<u>LAND</u>	<u>BUILDING</u>	<u>TOTAL</u>
19-071425	\$213,000	\$477,000	\$690,000

***Action***

To adjust Tax Year 2017 market value to \$690,000. Motioned by Caroline Mansfield, seconded by Charles E. Walder.

*Voice vote, three ayes. Charles E. Walder, Caroline Mansfield and Timothy C. Lennon. Motion carried.*

**Middlefield Elderly Housing Limited Partnership**

Case # 2018-1539

Upon consideration of the stipulation jointly filed by the parties, this matter is hereby remanded to the County Auditor/Fiscal Officer to take action as appropriate to give effect to the parties' settlement.

<u>PARCEL NUMBER</u>	<u>LAND</u>	<u>BUILDING</u>	<u>TOTAL</u>
19-071459	\$124,800	\$575,200	\$700,000

**Action**

To adjust Tax Year 2017 market value to \$700,000. Motioned by Charles E. Walder, seconded by Caroline Mansfield.

*Voice vote, three ayes. Charles E. Walder, Caroline Mansfield and Timothy C. Lennon. Motion carried.*

**Geauga County Clerk of Courts**

**Chapin LLC**

Geauga County Clerk of Courts Common Pleas

Parcel 26-121000

Case # 18A000514

Upon consideration of the Court Order by Judge Carolyn J. Paschke, the matter was hereby remanded to the County Auditor to adjust the market value based on the appraisal submitted of \$230,000.

**Action**

To adjust Tax Year 2017 market value to \$230,000. Motioned by Charles E. Walder, seconded by Caroline Mansfield.

*Voice vote, three ayes. Charles E. Walder, Caroline Mansfield and Timothy C. Lennon. Motion carried.*

**Tax Year 2018 Valuation Complaint Formal Hearings Begin As Scheduled**

Let the record note the hearings are digitally recorded.

**10-097010 & 10-097011 305 Park Inc filed by Chardon LSD Board of Education**

No representative for 305 Park Inc was present. Peter Zawadski, Attorney for Chardon Board of Education was present. Auditor Walder noted for the record that the Auditor's office has the parcels in question valued at \$185,000 yet the school feels it is worth \$245,000 and the Board asked Mr. Zawadski to explain why the value should be increased.

Mr. Zawadski requested the market value be increased based on an arm's length transaction on May 21, 2018 in the amount of \$245,000, based on evidence provided such as the Deed and Conveyance Statement. Ohio law states sale price is the best evidence of a property fair market value. No counter filed by the owner. Mr. Walder stated there is no evidence to prove this was not an arm's length transaction.

**Action**

After review of all testimony and all the other information available, it was motioned by Charles E. Walder, seconded by Caroline Mansfield to increase the market value for Tax Year 2018 from \$157,000 to \$207,900 based on a sale.

*Voice vote, three ayes. Charles E. Walder, Caroline Mansfield and Timothy C. Lennon. Motion carried.*

**10-056700 & 10-056800 Buckeye Chocolate Holdings LLC filed by Chardon LSD Board of Education**

Representative for Buckeye Chocolate Holdings LLC was not present at the hearing. Peter Zawadski, Attorney for Chardon Board of Education was present. Auditor Walder noted for the record that the Auditor's office has the parcels in question valued at \$319,400 yet the school feels it is worth \$380,000 and the Board asked Mr. Zawadski to explain why the value should be increased.

Mr. Zawadski requested the market value be increased based on an arm's length transaction on May 18, 2018 in the amount of \$380,000, based on evidence provided such as the Deed and Conveyance Statement. Ohio law states sale price is the best evidence of a property fair market value. Mr. Walder stated there was no evidence proving this was not an arm's length transaction and there was no representative for the owner present.

**Action**

After review of all testimony and all the other information available, it was motioned by Caroline Mansfield, seconded by Timothy C. Lennon to increase the market value for Tax Year 2018 from \$319,400 to \$380,000 based on a sale.

*Voice vote, three ayes. Charles E. Walder, Caroline Mansfield and Timothy C. Lennon. Motion carried.*

**10-165643 10-165644 & 10-165645 Medical Plaza Partners LLC filed by Chardon LSD Board of Education**

No representative for Medical Plaza Partners LLC was present. Peter Zawadski, Attorney for Chardon Board of Education was present. Auditor Walder noted for the record that the Auditor's office has the parcels in question valued at \$299,000 yet the school feels it is worth \$450,000 and the Board asked Mr. Zawadski to explain why the value should be increased.

Mr. Zawadski requested the market value be increased based on an arm's length transaction on February 13, 2018 in the amount of \$450,000 based on evidence provided such as the Deed and Conveyance Statement. Mr. Walder stated there was no counter complaint filed and no evidence provided this was not an arm's length transaction.

**Action**

After review of all testimony and all the other information available, it was motioned by Timothy C. Lennon, seconded by Charles E. Walder to increase the market value for Tax Year 2018 from \$299,000 to \$450,000 based on a sale.

*Voice vote, three ayes. Charles E. Walder, Caroline Mansfield and Timothy C. Lennon. Motion carried.*

**10-087295 Under the Hood LLC filed by Chardon LSD Board of Education and Countered by the Owner**

No representative for Under the Hood LLC was present. Peter Zawadski, Attorney for Chardon Board of Education was present. Auditor Walder noted for the record that the Auditor's office has the parcel in question valued at \$744,900 yet the school feels it is worth \$806,000 and the Board asked Mr. Zawadski to explain why the value should be increased.

Mr. Walder noted for the record the counter complaint filed by the property owner was withdrawn after submitting an appraisal of \$806,000. Mr. Zawadski requested the market value be increased based on an arm's length transaction, on June 18, 2018 in the amount of \$806,000 based on evidence provided such as the Deed and Conveyance Statement. He would like the record to reflect the value based on real property not including the personal property conveyed in the statement.

**Action**

After review of all testimony and all the other information available, it was motioned by Charles E. Walder, seconded by Timothy C. Lennon to increase the market value for Tax Year 2018 from \$744,900 to \$806,000 based on a sale and appraisal.

*Voice vote, three ayes. Charles E. Walder, Caroline Mansfield and Timothy C. Lennon. Motion carried.*

**13-003100 Two Hundred Ten Summer Street LLC filed by Chardon LSD Board of Education**

Representative for Two Hundred Ten Summer Street LLC was not present at the hearing. Peter Zawadski, Attorney for Chardon Board of Education was present. Auditor Walder noted for the record that the auditor's office has the parcel in question valued at \$486,500 yet the school feels it is worth \$1,457,500 and the Board asked Mr. Zawadski to explain why the value should be increased.

Mr. Zawadski requested the market value be increased based on an arm's length transaction on May 21, 2018 in the amount of \$1,457,437 but rounded up to \$1,457,500. He presented the Deed and Conveyance Statement as evidence. Mr. Walder noted a representative was not present for the property owner, and there is no evidence to say it was not an arm's length transaction.

**Action**

After review of all testimony and all the other information available, it was motioned by Charles E. Walder, seconded by Timothy C. Lennon to increase the market value for Tax Year 2018 from \$486,500 to \$1,457,500 based on a sale.

*Voice vote, three ayes. Charles E. Walder, Caroline Mansfield and Timothy C. Lennon. Motion carried.*

**10-047200 Chard Asset Ownership LLC filed by Chardon LSD Board of Education**

No representative for Chard Asset Ownership LLC was present. Peter Zawadski, Attorney for Chardon Board of Education was present. Auditor Walder noted for the record that the Auditor's office has the parcel in question valued at \$2,999,100 yet the school feels it is worth \$6,189,000 and the Board asked him to explain why the value should be increased.

Mr. Zawadski requested the market value be increased based on an arm's length transaction on January 10, 2018 in the amount of \$6,189,000. He presented the Deed and Conveyance Statement as evidence. Mr. Walder noted a representative was not present for the property owner, and there is no evidence to say it was not an arm's length transaction. He stated the property sold for more but personal property was involved and he asked the record reflect this. Mr. Walder noted there was no counter and sale is believed to be an arm's length transaction.

**Action**

After review of all testimony and all the other information available, it was motioned by Caroline Mansfield, seconded by Charles E. Walder to increase the market value for Tax Year 2018 from \$2,999,100 to \$6,189,000 based on a sale.

*Voice vote, three ayes. Charles E. Walder, Caroline Mansfield and Timothy C. Lennon. Motion carried.*

**10-005900 MMAC HMW Chardon Spec LLC**

Representative for MMAC HMW Chardon Spec LLC was not present at the hearing. Peter Zawadski, Attorney for Chardon Board of Education was present. Auditor Walder noted for the record that the Auditor's office has the parcel in question valued at \$2,013,700 yet the school feels it is worth \$7,350,000 and the Board asked him to explain why the value should be increased.

Mr. Zawadski requested the market value be increased based on an arm's length transaction on November 13, 2018 in the amount of \$7,350,000. He presented the Deed and Conveyance Statement as evidence. No evidence presented that it was not an arm's length transaction.

**Action**

After review of all testimony and all the other information available, it was motioned by Timothy C. Lennon, seconded by Charles E. Walder to increase the market value for Tax Year 2018 from \$2,013,700 to \$7,350,000 based on a sale.

*Voice vote, three ayes. Charles E. Walder, Caroline Mansfield and Timothy C. Lennon. Motion carried.*

**15-025400 ARC Resources LLC filed by Chardon LSD Board of Education and counter filed by the owner**

The Board made a decision to table the hearing due to an appraisal presented the day of the scheduled hearing. All parties will be review the information and the Board will make a decision at a future date.

**10-069000 & 10-091800 Perrino Investments LLC filed by Chardon LSD Board of Education**

The Board made a decision to table the hearing to review evidence. The evidence will be reviewed and the Board will make a decision at a future date.

**10-165669 RCG Chardon LLC counter filed by Chardon LSD Board of Education**

Geoff Byrne, Attorney for the property owner was present. Peter Zawadski, Attorney for Chardon Board of Education was present. Auditor Walder noted for the record that the Auditor's office has the parcel in question valued at \$2,684,000, yet the owner feels it is worth \$1,000,000 and the Board of Education feels it is worth the current value. The Board asked each party to explain why the value should be increased or reduced.

Evidence provided by the Attorney included an analysis by the owner. The original complaint was amended to \$1,433,000. The anchor to the property was Staples who vacated March 2018, revenue lost in the amount of \$293,000. Mr. Walder asked questions about the tenant vacating and Chris Greenawalt asked about square footage and leasing information. Mr. Zawadski stated he would like to ask questions but there was no owner or appraiser present to cross exam, and to state the property sold in 2014 for \$3,500,000. He questioned the complaint form dated for April 5, 2019, it was corrected with the certified mail date listed as April 1, 2019 which met the deadline to counter file.

**Action**

After review of all testimony and all the other information available, it was motioned by Charles E. Walder, seconded by Jim Dvorak to not reduce the market value for Tax Year 2018 from \$2,684,900 to \$1,400,000 based on evidence provided.

*Voice vote, three ayes. Charles E. Walder, Caroline Mansfield and James W. Dvorak. Motion carried.*

**21-129750 Paolucci Management Co LLC counter filed by Chardon LSD Board of Education**

Charles E. Walder swore in George Paolucci, property owner. Peter Zawadski, Attorney for Chardon Board of Education was present. Auditor Walder noted for the record that the Auditor's office has the parcel in question valued at \$389,500 yet the owner feels it is worth \$300,000 and the Board of Education feels it is worth the current value. The Board asked each party to explain why the value should be increased or reduced.

Mr. Paolucci stated the prior tenant vacated the rental property owing back rent of \$17,000, for which he has filed suit. He had two other tenants, one of which was New Found Treasures and the other a rehab company, both have since vacated the property. He is repairing the inside and cost repair to the property driveway is \$4,000 that is currently being completed. Mr. Zawadski asked about information on the prior tenants. Mr. Paolucci has not tried to sell the property to date; it is not listed currently for rent. He has not had the property reappraised due to cost. Chris Greenawalt asks question about the property, goes over his comparable sales by using a Proforma.

**Action**

After a review of all testimony and all the other information available, it was motioned by Caroline Mansfield, seconded by James W. Dvorak to not reduce the market value for Tax Year 2018 from \$2,684,000 to \$1,433,000 based on evidence provided.

*Voice vote, three ayes. Charles E. Walder, Caroline Mansfield and James W. Dvorak. Motion carried.*

**23-385870 George & Abbondanza Paolucci**

Charles E. Walder swore in George Paolucci, property owner. Auditor Walder noted for the record that the Auditor's office has the parcel in question valued at

\$406,600 yet the owner feels it is worth \$1.00 and the Board asked him to explain why the value should be reduced.

Mr. Paolucci stated he had purchased a septic permit for \$150.00 at the Geauga Health Department and was told he could not build on the lot. He stated he has paid taxes since 2003 and doesn't understand why he cannot build. He contacted the EPA, got an attorney and received the permit after receiving a letter from the EPA. Mr. Walder asked permit questions and septic questions. Chris Greenawalt stated the property is valued at 75% due to unfinished construction and went over sales comparables. Mr. Paolucci amended his original complaint from \$1.00 to \$275,000 on the record.

**Action**

After review of all testimony and all the other information available, it was motioned by Caroline Mansfield, seconded by Charles E. Walder to reduce the market value for Tax Year 2018 from \$406,600 to \$398,500 based on evidence provided.

*Voice vote, three ayes. Charles E. Walder, Caroline Mansfield and James W. Dvorak. Motion carried.*

**15-102011 Frank Kogovsek**

Charles E. Walder swore in Frank Kogovsek, property owner. Auditor Walder noted for the record that the Auditor's office has the parcel in question valued at \$395,400 yet the owner feels it is worth \$339,669 and the Board asked him to explain why the value should be reduced.

Mr. Kogovsek amended the original complaint value from \$339,669 to \$341,200 on the record. He then presented evidence, the including data, comps and photos. Mr. Walder asked questions about updates inside the home and property. Mr. Dvorak asked about finishing on the fire place. Chris Greenawalt presented a sales comparable packet and stated an appraisal was done on the property in 2009 for \$345,000.

**Action**

After review of all testimony and all the other information available, it was motioned by Caroline Mansfield, seconded by Charles E. Walder to reduce the market value for Tax Year 2018 from \$395,400 to \$376,500 based on evidence provided.

*Voice vote, three ayes. Charles E. Walder, Caroline Mansfield and James W. Dvorak. Motion carried.*

Being no further business to conduct it was moved by Charles E. Walder, seconded by Caroline Mansfield to adjourn the July 15, 2019 BOR meeting at 3:15 p.m.

Respectfully submitted,

Charles E. Walder, Auditor  
Secretary/Board of Revision

