

GEAUGA COUNTY BOARD OF REVISION
BOARD RULES OF PROCEDURE

Rules of Procedure pursuant to Ohio Revised Code Sections 5715.02 *et seq.* and 323.66.

Effective Date: February 13, 2023

I. PEOPLE WHO MAY APPEAR BEFORE THE BOARD:

- A. Property Owner;
- B. An attorney, licensed to practice law in the State of Ohio, representing any party properly before the Board; and
- C. Any other entity named in Revised Code Section 5715.19(A)(1)(E).

II. COMPLAINT FILINGS

A. Electronic Filing

- 1. The Board of Revision will accept the electronic filing of Complaint Forms via a dedicated email link. (LINK)
- 2. The electronically filed DTE Form 1 will carry the statutory disclaimer as required when using the option of emailing an electronic filing, pursuant to R.C. 5715.13(B): *I declare under penalties of perjury that this complaint (including attachments) has been examined by me and to the best of my knowledge and belief is true, correct and complete.*”
- 3. Every complaint must be electronically signed by either the Party or, an Attorney licensed to practice law in the State of Ohio.
- 4. If the complainant utilizes the electronic filing process, only one form is required to be filed.
- 5. In the case of a counter-complaint, the counter-complainant must submit a copy of their counter-complaint and any accompanying documentation to the original complainant at the time it is filed with the Board of Revision.
- 6. All electronic submissions must be received no later than 11:59 p.m. Eastern Standard Time on the last day to file such a complaint, which is March 31st, pursuant to the Ohio Revised Code. After the filing deadline date and time,

III. NOTICE

- A. The County Auditor, as Secretary of the Board, shall no longer notify school districts of residential or agricultural original or counter complaints per HB 126.
- B. School districts can file an original valuation complaint for a commercial property if both of the following occur:
 - i. Property sold in a recent arms-length transaction before tax lien date for year complaint filed, for a sale price is at least 10% **and** more than \$500,000 (indexed for inflation) over the County Auditor's value; and
 - ii. School board passes resolution authorizing the complaint in a public meeting after having given the property owner 7 days' notice of the meeting to tax address and mailing address. Complaint form must state that the school board passed the resolution after giving said notice.
- C. The Board of Education may still file a counter-complaint if the original complaint seeks at least a \$17,500.00 change in taxable value. The counter-complaint must be filed within 30 days after receiving notice of the owner's complaint.

IV. SCHEDULING HEARINGS

- A. The County Auditor, as Secretary of the Board, shall schedule complaints for hearing.
- B. A notice stating the date, time, and place of the hearing shall be sent by regular mail or electronically to all parties of the complaint (if address is known) not less than thirty (30) days prior to the hearing.
- C. Along with the notice, a copy of these rules shall be provided to each party of the complainant.
- D. The Board shall, subject to the conditions set forth below in this Section D, grant one request for a reschedule of the hearing date from the original complainant and the counter-complainant. This request for reschedule shall be in writing and submitted no less than seven (7) days prior to the scheduled hearing date to the County Auditor by (i) mail, (ii) facsimile, or (iii) via the Auditor's Web Portal. Upon receipt of a timely request for a rescheduling, the Board shall provide not less than ten (10) business days written notice to the parties of the re-scheduled hearing date.

2. Appraisal reports or the written reports of any other experts that a party intends to introduce at the hearing shall be filed with the Board and served on all other parties no later than ten (10) business days prior to the initial hearing date. Such appraisal reports shall include a summary of the expert's qualifications and credentials.
- C. Submission of Exhibits for the First Rescheduled Hearing Date. If a party has been granted a continuance of the initial hearing date as set forth in Section II, D above, then no later than ten (10) business days prior to the date set for the rescheduled hearing ("the First Rescheduled Hearing Date") such party shall file with the Board and serve on all other parties all documents and other exhibits it intends to introduce at the First Rescheduled Hearing Date including, but not limited to, all appraisal reports or the written reports of any other expert witnesses.
 - D. Submission of Exhibits for Any Subsequent Rescheduled Hearing Dates. If a party requests, and is granted, a continuance of the hearing date beyond the First Rescheduled Hearing Date pursuant to Section II, E, above, (such later date being known as the "Subsequent Rescheduled Hearing Date"), then all documents and other exhibits it intends to introduce at such Subsequent Rescheduled Hearing Date shall be filed with the Board and served on all other parties by no later than the date of the First Rescheduled Hearing Date including, but not limited to, all appraisal reports or the written reports of any other expert witnesses.
 - E. Other Documents. Any documents or other exhibits that an opposing party intends to use to rebut the documents produced under Sections A through D, above, shall be filed with the Board and served on all other parties no later than ten (10) business days prior to either the Initial Hearing Date, the First Rescheduled Hearing Date, or the Subsequent Rescheduled Hearing Date.
 - F. Failure to Comply with Deadlines. If a party fails to timely comply with the deadlines or filing requirements set forth above, then the Board may
 - (1) Refuse to accept or consider the documents or appraisal or expert reports untimely filed,
 - (2) Adjourn the hearing to a date of its selection to provide it with sufficient time to review such documents or reports, or
 - (3) Take such other actions consistent with applicable law as it deems just and warranted.

VIII. HEARSAY EVIDENCE

- A. Hearsay is a statement, other than one made by the declarant while testifying at the trial or hearing, which is offered to prove the truth of the matter asserted in the statement. Often hearsay takes the form of one person seeking to testify about what another person said or thought. All testimony elicited at hearings hereunder must be relevant and elicited from a person with actual and personal knowledge of the matters testified about in order for such testimony or evidence to be presented to and considered by the Board.
- B. The Board may refuse to accept hearsay evidence including, but not limited to, hearsay evidence contained in documents.

IX. SUBMITTING EVIDENCE TO THE BOARD AND HEARING PROCEDURE

- A. Unless otherwise ordered by the Board, the party that first filed its complaint shall present its evidence first at the hearing.
- B. Upon completion of the introduction of testimony and evidence by the party that first filed its complaint, the opposing party or parties may introduce testimony and other evidence in support of their counter-complaint or in opposition to the opposing party's complaint.
- C. For income producing commercial or industrial property the Board requires that the following information be submitted to the Board.
 - 1. Physical Data
 - a. Description of the improvements to the property, including the age of all buildings and other improvements, the type of construction, the size of the property, the mechanical or other equipment that is affixed to the property, and the use and functional adequacy of such mechanical or other equipment.
 - b. Any changes in the condition of the property occurring or completed within the last three years (such as new construction) together with the actual cost of any new improvements and the date completed.
 - 2. Rental Property
 - a. Financial statements detailing all income, actual operating expenses, fixed expenses, replacement reserves, and rental losses due to vacancy and uncollectable accounts for the tax year in question and for the prior three years or back to the last transfer of ownership, if transferred within the past three years.
 - b. The identity and description (include size and type) of each rental unit.

- B. The Board may increase or decrease the total value of any parcel included in a complaint.

XII. RECORD

- A. The Board creates a formal record of the activities that take place before it.
- B. Each hearing's minutes are taken either using an audio or video recording system, or court stenographer.
- C. A transcript of the hearing is available at the cost of either (1) reproducing the tape recording or (2) obtaining the transcript from the court stenographer.

XIII. GROUNDS FOR DISMISSAL. Grounds for dismissal include, but are not limited to, the following:

- A. A complaint for the current tax year shall be filed with the County Auditor on or before the thirty-first day of March of the ensuing tax year [R.C. 5715.19(A)(1)]. Failure to comply with that deadline shall result in dismissal of the complaint.
- B. The complaint form (DTE Form 1) is not signed and notarized.
- C. Failure to complete or show value information in Section 8 on DTE Form 1.
- D. Any complainant party not providing information deemed to be competent and relevant which is requested by the Board.
- E. R.C. 5715.19(A)(2) states that

No person, board, or officer shall file a complaint against the valuation or assessment of any parcel that appears on the tax list if it filed a complaint against the valuation or assessment of that parcel for any prior tax year in the same interim period, unless the person, board, or officer alleges that the valuation or assessment should be changed due to one or more of the following circumstances that occurred after the tax lien date for the tax year for which the prior complaint was filed and that the circumstances were not taken into consideration with respect to the prior complaint:

1. The property was sold in an arm's length transaction, as described in section 5713.03 of the Revised Code;
2. The property lost value due to some casualty;