

Incline taxpayers drop their lawsuit against assessor

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Incline Village tax revolt leaders dropped their lawsuit Tuesday to oust Washoe County Assessor Robert McGowan, saying a criminal burden of proof was too high a standard.

"The court created a very high burden that made it impossible for us to put on a case," said Les Barta, one of the leaders. Barta said Washoe County officials are more interested "in protecting its piggybank" than justice in collecting real estate taxes from Incline residents.

The suit contended McGowan failed to follow state rules on appraising Lake Tahoe property for the 2005-06 tax year, which McGowan denied. The rules put less emphasis on Tahoe views, sandy beaches and other factors peculiar to Tahoe that would work to lower property values.

"We didn't do anything wrong," McGowan said of his staff. "We bent over backwards. We complied with regulations that hadn't even been in place yet."

With this case now behind him, McGowan, 64, said he doesn't plan to run for another term this year and will retire after 34 years in county government, 24 as assessor.

Josh Wilson, an appraiser in the office, and Ernie McNeill, a retired appraiser, said they plan to run for the office.

District Judge Jerry Polaha met with lawyers when the agreement was reached, delaying the start of a second day of the hearing. Reno lawyer Tom Hall said the Village League to Save Incline Assets and its directors were willing to drop the case with prejudice, meaning they can't file the same case again.

Lawyer Steve Balkenbush, representing McGowan and the county, agreed each side would pay their own legal costs. Officials had no estimate of the cost to the county.

Balkenbush was hired last week after Polaha ruled the district attorney's office representing McGowan could be perceived as a conflict of interest.

McGowan was prepared to put on his side of the case Tuesday afternoon. Chuck Chinnock, who retired Saturday as state tax director, and Terry

Rubald, his chief of assessment standards, were waiting in a hall to testify on his behalf.

"These are the people who police me," McGowan said.

Four of five charges raised by the group had been dismissed previously by the Nevada Supreme Court or Polaha on Monday, leaving only the charge about not following state rules.

Barta said dropping the case is in the best interests of all parties as long as McGowan "admitted he would follow the law in the future and fulfill regulations from this point forward."

McGowan said he made no such admission, saying it implies he wasn't following the rules before.

"They have a difficulty with the facts," he said.

Hall said the league can concentrate on an appeal of its successful case in Carson City District Court that invalidated rules used by McGowan for tax year 2003-04 at the lake and said residents should pay only what they did the year before. That's on appeal to the Nevada Supreme Court.

McGowan: The suite contended he failed to follow state rules on appraising Lake Tahoe property.



Robert McGowan, Washoe County Assessor, April 10, 2006. Photo by Sue Voyles.