

BEFORE THE STATE BOARD OF EQUALIZATION

FOR THE STATE OF WYOMING

IN THE MATTER OF THE APPEAL OF)
TETON COUNTY ASSESSOR) Docket No. 2018-06
FROM A DECISION BY THE TETON)
COUNTY BOARD OF EQUALIZATION)
(2016 Property Tax Assessment-Lockhart)
Cattle Company, LLC))

ORDER OF REMAND

This matter came before the Wyoming State Board of Equalization on appeal from the Amended Decision of Teton County Board of Equalization. The State Board, on its own motion, remands this case to the County Board for issuance of a second amended decision.

PROCEDURAL HISTORY

Lockhart Cattle Company, LLC, appealed the Teton County Assessor’s 2016 assessment of a parcel it owns in Teton County. The Teton County Board of Equalization held a hearing on the appealed assessment and remanded to Assessor, concluding that “the Wyoming Department of Revenue rule regarding designation of non-agricultural land appeared to be in conflict with Wyoming Statute.” (CBOE Decision, at 3). But the County Board’s Order did not explain what that “conflict” was, what Assessor should have done differently, or what Assessor was to do differently on remand. The County Board’s Order also did not include any significant findings of fact or conclusions of law. Assessor appealed to this Board, which determined that:

Because the County Board’s decision is so deficient that we cannot review it in any meaningful way, this Board will remand the case to the County Board with instructions to issue a new decision that: 1) accurately identifies the factual and legal disputes presented; 2) includes findings of fact and conclusions of law that resolve those disputes; and 3) either affirms the County Assessor’s Notice of Assessment or identifies errors and informs of steps required to correct those errors.

In Re Lockhart Cattle Co., 2017 WL 5128105, at *5, Docket No. 2016-40, ¶ 25 (Wyo. State Bd. of Equalization, October 26, 2017).

The County Board issued its amended decision, which Assessor has appealed to this Board. (Notice of Appeal). The amended decision does not include adequate findings of fact or conclusions of law that would permit meaningful appellate review. Rather, it states a few basic facts and then jumps to a new conclusion that is supported by neither law nor reason. For example, the County Board determined that Assessor violated a Teton County Land Development Regulation, but did not cite that regulation, explain which facts demonstrate a violation of that regulation, explain how that regulation trumps the state statutes and Department of Revenue rules that govern Assessor's property valuations, or explain how the regulation requires the stated result. (Amended Decision, ¶ 8). In addition, the amended decision included no discussion of the 35 evidentiary exhibits beyond noting that they were accepted into evidence. (*Id.*, ¶ 1). We cannot, therefore, determine whether the County Board considered the evidence or, if it did, which evidence led the County Board to its decision. Were we to decide this case on the merits, we would effectively be proceeding as if the case had been certified, a request the County Board has not issued. *See* Rules, Wyo. State Bd. of Equalization, ch. 2 § 36 (2006); Wyo. Stat. Ann. § 39-11-102.1(c) (2017).

“An agency must make findings of basic fact on all material issues before it and upon which ultimate findings of fact or conclusions are based in order to enable the reviewing court to determine whether evidence was considered on a reasonable and proper basis.” *Rodgers v. State, ex rel., Wyo. Workers' Safety & Comp. Div.*, 2006 WY 65, ¶ 36, 135 P.3d 568, 580-81 (Wyo. 2006) (citing *Pan Am. Petroleum Corp. v. Wyo. Oil & Gas Conservation Comm'n*, 446 P.2d 550, 555 (Wyo. 1968)). An agency's failure to do so renders the decision arbitrary and capricious. *Id.* “It is insufficient for an administrative agency to state only an ultimate fact or conclusion, but each ultimate fact or conclusion must be thoroughly explained in order for a court to determine upon what basis each ultimate fact or conclusion was reached. The Court must know the why.” *Geraud v. Schrader*, 531 P.2d 872, 879 (Wyo. 1975); quoted in *Rodgers*, 2006 WY 65, ¶ 32, 135 P.3d at 579; *Himes v. Petro Engineering & Const.*, 2003 WY 5, ¶ 19, 61 P.3d 393, 399 (Wyo. 2003). This Board may remand a case when the county board's decision is so deficient that we cannot review it in a meaningful way. *In re Fremont County Assessor*, 2006 WL 3327959, at *12, Docket No. 2005-84, ¶ 54 (Wyo. State Bd. of Equalization, July 13, 2006).

Because the County Board's decision is so deficient that we cannot review it in a meaningful way, we find that it is arbitrary and capricious. Accordingly, we will reverse it and remand the case to the County Board with instructions to issue a new decision that: 1) accurately identifies the factual and legal disputes presented; 2) includes separate findings of fact resolving all factual disputes; 3) includes conclusions of law, supported by reason and citation to relevant authority, that resolve all legal disputes; and 4) either affirms the County Assessor's Notice of Assessment or identifies errors and informs of steps required to correct those errors.

ORDER


IT IS, THEREFORE, ORDERED that the Amended Decision of Teton County Board of Equalization is reversed and remanded to the County Board for further proceedings in accordance with this order.

DATED this 22nd day of March 2018.

STATE BOARD OF EQUALIZATION



Martin L. Hardsøeg, Chairman



David L. Delicath, Vice-Chairman



E. Jayne Mockler, Board Member

ATTEST:



Nadia Broome, Executive Assistant

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of March 2018, I served the foregoing **ORDER OF REMAND** by placing a true and correct copy thereof in the United States Mail, postage prepaid, and properly addressed to the following:

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cc: State Board of Equalization
Dan Noble, Director, Dept. of Revenue
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Commissioners/Treasurer/Clerk - Teton County
CCH
ABA State and Local Tax Reporter
State Library
File