

Board of Review Training 2012

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Board of Review 2012

- Introduction
- Basics
- What not to do at your Board of Review
- What to do at your Board of Review
- Case Examples
- Exam
- Question and Discussion

Introduction & Training Requirement

- Training Requirement under Sec. 70.46 (4)
 - One member of the Board of Review (BOR) must within two years of the board’s first “two-hour” meeting have attended a training session under Sec. 73.03 (55) of Wis. Statutes
 - The municipal clerk shall annually provide an online affidavit to the Dept. of Revenue stating which member or members has or have attend the training
 - <http://www.revenue.wi.gov/eserv/pa-107.html>

To meet certified training requirement

- Each person must complete the exam on page _____ of this material
- Each person attending this session should complete the affidavit on page _____ of this material
- Each person should file completed exam and affidavit of attendance with clerk
- Clerk is to file online affidavit with DOR

Use of Material

{See Table of Contents for page numbers}

- BOR Basics
- Scripts for Assessors, Clerks, and BOR Chairpersons
- Sample Forms
- Sample Notices
- Sample Ordinances
- Guide for BOR member
- **Other Resources in Appendix _____**

Members of Board of Review in Towns

- Sec. 70.46 of Wis. Statutes provides for
 - Statutory BOR members are town board and clerk
 - Or
 - BOR appointed as provided in local ordinance
 - Note if town clerk is appointed rather than elected clerk:
 - May only serve on BOR if a resident of the town and appointed by the town board to serve on the BOR
 - If appointed clerk is non-resident, may perform duties of BOR, but may not be a voting member of BOR
 - Assessor is never a member of the BOR

Members of Board of Review in Villages

- Sec. 70.46 of Wis. Statutes provides for
 - Statutory BOR are President , Clerk, and such other officers as determined by village ordinance
 - Or
 - BOR as provided in local ordinance, which may include officers and non-officer citizens
 - Assessor is never a member of the BOR

Members of Board of Review in Cities

- Sec. 70.46 of Wis. Statutes provides for
 - Statutory BOR as Mayor, Clerk, and such other officers as determined by city ordinance
 - Or
 - BOR as provided in local ordinance, which may include officers and non-officer citizens
 - Assessor is never a member of the BOR
 - Note “Cities of First Class” required to have citizen BOR of five to nine non-officer citizens established by ordinance

Purpose of Board of Review

- BOR is a quasi-judicial (court-like) body empowered with three primary duties:
 - BOR can adjust assessments when they have been proven incorrect by sworn oral testimony
 - BOR can correct errors or omissions in the descriptions or computations found on the assessment roll
 - BOR can check the assessment roll for omitted property and double assessments

Your Role as a BOR Member

- Members to hear evidence as “judges” in a court of law
- Members should consider only the evidence presented at the hearings by sworn oral testimony
- All determinations of the BOR must be made on the record by roll call vote

BOR Basic Procedures

- All meetings and deliberations of the BOR must be held in open session
- All evidence must be given by sworn oral testimony
- BOR is legally bound to accept the assessor's assessment as correct unless there is evidence that proves the assessment to be incorrect
 - This presumption of correctness places the burden on the property owner/complainant to present sworn oral testimony that the assessment is in error

When BOR must be held

- All BOR must meet annually within a 30 day period beginning on the second Monday of May
 - May 14, 2012 to Tuesday June 12, 2012
- If assessment roll is not completed, the BOR should be called and adjourned to a later date
 - It is recommended that BOR select later date for adjournment and give notice for that date

Methods of Valuation

- Sec. 70.32 of Wis. Statutes provides:
 - 1) *Real property shall be valued by the assessor in the manner specified in the Wisconsin property assessment manual provided under [s. 73.03 \(2a\)](#) from actual view or from the best information that the assessor can practicably obtain, at the full value which could ordinarily be obtained therefore at private sale.*

Valuation of Real Property cont'd

- *In determining the value, the assessor shall consider recent arm's-length sales of the property to be assessed if according to professionally acceptable appraisal practices those sales conform to recent arm's-length sales of reasonably comparable property; recent arm's-length sales of reasonably comparable property; and all factors that, according to professionally acceptable appraisal practices, affect the value of the property to be assessed.*

Markarian Hierarchy

- 1. Recent sale of subject property, if sale was an “arms-length” transaction
- 2. Recent sales of other comparable properties
- 3. Other evidence of value

Refined Discussion of Markarian Hierarchy

- Recent sale must be first “arms length sale”
- Recent sale of subject property must also conform to sales of reasonably comparable properties
- Second look to sales of reasonably comparable properties
- Third look to other factors that affect the value of the property assessed

Best Evidence of Value

- See Flow chart at page _____
- Sale of Subject property
 - Must be arms length sale
- Reasonably comparable sales
- If no sale of subject property or no reasonably comparable sales, Other evidence
 - See flow chart

The Do's and Don'ts for BOR

- The following slides list a series of best practices for BOR members to follow, with legal references where appropriate, and some practices not to follow!....

Training

- All members of the BOR should attend a training session at least once every two years...
- Sec. 70.46 (4) requires to have at least one member attend within two years of the first session of the BOR
- Do not rely solely upon individual member expertise (such as real estate broker or mortgage lender)

BOR Materials

- BOR training materials should be available for reference by BOR members during the sessions
- Guide for Board of Review Members also available on-line at
- <http://www.revenue.wi.gov/pubs/slf/pb056.pdf>
- Note that municipalities should also have instructional material for property owners at Open Book session such as Guide for Property Owners, which is available on-line at
- <http://www.revenue.wi.gov/pubs/slf/pb060.pdf>

At First Session of BOR

- If assessment roll is not complete, should organize BOR by electing the BOR Chairperson,
- If assessment roll, is not complete adjourn to a later date and time
 - Which should be selected at this first session
- *DO NOT attempt to tell the assessor as to what he/she should be doing as assessor*

Objection Form

- Objection Forms submitted to the clerk prior to the first BOR session after completion of the roll should be reviewed by the clerk to determine if complete
- If clerk believes that objection form is not complete, advise property owner accordingly
- *DO NOT accept an objection form if the property owner does not declare what the assessed value of his/her property should be {Sec. 70.47 (6m)(ae)}*
- *Do NOT have the assessor determine if the objection form is complete or not complete*

Conducting the BOR

- If assessment roll is complete, first full session of BOR must be at least two hours
- Recommend this two hours be used to schedule hearings at a later date and time (at least 48 hours later unless notice is waived)
- BOR should review assessment roll for errors and double entries
- *DO NOT spend two hours playing cards or discussing other municipal business*

Conducting the BOR

- BOR chairperson is responsible for maintaining order during BOR sessions
- Chairperson should keep the hearing moving
- *DO NOT ask the assessor for advice on procedures to conduct BOR, he/she is an expert witness for municipality, not a legal advisor*
- *DO NOT allow witnesses to continue to repeat the same testimony over and over*

Conducting the BOR

- Chairperson should ensure that only one person is talking at one time during the hearing
- *DO NOT allow side bar discussions by the BOR members or the audience during hearings*

Conducting the BOR

- It is recommended that the municipal attorney should be present during the BOR
- *DO NOT allow the property owner or the property owner's attorney to direct or run the BOR*

Conducting the BOR

- All testimony of witnesses (including the assessor) should be presented under oath and recorded at the hearing at BOR
- Recommended to use working tape recorder or even digital recorder for ease in transcribing at a later time if needed
- *DO NOT take evidence from anyone outside of BOR hearing (no ex parte communications)*
- *DO NOT rely on information outside of the evidence presented at the hearing*
- *DO NOT visit the subject property*

Conducting the BOR

- While it is presumed that the assessor is presumed to be correct, the assessor is required to provide evidence to defend the assessed value for all contested properties
- *DO NOT ask the assessor to change a value established on the assessment roll*
- *DO NOT ask the assessor to go into another room and meet with the property owner to come up with some agreed upon value*

Conducting the BOR

- BOR members must act as impartial quasi-judicial hearing officers and make their decision based upon and only upon the sworn oral testimony presented at the BOR hearing
- *DO NOT sit on cases for your relatives and friends (avoid the appearance of partiality)*

Decision Making at BOR

- Assessed value can be changed only if the property owner has provided sworn oral testimony showing the assessor's value is not correct
- *DO NOT direct the clerk to change values on the assessment roll unless based upon evidence presented at hearing*
- *DO NOT act as assessors at BOR, act as quasi-judicial body to decide upon evidence presented*

Decision Making at BOR

- If property owner has proved the assessed value is not correct, the BOR does not have to adopt the property owner's value. The BOR may set a different value based upon the evidence provided
- *DO NOT act as assessor, act as quasi-judicial body to decide upon the evidence presented*
- *DO NOT rely upon Krom v. City of Antigo case where specific percentage was relied upon as the sole basis of upholding the assessor's value*

BOR Authority

- The BOR has authority to hear objections on the assessment of real and personal property
- *DO NOT change assessment unless evidence presented to show the assessment is incorrect*
- *DO NOT grant exemptions for property, this is the authority of the assessor*
- *DO NOT tell the property owners what the tax will be on the property*