

Please Read Before Filing A COMPLAINT AGAINST THE VALUATION OF REAL PROPERTY

EVIDENCE WHICH THE OHIO BOARD OF TAX APPEALS HAS GENERALLY FOUND TO BE SUFFICIENT TO LOWER YOUR VALUATION

If there was a Recent, Qualifying Sale of the Property at a Lower Value:

If the sale of the property is both recent and qualifying - and at a lower value than was assessed by the county auditor - you may have a strong case for an appeal to the BOR. A 'recent' and 'qualifying' sale must meet BOTH of these criteria:

1. A 'recent' sale must generally occur within +/- 2 years (24 months) of January 1 of the tax year being challenged. While many factors may affect the length of time a sale may be considered 'recent,' the 24-month guideline is the general standard.
2. A 'qualifying' sale is one that takes place between unrelated parties who act freely in negotiating the terms and conditions of the sale. Certain sale types are NOT qualifying: one that occurs through forced sale (e.g. a sheriff's sale). The transfer of a property between relatives also may not qualify.

Please note: any of these factors may be challenged by another party to the appeal.

If you have a Formal Property Appraisal for Purposes of this BOR Appeal:

If you have a formal appraisal for the purposes of this tax appeal, you may have a strong case for an appeal to the BOR.

Please make sure that the following apply:

1. It was performed by a qualified appraiser who can be present to testify at your hearing regarding his/her qualifications and the steps taken to estimate value, and
2. The appraisal was performed for the purpose of this tax appeal, and
3. The appraisal reflects an opinion of value 'as of' the tax lien date in issue (January 1 of the tax year in issue).

Please note: Even if you have a qualifying appraisal, another party to the appeal may rely on a competing qualifying appraisal or may challenge the accuracy/sufficiency/quality of your appraisal.

The Ohio Board of Tax Appeals (the appellate body to which many appeals from Board of Revision decisions are taken), has provided the following information regarding the strength or weakness of various types of evidence in seeking a reduction in your property's valuation.

Please note: that the BOR may, in certain cases, consider and find persuasive other types of evidence not identified here and the evidence discussed in this information sheet is not intended to identify every type of evidence that may be considered.



EVIDENCE WHICH THE OHIO BOARD OF TAX APPEALS HAS GENERALLY FOUND TO BE INSUFFICIENT TO LOWER YOUR VALUATION

Comparable sales data without a formal appraisal generally does NOT demonstrate a property's value. A variety of comparison factors are taken into consideration by an appraisal expert when establishing a property's value.

See *Specca v. Montgomery Cty. Bd. of Revision* (Mar. 25, 2008), BTA No. 2006-K-2144, unreported, <http://app.bta.ohio.gov/06K2144dec.pdf> (discussing the utility of a simple listing of sales over time frame, as well as much information is of little utility in determining a property's value).

Claiming poor economic conditions generally does NOT demonstrate the reduced value of the property because the argument does not quantify the effect that the specific economic condition has on the property in question.

See unreported, <http://app.bta.ohio.gov/2012-L-3211.pdf> (pointing out that real property values, even within a small geographic area, may vary greatly due to a number of factors and that a general economic condition does necessarily impact the values of all real property equally).

Showing a listing price of an unsold property does NOT demonstrate value, since it is a desired price - but unsupported by the sale of the property - and does not take into account the unique characteristics of the subject property.

See *Kaiser v. Franklin Cty. Aud., Franklin App. No. 10AP-909, 2012-Ohio-820*, <http://www.supremecourt.ohio.gov/rod/docs/pdf/10/2012/2012-ohio-820.pdf> ('[A] listing price, in essence an aspirational selling price, is not conclusively probative of what a willing buyer would pay for the property in an arm's-length transaction, and is therefore not conclusively probative of actual market value.');

See *Staral v. Cuyahoga Cty. Bd. of Revision* (Apr. 12, 2013), BTA No. 2012-X-1333, unreported, <http://app.bta.ohio.gov/2012-X-1333.pdf>

Claiming negative property characteristics without a formal appraisal does NOT demonstrate value. A formal appraisal is required to assess the impact of these characteristics on the value of the property.

See *Gupta v. Cuyahoga Cty. Bd. of Revision* (1997), 79 Ohio St.3d 397, <http://www.supremecourt.ohio.gov/rod/docs/pdf/0/1997/1997-ohio-376.pdf> (citing to *Throckmorton v. Hamilton Cty. Bd. of Revision* (1996), 75 Ohio St.3d 227, which held that '[e]vidence of needed repairs, or the cost of needed repairs, while a factor in arriving at true value, will not alone prove true value. It is the decrease in true value that may result from the need for repairs that is the important factor to be determined by the BTA.')

A general statement of over- / under-valuation of a property without a formal appraisal generally does NOT demonstrate a property's value. A variety of comparison factors are taken into consideration by an appraisal expert when establishing a property's value.

See *Cors v. Montgomery Cty. Bd. of Revision* (Jan. 25, 2008), BTA No. 2006-K-1195, unreported, <http://app.bta.ohio.gov/06K1195dec.pdf>





The purpose of a Board of Revision (BOR) complaint hearing is to provide property owners who have filed a complaint with an opportunity to present evidence regarding fair market value of a property as of 1/1/2023. The evidence about fair market value is given to the BOR (comprised of the County Auditor, the County Treasurer, and a County Commissioner, or their designees). Evidence about fair market value might include:

- Documentation of how the property has recently sold in the *open market*.
- A *certified appraiser's report* with an opinion of value (as of 1/1/2023).
- Documentation of how nearby similar properties have *recently sold* for prices that differ from the property valuation at issue.
- Documentation of *damages in the last 3 years*.

There are arguments that the BOR cannot accept to show *fair market value*:

- While arguments based on *recent sales* of similar properties can be accepted, arguments based on valuations of properties cannot be accepted.
- It is important to keep in mind that the *property valuation, not the amount of taxes owed, is the subject of the complaint*.

What should be expected during a hearing?

- The hearing is an opportunity for BOR members to receive evidence about *fair market value* of a property as of 1/1/2023.
- Property owners and/or their representatives will be able to present evidence within allotted timeframe to keep the BOR docket on schedule.
- BOR members or those who have filed counter-complaints will also be able to speak or ask questions.
- BOR decisions will be mailed within a reasonable time.



Property Owners Have a Voice in Board of Revision Process

By: Dr. Carri Brown, Fairfield County Auditor

Property tax rates in Ohio include *two parts*. There is inside millage (assigned by the State) of ten mills which are divided among local governments. (As used in reference to property tax, 1 mill is equal to \$1 in property tax levied per \$1,000 of a property's assessed value.) The second part is outside millage, or levies that are voted. "Outside" millage is requested by a local government (such as a city, village, or township), school districts, or the county (mostly on behalf of various public entities for things like senior services, social services, mental health services, parks, or protective services.) **A simple majority of yes votes is required to pass a levy for this outside millage, which comprises the majority of the property tax levied overall.**

Property taxes are known as *ad valorem* taxes, or taxes based on the assessed values of property. Property *values* are set every three years by order of the State Tax Commissioner with a full mass appraisal every six years. By Ohio law, values are set to the current market value. **Recent sales of comparable property are used to inform the determination of current market value.** Values are reviewed by the State Department of Taxation and are subsequently approved by the State.

Property owners have the right to challenge property values informally during the update process. In fact, multiple informal hearings were held in Fairfield County over the past year. Property owners also have a formal avenue to contest values. They can file a complaint with the Board of Revision (BOR), a quasi-judicial, three-member board made up of the County Auditor, County Treasurer and the President of the Board of County Commissioners. **By Ohio law, it is up to owners to present evidence supporting their opinion of value as of the tax lien date. (In this case the tax lien date is January 1, 2023.)** For example, that evidence might be an appraisal by a certified appraiser, documentation of recent sales of similar properties in the same neighborhood, or documentation of delayed maintenance or damage to a property. **Decisions of the BOR can be appealed by property owners to the Court of Common Pleas or the State Board of Tax Appeals.**

The deadline for filing a complaint with the BOR is March 31, 2024, for property values set as of January 1, 2023. (Taxes due relative to 2023 property values are collected in 2024). **There are standard, good reasons to file a complaint, such as:**

- The property has had documented damage in the last three years.
- The property has been sold on the open market (with an arms-length transaction) recently for an amount different than the value set by the county.
- An appraisal has been completed by a certified appraiser that shows a value different than the value set by the county.
- Similar properties in the same neighborhood have recently *sold* for prices which differ from the property valuation at issue.



Arguments that cannot be accepted to show fair market value include:

- While arguments based on *recent sales* of similar properties can be accepted, arguments based on *valuations* of other properties cannot be accepted.
- It is important to keep in mind that the *property valuation*, not the amount of taxes owed, is the subject of the complaint.

If you have any questions about the process for the Board of Revision, please call *the Auditor's Office* at (740) 652-7030, during the week from 8 am – 4 pm.

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What are You Basing Your Valuation Complaint On?

- **There was a Recent, Qualifying Sale of the Property at a Lower Value**

Often, strong evidence of a valuation that is different from that of the Auditor's is presented through evidence showing a qualifying sale. - You may have a strong case for an appeal to the Board of Revision.

A 'recent' and 'qualifying' sale must meet *BOTH* of these criteria:

- A 'recent' sale must generally occur within +/- 2 years (24 months) before or after January 1 of the tax year being challenged.
- A 'qualifying' sale is one that takes place between unrelated parties who act freely in negotiating the terms and conditions of the sale. Certain sale types **MAY NOT** qualify: a sale of property by HUD or one that occurs through forced sale (e.g. a sheriff's sale). The transfer of a property between relatives also may not qualify.

Please note: any of these factors may be challenged by another party to the appeal.

- **I Have a Formal Property Appraisal for Purposes of This Valuation Complaint**

Often, strong evidence in the form of a formal appraisal **for the purposes of this complaint** may be sufficient for you to have a strong case to file a complaint with the Board of Revision.

If using an appraisal, please make sure that the following apply:

- It was performed by a qualified appraiser who can be present to testify at your Board of Revision hearing, regarding his/her qualifications and the steps taken to estimate value, AND
- The appraisal was performed for the purpose of this tax complaint, AND
- The appraisal reflects an opinion of value 'as of' the tax lien date in issue (January 1 of the tax year in issue)

Please Note: Even if you have a qualifying appraisal, another party to the appeal may rely on a competing qualifying appraisal or may challenge the accuracy/sufficiency/quality of your appraisal.

- **You Have Comparable Sales Data ('Comps') from a Realtor, Internet, Etc.**

Comparable sales data without a formal appraisal generally does **NOT** demonstrate a property's value. A variety of comparison factors are taken into consideration by an appraisal expert when establishing a property's value.

Specia v. Montgomery Cty. Bd. of Revision (Mar. 25, 2008), BTA No. 2006-K-2144, unreported, <http://app.bta.ohio.gov/06K2144dec.pdf> (discussing the utility of a simple listing of sales over time frame, as well as much information is of little utility in determining a property's value)

- **The Economy is Bad in the Area of the Property**

Claiming poor economic conditions generally does NOT demonstrate the reduced value of the property because the argument does not quantify the effect that the specific economic condition has on the property in question.

unreported, <http://app.bta.ohio.gov/2012-L-3211.pdf> (pointing out that real property values, even within a small geographic area, may vary greatly due to a number of factors and that a general economic condition does necessarily impact the values of all real property equally)

- **The Listing Price of a Similar Unsold Home is Lower Than My Property's Value**

Showing a listing price of an unsold property does **NOT** demonstrate value, since it is a desired price - but unsupported is by the sale of the property - and does not take into account the unique characteristics of the subject property.

Kaiser v. Franklin Cty. Aud., Franklin App. No. 10AP-909, 2012-Ohio-820, <http://www.supremecourt.ohio.gov/rod/docs/pdf/10/2012/2012-ohio-820.pdf> ('[A] listing price, in essence an aspirational selling price, is not conclusively probative of what a willing buyer would pay for the property in an arm's-length transaction, and is therefore not conclusively probative of actual market value.'); *Staral v. Cuyahoga Cty. Bd. of Revision (Apr. 12, 2013), BTA No. 2012-X-1333, unreported, <http://app.bta.ohio.gov/2012-X-1333.pdf>*

- **My Property Has Negative Characteristics**

Claiming negative property characteristics without a formal appraisal does NOT demonstrate value. A formal appraisal is required to assess the impact of these characteristics on the value of the property.

Gupta v. Cuyahoga Cty. Bd. of Revision (1997), 79 Ohio St.3d 397, <http://www.supremecourt.ohio.gov/rod/docs/pdf/0/1997/1997-ohio-376.pdf> (citing to Throckmorton v. Hamilton Cty. Bd. of Revision (1996), 75 Ohio St.3d 227, which held that '[e]vidence of needed repairs, or the cost of needed repairs, while a factor in arriving at true value, will not alone prove true value. It is the decrease in true value that may result from the need for repairs that is the important factor to be determined by the BTA.')

- **Data from an Internet Property Site Shows That My Property Is Overvalued**

A general statement of over- / under-valuation of a property without a formal appraisal generally does **NOT** demonstrate a property's value. A variety of comparison factors are taken into consideration by an appraisal expert when establishing a property's value.

Cors v. Montgomery Cty. Bd. of Revision (Jan. 25, 2008), BTA No. 2006-K-1195, unreported, <http://app.bta.ohio.gov/06K1195dec.pdf>

Tax year _____ BOR no. _____

County _____ Date received _____

Complaint Against the Assessment of Real Property Other than Market Value

Use this form to file board of revision complaints regarding assessment issues other than the market value of property. Complaints against market value should be filed on the DTE Form 1. Answer all questions and type or print all information. Read the instructions on the back before completing form. Attach additional pages as necessary.

Original complaint Counter complaint

Notices will be sent only to those named below.

	Name	Street address, City, State, ZIP code	
1) Owner of property			
2) Complainant if not owner			
3) Complainant's agent			
4) Telephone number of contact person			
5) Email address of complainant			
6) Complainant's relationship to property, if not owner			
If more than one parcel number is included, see "Multiple Parcels" on back			
7) Parcel number from tax bill	# Acres, if applicable	Address of property	
8) Indicate the reason for this complaint:			
<input type="checkbox"/> The classification of property under RC 5713.041. <input type="checkbox"/> The classification of property under RC 319.302. <input type="checkbox"/> The denial of a CAUV application filed under RC 5713.32 or the conversion of CAUV property under RC 5713.35. <input type="checkbox"/> The valuation of property on the agricultural land tax list. <input type="checkbox"/> Determination whether good cause exists for land on the CAUV program to remain idle under RC 5713.30(A)(4). <input type="checkbox"/> Determination of whether good cause exists for the failure to file a CAUV renewal application pursuant to RC 5713.351. <input type="checkbox"/> The denial of the partial exemption of a qualifying child care center under RC 323.16.			
9) If the complaint is seeking a change in the value of the property, complete line 9. Complainants appealing other issues do not need to complete this line.			
Parcel number	Column A Complainant's Opinion of Value (Full Market Value)	Column B Current Value (Full Market Value)	Column C Change in Value

10) The requested change is justified for the following reasons:

11) If the complainant is a legislative authority and the complaint is an original complaint with respect to property not owned by the complainant, R.C. 5715.19(A)(8) requires this section to be completed.

The complainant has complied with the requirements of R.C. section 5715.19(A)(6)(b) and (7) and provided notice prior to the adoption of the resolution required by division (A)(6)(b) of that section as required by division (A)(7) of that section.

I declare under penalty of perjury that this complaint (including any attachments) has been examined by me and to the best of my knowledge and belief is true, correct, and complete.

Date _____ Complainant or agent _____ Title (if agent) _____
Signature

Sworn to and signed in my presence, this _____ day of _____ year _____

Notary _____
Signature

Instructions for Completing DTE 2

DTE 2
Rev. 12/22

FILING DEADLINE: A COMPLAINT FOR THE CURRENT TAX YEAR MUST BE RECEIVED BY THE COUNTY AUDITOR ON OR BEFORE MARCH 31 OF THE FOLLOWING TAX YEAR OR THE LAST DAY TO PAY FIRST-HALF TAXES WITHOUT A PENALTY, WHICHEVER DATE IS LATER. A COUNTER-COMPLAINT MUST BE FILED WITHIN 30 DAYS AFTER RECEIPT OF NOTICE FROM THE AUDITOR THAT AN ORIGINAL COMPLAINT HAS BEEN FILED.

WHO MAY FILE: Any person owning taxable real property in the county, the board of county commissioners, the county prosecutor, the county treasurer, the board of township trustees of any township with territory in the county, the board of education of any school district with territory in the county, or the mayor or legislative authority of any municipal corporation with territory in the county may file a complaint, or a tenant of the property owner, if the property is classified as to use for tax purposes as commercial or industrial, the lease requires the tenant to pay the entire amount of taxes charged against the property, and the lease allows, or the property owner otherwise authorizes, the tenant to file such a complaint with respect to the property. See R.C. 5715.19 for additional information.

TENDER PAY: If the owner of a property files a complaint that seeks a reduction in the taxable value of that property, the owner is entitled to tender to the county treasurer an amount of taxes based on the valuation claimed for the property in the complaint. NOTE: if the amount tendered is less than the amount finally determined, interest will be charged on the difference. In addition, if the amount finally determined equals or exceeds the amount originally billed, a penalty will be charged on the difference between the amount tendered and the original amount.

MULTIPLE PARCELS: Only parcels that (1) are in the same taxing district and (2) have identical ownership may be included in one complaint. Otherwise, separate complaints **must** be used. However, for ease of administration, parcels that are (1) in the same taxing district, (2) have identical ownership, and in the case of complaints challenging the eligibility of property for CAUV, (3) are farmed as a single economic unit should be included in one complaint. The increase or decrease in valuation may be separately stated for each parcel or listed as an aggregate sum for the economic unit. If more than three parcels are included in one complaint, use additional sheets of paper.

GENERAL INSTRUCTIONS: The Board of Revision will notify all parties not less than ten days prior to the hearing of the time and place the complaint will be heard. The complainant should submit any documents supporting the complaint to the Board prior to the hearing. The Board may also require the complainant and/or owner to provide the Board with additional information be filed with the complaint and may request additional information at the hearing.

R.C. 5715.19(G) provides that "a complainant shall provide to the Board of Revision all information or evidence within the complainant's knowledge or possession that affects the real property" in question. Evidence or information that is not presented to the Board cannot later be presented on any appeal, unless good cause is shown for failure to present such evidence to the Board.

NOTICE REGARDING LINE 5: If the county auditor is in possession of an email address for you the auditor may choose to send any notices the auditor is required to send regarding this complaint by email and regular mail instead of by certified mail.

INSTRUCTIONS FOR LINE 8. Following is a brief description of the types of complaints that can be filed by using this form. Complaints against the market value of property should be filed on the DTE Form 1.

The classification of property under RC 5713.041. Check this box if the complaint is contesting the classification of the property based on its primary use or, in the case of vacant land, its highest and best use, or the failure to tax mineral rights separately from land that is used for agricultural purposes.

The classification of property under RC 319.302. Check this box if the complaint is contesting whether the property is eligible for the non-business tax credit for qualifying levies.

The denial of a CAUV application filed under RC 5713.32 or the conversion of CAUV property under RC 5713.35. Check this box if the complaint is contesting the denial of an initial CAUV application or the removal of property from the CAUV program and the subsequent billing of recoupment.

The valuation of property on the agricultural land tax list. Check this box if the complaint is contesting the auditor's application of the CAUV Table to the property, e.g. listing land as cropland which the complainant believes should be listed as conservation or woodland property, or if the complaint is contesting the accuracy of the value in the CAUV Table as it relates to the property. Note that the complainant will be required to prove that the alternative value is more accurate using valid sales data. See OAC 5703-25-34(L).

Determination whether good cause exists for land on the CAUV program to remain idle under RC 5713.30(A)(4). Check this box if the complaint is seeking this finding to allow CAUV property to remain idle for a second year.

Determination of whether good cause exists for the failure to file a CAUV renewal application pursuant to RC 5713.351. Check this box if the complaint is seeking this finding to have the property reinstated in the CAUV program following the failure to file or timely file a renewal application.

Denial of the partial exemption of a qualifying child care center under RC 323.16. Check this box if the complaint is seeking reversal of the county auditor's denial of an Application for the Partial Exemption of a Qualifying Child Care Center, DTE 105J.

Instructions for Line 9. In Column A enter the complainant's opinion of the full market value of the parcel before the application of the 35% percent listing percentage. In Column B enter the current full market value of the parcel. This will be equal to the total taxable value as it appears on the tax bill divided by 0.35. Enter the difference between Column B and Column A in Column C.

FAIRFIELD COUNTY BOARD OF REVISION RULES OF PRACTICE & PROCEDURE (RULES)



1. Rules

The following rules are promulgated in accordance with Chapter 5715 and Section 323.66(B) (1) of the Ohio Revised Code.

2. Organization

- A. The Board of Revision shall herein be referred to as the "Board". The office of the Board shall be at 108 North High Street, Lancaster, Ohio 43130 and shall be open every day from eight a.m. to four p.m., Saturday, Sundays and legal holidays excepted.
- B. The Board shall consist of the Auditor, Treasurer, and a member of the Board of County Commissioners selected by the Board of County Commissioners or their statutorily appointed designee(s).
- C. The Board shall be open for the transaction of business during the business hours herein provided. All sessions shall be open to the public and sessions of the Board shall stand and be adjourned without further notice thereof on its records.



- D. All proceedings and documents concerning Board hearings are public record and may be copied, electronically transferred or displayed on the Auditor's website.
- E. Each member's vote shall be recorded on the record as it is cast.

3. Service on Parties

- A. All pleadings, briefs, papers and other documents filed by a party with the Board, subsequent to the filing of the complaint, shall be served upon all parties.
- B. Said pleadings, briefs, papers and other documents shall contain a certificate of service indicating that the required service has been made, the manner in which service was made, and the names and addresses of the parties or attorneys upon whom service was made.
- C. Service upon an attorney or party shall be made by delivering or mailing a copy to the attorney's or the party's last known address. Service by mail is complete upon mailing. In addition, if the parties and/or their respective counsel have filed a document with the Board on which they have listed an email address, then service of pleadings, briefs, papers, and other documents subsequent to the filing of the complaint may be made on the parties and/or their counsel to the email address they have so-listed, along with any applicable attachments to such email.

4. Copies

Any document that is filed with the Board shall be filed as one (1) copy on letter size (8½ "x 11") paper in a manner which is not permanently bound (i.e. **NO staples or binders**). Materials should be paper-clipped, rubber banded or enveloped.

5. Appearance and Practice Before the Board

- A. According to the Ohio Revised Code (Section 5715.19), the following may file a complaint before the Board of Revision: Any person owning taxable real property in the county or in a taxing district with territory in the county; such a person's spouse; a tenant of the property owner, if the property is classified as to use for tax purposes as commercial or industrial, the lease requires the tenant to pay the entire amount of taxes charged against the property, and the lease allows, or the property owner otherwise authorizes, the tenant to file such a

complaint with respect to the property; an individual who is retained by such a person or tenant and who holds a designation from a professional assessment organization, such as the institute for professionals in taxation, the national council of property taxation, or the international association of assessing officers; a public accountant who holds a permit under section 4701.10 of the Revised Code, a general or residential real estate appraiser licensed or certified under Chapter 4763. of the Revised Code, or a real estate broker licensed under Chapter 4735. of the Revised Code, who is retained by such a person or tenant; if the person or tenant is a firm, company, association, partnership, limited liability company, or corporation, an officer, a salaried employee, a partner, or a member of that person or tenant; if the person or tenant is a trust, a trustee of the trust; the board of county commissioners; the prosecuting attorney or treasurer of the county; the board of township trustees of any township with territory within the county; the board of education of any school district with any territory in the county, so long as the specific requirements set forth within R.C. 5715.19 are met; or the mayor or legislative authority of any municipal corporation with any territory in the county may file such a complaint regarding any such determination affecting any real property in the county, except that a person owning taxable real property in another county may file such a complaint only with regard to any such determination affecting real property in the county that is located in the same taxing district as that person's real property is located. The county auditor shall present to the county board of revision all complaints filed with

the auditor. Questions about your specific situation should be directed to your attorney.

- B. Persons authorized to practice law in jurisdictions other than Ohio may, upon presenting satisfactory evidence to, and prior approval of, the Board be permitted to practice before the Board in a specified proceeding.
- C. Attorneys representing parties will not be permitted to testify or appear in any capacity other than as counsel.

6. Complaints-Filings

- A. The complaint shall be filed with the county auditor, once the tax duplicate has been filed with the County Treasurer, and on or before the thirty-first day of March of the ensuing tax year or the date of closing of the collection for the first half of real property taxes for the current tax year, whichever is later. **Complaints filed after the March 31 deadline will be dismissed by the Board.** A United States Mail postmark dated March 31st or earlier is proof of timely filing. The complaint (DTE Form 1) must be filled out in its entirety; failure to do so may result in a dismissal.

TIMELY FILING/THE BURDEN OF PROOF IS ON THE COMPLAINANT. Any complainant shall file with the complaint or at a time **not later than ten (10) business days before the date of scheduled hearings** the following information:

(1) For complaints on Residential Property the following information should be submitted for review by the Board. This information may be useful to the Board in determining whether an adjustment to the property's value is warranted.

- a. Closing statements, purchase contracts, and a copy of the conveyance fee statement, if applicable.
- b. A recent appraisal report if such is intended to be offered as evidence. Please note that an appraisal report, if submitted, is subject to review by an appraiser from the Auditor's staff who will then advise the Board if he or she is in agreement with the Appraisal Report. The Board will then weigh all evidence and establish a value.



- c. Certified estimates from a contractor for repairs cited in the complaint. Major structural issues may affect the value of the property while regular maintenance needs (new roof, new driveway) are typically factored into the existing current value based on the age/condition of the property.
- d. Any other supporting documents.

(2) For complaints on Commercial/Industrial Property the following information should be submitted:

- a. Closing statements, purchase contracts, and a copy of the conveyance statement, if applicable.
- b. Lease agreements and/or rent rolls, if applicable.
- c. Photographs, three preceding years of Income and Expense Statements or appropriate schedules of the complainant's Federal Income Tax Return.
- d. Construction cost of a new building, if applicable (certified by the builder). These should include both hard and soft costs.

- e. Appraisal report if such is intended to be offered as evidence.
- f. Certified estimates from a contract or for repairs cited on the complaint.
- g. Any other supporting documents.

- B. Failure to produce documentation in the manner required by Rule 6(A) may result in materials being held inadmissible by the Board.

7. Preliminary Motions

- A. Any preliminary motion made by a party shall be presented to the Board at least ten business days before the scheduled hearing.
- B. The Board may refer motions to its statutory counsel (the Fairfield County Prosecutor) for an opinion on the merits.

8. Hearings

- A. The Board shall schedule each complaint for a hearing, and written notice thereof shall be given to the parties or their representatives of the time and place of the hearing.
- B. In rare circumstances, for good cause shown, the Board may continue hearings at a party's request. Any request for a continuance should be directed to the Board **within seven calendar days of receipt of the notice of the scheduled hearing.**
- C. Hearing notices that provide the date of the complaint hearing and final notices that provide Board decisions or other results shall be sent to the parties as permitted by law. The law permits, but does not in all instances require, that such notices may be sent by certified mail and the Board may in some instances utilize certified mail for those purposes. **It is the responsibility of the complainant and all other parties to pick up such certified mail when notified of such certified mail by the U.S. Postal Service. Complainants and all other parties that do not pick up their certified mail risk that the Board will hold the hearing on the complaint in their absence and also risk the loss of appeal rights for failure to timely file an appeal of the Board's decision.**



- D. Complainants filing complaints regarding their residential properties should plan on a hearing that lasts ten to twenty-five minutes.
- E. Hearings for commercial cases will be scheduled for an amount of time that corresponds with its relative complexity. PLEASE NOTE: Parties will benefit from providing information and proposed exhibits when filing their complaints or as soon thereafter as possible, so that an appropriate amount of time may be scheduled for their hearing.
- F. Parties and/or their counsel who wish to attend a Board hearing or meeting virtually through an internet appearance may request such virtual attendance: (1) by sending an email making such request to the Board at boardofrevision@fairfieldcountyohio.gov, or (2) by making such request in some other writing sent by U.S. Mail to the Board's address at: Board of Revision, 108 North High Street, Lancaster, Ohio 43130. Upon receipt of such email or other written request, the Board or its authorized staff shall have the sole discretion to permit or deny such request. Upon the grant or denial of such request, the Board shall notify all parties of the grant or denial of the request.
- G. The Board reserves the right to maintain control of the length of each hearing and to limit extraneous commentary. This helps to assure that complainants scheduled throughout the day are not kept waiting.
- H. The Board reserves the right to maintain proper decorum in the hearing room.



9. Order of Hearing

- A. The complainant shall first present his/her evidence, which may include witnesses testifying on the complainant's behalf. After the conclusion of the complainant's evidence-in-chief, any counter-complainant shall next proceed with his/her evidence-in-chief. The Auditor's office will be represented by a qualified witness who shall testify last unless the choice is made by the Auditor not to present testimony. Notwithstanding the foregoing, the Board shall have the discretion to alter the sequence or order of the parties' or the Auditor's presentation of evidence.
- B. The Board or its counsel may interrupt or examine the parties and their witnesses at any time.
- C. Limited cross-examination will be permitted between parties at the Board's discretion. All questions and comments will be addressed to the Board's chairman.
- D. If the Board concludes that the appraisal or other evidence submitted in support of the asserted value in the property valuation complaint is deficient, the Board may request the County Auditor to engage an independent appraiser to prepare a fee appraisal of the subject property as of the tax lien date. The fee appraisal shall be submitted as evidence to the Board. The independent appraiser shall be subject to examination by the Board and cross-examination by any party or such party's duly appointed representative.





10. Continuance of Hearing in Progress by the Board

The Board in its discretion may continue a hearing in progress to seek or obtain additional investigation or evidence or to take matters under advisement.

11. Briefs

- A. At any time prior to the issuance of a final decision and order on a complaint, the Board may request briefs from the parties. Briefs shall be filed within the time limits set by the Board. If any party fails to submit a brief within the time limit, the Board may exclude the brief from its consideration.
- B. One complete and accurately conformed copy of each brief shall be filed with the signed original.

12. Voluntary Withdrawal

The complainant and/or countercomplainant may voluntarily withdraw a complaint or countercomplaint by filing a written notice of withdrawal at any time before the commencement of the hearing. For purposes of this section, such written notice of withdrawal shall include, but is not limited to, an email from the withdrawing party. A voluntary withdrawal of an original complaint

shall not affect the validity of a timely filed countercomplaint.

13. Dismissal for Lack of Jurisdiction

The Board may journalize an order dismissing a complaint if the complaint is found to be defective and the Board lacks jurisdiction to hear the complaint.

14. Decisions

All decisions by the Board will be made on the record at a public hearing. Copies of said decisions will be mailed to all parties by certified mail.

15. Documents

Pursuant to Revised Code Section 5715.07, all files, statements, returns, reports, papers, or documents of any kind relating to the assessment of real property which are in the office of a county auditor or county board of revision or in the official custody or possession of such officer or board shall be open to public inspection.

16. Fees

Anyone requesting a copy of any document of this Board shall be charged a reasonable fee therefore as set by the Board.