

2023 VALUE ADJUSTMENT BOARD
Minutes of the April Monthly VAB Meeting

Thursday, April 11, 2024
9:00 AM, Council Chambers
1st Floor, City Hall (St. James)

Council Member Will Lahnen, Chair
Council Member Rahman Johnson, **Excused**
Council Member Joe Carlucci, Alternate, **Excused**
School Board Member Lori Hershey, **Excused**
School Board Member Charlotte Joyce, Temporary Appointee
Council Appointed Citizen Member Shirley Dasher, **Excused**
School Board Appointed Citizen Member Dominic Cummings

In Attendance:

Margaret M. “Peggy” Sidman, Value Adjustment Board Clerk
Johnathan Griffis, Value Adjustment Board Staff
Alexis Zellner, Value Adjustment Board Staff
Merriane Lahmeur, Chief of Legislative Services
William H. Jeter, Jr., Value Adjustment Board Attorney
Jamey Crozier, Executive Council Assistant, Council Member Lahnen Tiffany
Pinkstaff, Counsel to the Property Appraiser Joyce Morgan, Property
Appraiser
Keith Hicks, Chief Appraiser, PAO
Harry Guetherman, Commercial Division Chief, PAO
Jim Ogburn, Residential Division Chief, PAO
Laura Winter, Customer Service Division Chief, PAO

Chair Lahnen called the meeting to order at 9:04 AM.

1. Introduction of Board and staff.
2. Chair Lahnen stated the next item on the agenda was to approve the meeting minutes from the 2023 VAB Board Meeting held on March 14, 2024. **Board Member Cummings made a motion to approve the minutes. The motion was seconded by Board Member Joyce. The Board approved 3–0.**
3. Public Comments:
 - VAB Petition # 2023-015464 – Hunter Baliker, Petitioner. Ms. Baliker submitted a late-filed petition and shared the reason for the late filing; she explained that she believed that she had demonstrated the requirements for good cause for the late filing of her petition.
4. Deferral requests from Petitioners. There were none.
5. Deferral requests from the Property Appraiser’s Office.
 - VAB # 2023-002742 – FirstPointe, LLC Advisors, Agent for Petitioner

Board Member Joyce moved to defer Petition VAB # 2023-002742. This motion was seconded by Board Member Cummings. The Board approved the deferral 3-0. William Jeter, VAB attorney, stated that he would notify the petitioner that there were similar petitions involving a dispute regarding which millage rate should be applicable in the income-approach context to value properties.

6. Previously Deferred Recommended Decisions

- VAB # 2023-000268 – Nathan Mandler, Esq., Agent for Petitioner
- VAB # 2023-000299 – Nathan Mandler, Esq., Agent for Petitioner
- VAB # 2023-000317 – Nathan Mandler, Esq., Agent for Petitioner

Chair Lahnen shared that the the Board had received a 96-page packet with VAB Attorney Bill Jeter’s recommendations several days prior to the meeting and inquired whether all Board members had had a chance to review the packet. He stated that he was inclined to take a motion to defer the matter to allow Board members time to review the packet and better understand their options and the recommendations of Mr. Jeter. Peggy Sidman, VAB Clerk, inquired whether the Board was going to defer the item or whether the Board was going to open the item for input. She stated that if the Board were to open the item for input, then the Property Appraiser, Petitioner, and VAB Attorney should be afforded equal opportunity for input. Mr. Jeter stated that he supported the recommendation for deferral, as this deferral would allow VAB to hear many petitions which involved this same issue at once. **Board Member Joyce moved to defer Petition VAB # 2023-000268, Petition VAB # 2023-000299, and Petition VAB # 2023-000317. This motion was seconded by Board Member Cummings. The Board approved the deferral 3-0.**

Chair Lahnen asked whether the Board could ask the Florida Department of Revenue a targeted question ahead of the next meeting to receive guidance on how the Board should proceed with these petitions. Mr. Jeter stated that the Department of Revenue might want to opine on this matter as it has advisory authority through the Florida Legislature regarding the VAB process and that this dispute could raise statewide questions which the Department of Revenue would want answered. He suggested sending the Recommendations Binder to the Department of Revenue for guidance on whether the recommendations included were appropriate. Chair Lahnen asked what the deliverable from the Department of Revenue would be if the VAB were to proceed in this way, and Mr. Jeter stated that the Department of Revenue could provide guidance on how to proceed.

Chair Lahnen asked Tiffany Pinkstaff, Counsel to the Property Appraiser, whether asking a specific question to the Department of Revenue to clarify the process would be appropriate. Ms. Pinkstaff responded that the Department of Revenue was well-suited to answer questions about the income-approach context to calculate property values and that the Property Appraiser would request that the Board seek Department of Revenue guidance on this matter. Ms. Sidman stated that the Board should carefully craft the question so that the Board will receive a sufficient answer from the Department of Revenue. Mr. Jeter expressed concern that asking a specific question to the Department of Revenue would be attempting to reduce a complex issue to a simple question and might limit the guidance provided to the Board; he suggested sending the recommendations binder and asking for open-ended guidance. Chair Lahnen stated that he thought the question to be fairly simple: choosing which year is the appropriate millage rate. Mr. Jeter stated that there were additional questions regarding procedural issues involving whether the Property Appraiser had presented enough evidence to reach a presumption of correctness. He added that the challenge that the petitioners had raised a novel concept; the recommendation to remand the petitions back to the Special Magistrate with instructions on how to proceed would allow the petitioners and Property Appraiser’s Office sufficient opportunity to provide sufficient evidence to reach the threshold for a presumption of correctness. He stated that asking the Department of Revenue for its guidance on whether his recommendations included in the 96-page packet regarding how to proceed on these petitions were correct would best allow the Department of Revenue to provide valuable feedback to the Board.

Chair Lahnen stated that he preferred the approach of asking a specific question to the Department of Revenue. He asked Ms. Pinkstaff whether she agreed, and she did. Chair Lahnen asked for clarification regarding wording for the question, and Ms. Pinkstaff worded the question as follows: “What is the appropriate millage rate to be used in the income-approach context to value properties as of January 1 of the tax year?” **Board Member Cummings made a motion to instruct the VAB attorney to direct this question to the Florida Department of Revenue. The motion was seconded by Board Member Joyce. The Board approved the motion 3-0.**

Ms. Sidman asked for clarification on which supporting documents to provide with this question. Mr. Jeter stated that the Recommendations binder included a complete record; this would be sufficient, and the Department of Revenue could set aside his recommendations if it so chose. Chair Lahnen clarified with Mr. Jeter that this question would come from the VAB Chair; Mr. Jeter would draft the communication for Chair Lahnen’s signature.

Board Member Cummings suggested phrasing the question to the Department of Revenue as a two-part question: the first part using the wording provided by Ms. Pinkstaff and approved by the Board, and the second part asking for guidance regarding the recommendations included in the Recommendations binder. Mr. Jeter answered that he would support this phrasing of the question, but Chair Lahnen and Board Member Joyce stated that they would like to keep the question to the previously approved wording, as including an additional part to the question might create additional questions.

7. Consideration of Special Magistrate Recommended Decisions

Chair Lahnen noted that there were 59 Special Magistrate Recommended Decisions, and 4 of them had been deferred. **Board Member Joyce made a motion to Approve the 55 remaining Special Magistrate Recommended Decisions. The motion was seconded by Board Member Cummings. The Board approved 3-0.**

8. Mandatory denial (by April 20, 2024), of non-finalized petitions for delinquent taxes per FL Statute 194.014

- VAB # 2023-001712 – 812 Dunn Jax Holdings LLC
- VAB # 2023-002383 – Axis 404 Julia LLC
- VAB # 2023-002678 – Sundance Investments LLC
- VAB # 2023-002710 – 1509 Park Street LLC
- VAB # 2023-015458 – Out of Love LLC

William Jeter, VAB Attorney, explained that the denial of these petitions was as a result of the petitioners’ delinquent taxes. He stated that VAB staff works diligently to attempt to make all petitioners aware that their petitions will be denied if their taxes are not filed by a certain date and that these are the only 5 petitioners that were not able to make the deadline. Peggy Sidman, VAB Clerk, added that petitioners are not required to have their taxes paid in full and must have paid 75% of the tax bill to avoid this denial. **Board Member Joyce made a motion to approve the denial of the 5 non-finalized petitions for delinquent taxes per FL Statute 194.014. The motion was seconded by Board Member Cummings. The Board approved the denial 3-0.**

Chair Lahnen announced the date and location of the next 2023 VAB meeting: Thursday, May 16, 2024, at 9:00 AM in the 1st Floor, City Hall, Council Chambers. He stated that Board Members must “do their homework” before the next meeting, encouraging them to meet with Mr. Jeter to review the details of the deferred petitions.

Meeting was adjourned at 10:00 AM.