

BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203	Docket No.: 78683
Petitioner: William Nehrer v. Respondent: Gunnison County Board of Equalization.	
ORDER OF DISMISSAL	

THIS MATTER comes before the Board of Assessment Appeals on July 7, 2020, Diane M. DeVries and Samuel Forsyth presiding. Matthew Hoyt, Esq. appeared on behalf of Respondent.

Originally, Respondent filed a Motion to Dismiss for Failure to File Timely on March 10, 2020. On March 24, 2020, the BAA denied the motion based upon Respondent’s failure to confer with Petitioner prior to filing the motion. On March 27, 2020, Respondent filed a Renewed Motion to Dismiss. On April 16, 2020, the parties were notified there would be a hearing on July 7, 2020 solely on Respondent’s Renewed Motion to Dismiss for Failure to File Timely. Petitioner was not present when the Board initially convened the hearing. The Board took a break and then reconvened the hearing. At that time the Petitioner joined by phone and stated he was late for the hearing because he could not connect in a timely manner. After testimony and based upon exhibits admitted by the Board, the Board found that the Respondent satisfied the requirement to confer with the Petitioner regarding the Motion to Dismiss, Respondent properly executed and served a certificate of service and it was undisputed Petitioner did not timely file his appeal. The Board granted Respondent’s Motion to Dismiss.

IT IS HEREBY ORDERED THAT the appeal is dismissed.

APPEAL RIGHTS

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of

Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-nine days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-nine days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

Section 39-8-108(2), C.R.S. (2019).

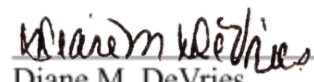
DATED and MAILED 4th day of August, 2020.

BOARD OF ASSESSMENT APPEALS:

Drafting Board Member:


Samuel Forsyth

Concurring Board Member:


Diane M. DeVries
*Concurring without modification
pursuant to § 39-2-127(2), C.R.S.*



I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.


Yesenia Araujo