

BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203	Docket No.: 79302
Petitioner: LAI THI HOANG, v. Respondent: DENVER COUNTY BOARD OF COUNTY COMMISSIONERS.	
ORDER OF DISMISSAL	

THIS MATTER comes before the Board of Assessment Appeals (“the Board”) on its own review of the case.

1. On February 11, 2021, the Board emailed and mailed a Notice of Hearing for a May 5, 2021 hearing date to both parties. The Notice informed the parties that, “Pursuant to Board Rule 11, documentary evidence and witness lists must be received by the Board and the opposing party no later than April 7, 2021.”

2. The Board of Assessment Appeals’ Rules, which address document exchange deadlines, are also published on its publicly viewable website. Rule 11(a) requires that parties exchange documentation at least 28 calendar days prior to the hearing, and reply documentation 21 days prior to the hearing. Rule 11(b) states that, “The Board will not accept any information not submitted by the due date in Rule 11(a) except as otherwise required by these rules or as the interests of justice and fairness dictate in the Board’s discretion.”

3. Petitioner did not submit any documents for hearing by the Rule 11 deadline. Board staff reached out to Petitioner inquiring about the status of the case, but Petitioner did not respond. On April 15, 2021, the Board issued an Order to Show Cause to Petitioner. The Order to Show Cause reiterated that the deadline for submission of Rule 11 documents was April 7, 2021, and that Board staff had attempted multiple times to contact Petitioner in an effort to determine whether the case would be proceeding to hearing. The Board ordered Petitioner to show cause in writing on or before April 22, 2021 why the case should not be dismissed for failure to engage in the administrative process, or the presentation of the case limited to oral testimony. The Order to Show

Cause contained the admonition that “Failure to respond to this order in writing by April 22, 2021 will result in the dismissal of this matter with prejudice.”


4. Petitioner did not provide a response to the Order to Show Cause. On April 26, 2021, Petitioner delivered its Rule 11 documents for hearing to the Board, two and half weeks after they were due.

5. The Board finds that Petitioner has not shown cause why this case should not be dismissed. Petitioner has provided no explanation for failing to comply with the Board Rules by missing the document exchange deadline, which the Board notes has the potential to unfairly prejudice Respondent in its ability to assess the merits of the case, prepare for hearing and produce potential reply documentation. Nor has Petitioner provided any explanation for failing to respond to multiple inquiries from Board staff. The Board therefore finds that the sanction of dismissal is appropriate.

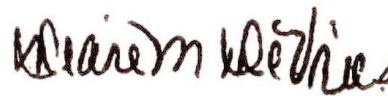
The Board hereby orders that this appeal is **DISMISSED** with prejudice and the hearing scheduled for May 5, 2021 is **VACATED**.

DATED and MAILED this 30th day of April, 2020.

BOARD OF ASSESSMENT APPEALS:



John F. DeRungs



Diane M. DeVries

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



Casie Stokes