



**OHIO BOARD OF TAX APPEALS**

**Annual Report Fiscal Year 2018**

R.C. 149.01 requires the Ohio Board of Tax Appeals to file an annual report with the governor, the secretary of state and the state library, on every August first summarizing the official acts of the board...“and any suggestions and recommendations that are proper.”

This report fulfills the annual reporting requirement for the fiscal year ending June 30, 2018.

**Governor John R. Kasich  
Secretary of State Jon Husted  
State Librarian Beverly Cain**

**Executive Summary:**

Fiscal year 2018 was a year of continued operational success for the Board of Tax Appeals (BTA). The board continued to refine new processes and procedures and continued to streamline office processes and change long-held practices to better serve parties to tax appeals.

The board's overall active docket was 1121 which was a significant decrease from the FY2017 1613 active case docket. However, the board saw increase of appeals involving Ohio's Tax Commissioner.

As part of the biennial budget bill in FY2018, Am. Sub. H.B. No.49, the procedure by which an appeal from this board to a higher court was modified: prior to the H.B. 49, taxpayers enjoyed a direct right of appeal from this board to the Ohio Supreme Court. H.B. 49 eliminated the direct right of appeal and required taxpayers to file any appeal of this board's decision in the appropriate district court. In late July 2018, the procedure was again modified. Under Sub. H.B. 292, the General Assembly reinstated the direct right of appeal to the Ohio Supreme Court for those appeals which involve the Ohio Tax Commissioner and Municipal Tax Boards. Appeals of this board related to real property valuation decisions are still required to be filed with the appropriate district court.

Any impacts of Sub. H.B. 292 will be seen in Fiscal Year 2019. The board will continue to refine the improvements made in FY2018. The appeals process is now largely party-driven and is yielding improved operational efficiency and shortened resolution times. The larger result is greater clarity for all of Ohio regarding tax-related matters.



David Harbarger  
Chairperson



Jasmine Clements  
Vice-Chairperson



Jeffrey Caswell  
Member

## Mission

The mission of the Board of Tax Appeals, as Ohio's administrative tax court, is to provide taxpayers and taxing authorities with an accessible, fair and efficient appeals process and to resolve appeals in a timely and judicious manner by facilitating settlement or by issuing comprehensive written decisions, which are based upon Ohio statutes, case law, and board precedent.

## Function

The BTA is Ohio's administrative tax court. It is a quasi-judicial body established by Ohio Revised Code 5703.02, and comprised of three (3) members appointed by the governor to overlapping six-year terms. The BTA adjudicates state tax disputes, relieving an overburdened state judicial system and providing taxpayers with a non-partisan forum in which to resolve tax disputes. In this forum, taxpayers are assured appeals will be addressed by individuals with considerable expertise focused exclusively on tax issues.

## Process

Most appeals involve real property valuation disputes, for which the process is as follows:

1. A notice of appeal from a decision of a BOR is filed with the BTA.
  - a. On the appeal form, the appellant indicates whether they require an evidentiary hearing, or if a review of the existing BOR record will suffice
2. Depending on the appellant's decision, the board establishes either an evidentiary hearing date, or a date by which all written argument is due from the parties to the appeal.
3. The BOR files a transcript of the proceedings that occurred at the county level with the BTA within 45 days.
4. The discovery process is completed within 120 days.
5. All evidence is considered and a decision is rendered by the board thereafter.

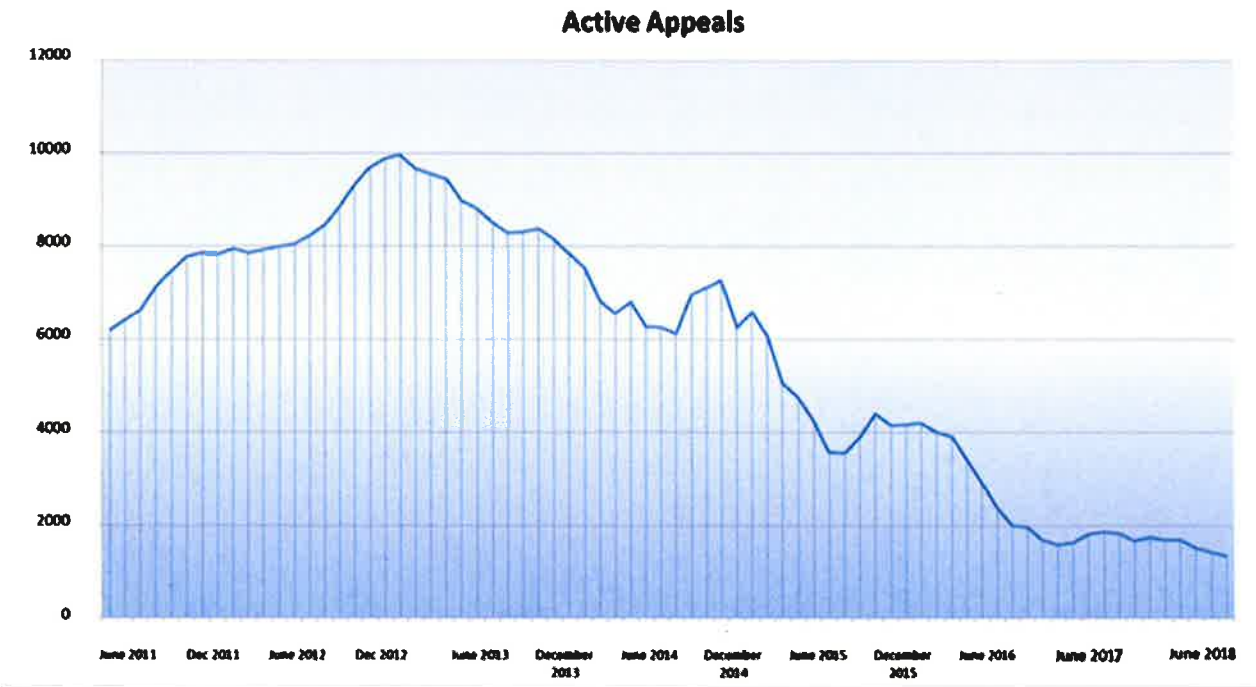
Filers enter appeal information directly into the BTA's case management system from anywhere (with internet access) at any time (24/7/365). Once submitted, reviewed and accepted, all parties are notified electronically that an appeal has been filed, the case number assigned and the evidentiary hearing or written argument date.

After the evidentiary hearing or the written argument date, an Attorney Examiner reviews the entire record and drafts a decision for the board to consider. After consideration, the decision of the board is announced.

Statistical Summary

<b>Board of Tax Appeals Decisions Summary</b>					
	<b>FY 2016</b>	<b>FY 2017</b>	<b>2017 Percentage Increase over 2016</b>	<b>FY2018</b>	<b>2018 Percentage Increase over 2017</b>
<b>Board of Revisions</b>	2,483	2,183	-12%	2,070	-5%
<b>TAX Commissioner</b>	297	355	20%	396	12%
<b>Commercial Activity Tax</b>	17	16	-6%	30	88%
<b>Sales/Use</b>	108	175	62%	151	-14%
<b>Exemption</b>	85	66	-22%	75	14%
<b>All Other Tax</b>	87	98	13%	140	43%
<b>Municipal Income</b>	2	5	150%	5	0%
<b>Budget Commission</b>	-	-	-	-	-
<b>Total Decisions</b>	<b>3,079</b>	<b>2,898</b>	<b>-6%</b>	<b>2,867</b>	<b>-1%</b>
<b>Appeals Filed</b>	<b>2,588</b>	<b>2,771</b>	<b>7%</b>	<b>2,040</b>	<b>-26%</b>

In FY2018, Board of Revision appeals are lower than previous years due to the rebounding real estate market and the rotating county real property valuation cycle. As the board saw last year, the trend of appeals from final determinations of Ohio's Tax Commissioner are representing an increasing share of the board's docket. These cases generally involve multi-day trials and the testimony of several witnesses. The board continues to provide a high level of service in the face of this shift in its docket toward more complex cases of statewide application.

**Results – Active Case Docket FY2011-FY2016****Official Acts**

The BTA met 13 times in FY2018. During the fiscal year, the board issued 2040 decisions and orders which resolved active appeals.

**Suggestions and Recommendations**

BTA board and staff members will continue to focus on value-added activities, increasing process efficiency and keeping the board's docket current while issuing high quality decisions.