



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

Baydoun Holdings,
Petitioner,

MICHIGAN TAX TRIBUNAL

v

MOAHR Docket No. 22-002261

City of Livonia,
Respondent.

Presiding Judge
Jason C. Grinnell

SUMMARY OF PREHEARING CONFERENCE

SCHEDULING ORDER

NOTICE OF VIDEO CONFERENCE HEARING

ORDER REQUIRING PAYMENT OF TAXES

A Prehearing Conference on this matter was held on October 20, 2023. Sam Miller appeared on behalf of Petitioner. Assistant City Attorney Leo Neville appeared on behalf of Respondent. A scheduling order has been established and a video conference hearing, held via Microsoft Teams, was discussed with a hearing date set as follows:

HEARING DATE:	Tuesday, February 20, 2024 and Wednesday, February 21, 2024
HEARING TIME:	9:00 a.m.
TEAMS HEARING LINK:	Click here to join the meeting Or call in (audio only) +1 248-509-0316,,277457288# United States, Pontiac
PARTICIPANTS' GUIDE:	https://bit.ly/34fBXnN

This is an important legal document. Please have someone translate the document.

Este es un documento legal importante. Por favor, haga traducir este documento.

এটি একটি গুরুত্বপূর্ণ আইনি দলিল, অনুগ্রহ করে কেউ দলিলটিকে অনুবাদ করুন।

هذا هو وثيقة قانونية هامة يرجى لديك شخص تترجم الوثيقة.

Ito ay isang mahalagang legal na dokumento. Mangyari lamang na magkaroon ng isang tao isalin ang dokumento.

This hearing is open to the public and this notice is provided under the Open Meetings Act. Any participant in the hearing or member of the public wishing to attend this hearing must click on the link above to gain access to the hearing.

PREHEARING CONFERENCE SUMMARY

I. VALUATION INFORMATION:

- A. The true cash value (TCV), assessed value (AV), and taxable value (TV) for each parcel and tax year at issue as established by the Board of Review:

Parcel Number: 46-141-99-0001-000

Year	TCV	AV	TV
2022	\$800,000	\$400,000	\$400,000

- B. The parties' contentions of TCV, state equalized value (SEV), and TV for each parcel and tax year at issue:

Parcel Number: 46-141-99-0001-000

	Petitioner			Respondent		
Year	TCV	SEV	TV	TCV	SEV	TV
2022	\$351,000	\$175,500	\$175,500	\$800,000	\$400,000	\$400,000

- C. Amounts in dispute for the tax years at issue:

Parcel Number: 46-141-99-0001-000

Year	SEV	TV
2022	\$224,500	\$224,500

III. TAX INFORMATION

The property's winter taxes have not been paid for the tax year at issue.

IV. FACTUAL STATEMENT OF CLAIMS:

- A. Classification of property:

Parcel Number	Classification
46-141-99-0001-000	Commercial-Improved

- B. Highest and best use (H&BU) for the tax years at issue:

Tax Year	H&BU
2022	Commercial

- C. The property's TCV and TV are at issue for the tax year under appeal.
- D. Petitioner's claims or counterclaims: Petitioner contends that the subject property is over assessed and a reduction in TCV and TV is warranted. The subject is a vacant bank building consisting of 7,027/SF which was constructed in 1953 and is in poor condition. For its valuation disclosure, Petitioner provided four (4) sales comparables. The first sale is the subject property which sold in 2021 for \$342,800 or \$48.78/SF. Of the three remaining sales, one took place in 2020, one in 2021, and the last in 2022. Petitioner concludes an unadjusted comparable sales price per SF range between \$33.77/SF and \$56.21/SF. Petitioner's comparable sales range in total SF between 3,825/SF and 8,244/SF. Petitioner submits that its evidence supports a reduction in the TCV to \$351,000 or \$50/SF (rounded) with a TV of \$175,500.
- E. Respondent's claims or counterclaims: Respondent submits the subject property is properly assessed. For the most part, Respondent agrees with Petitioner concerning the subject property but contends that the improvements on the property are in good condition for its age. In support of its case, Respondent provided a 2022 property record card (cost approach), a bank ECF study, a commercial vacant land sale study, and a valuation report. Additionally, as part of its valuation disclosure, Respondent provided six sales comparables, all of which were vacant at the time of sale, two of which occurred in 2020 and four in 2021. Relying on the unadjusted sale prices, Respondent concluded an unadjusted price per SF range between \$122.29 and \$167.79. It should be noted that Respondent's comparable sales range in total SF between 2,810/SF and 4,102/SF, compared to the subject property's total SF of 7,027. Respondent submits that the evidence supports the current assessment of the subject property.

V. PENDING MOTIONS OR DISCOVERY:

- A. Motions: None pending at this time.
- B. Discovery: Discovery is closed unless otherwise stated below.

VI. VIDEO CONFERENCE HEARING INFORMATION

The parties and the Tribunal have determined the above-captioned case shall be conducted via video conference.

A link to the **MOAHR MTT Guide for Participants for the Conducting of Entire Tribunal Hearings as Video Conference Proceedings** is provided above. Participants are encouraged to review this Guide prior to hearing and are **required** to comply with

the requirements of the Guide, as said requirements will facilitate the conducting of the scheduled hearing.

The Tribunal's [Remote Witness Instructions](#) must also be reviewed by any witnesses who may be called at hearing.

SCHEDULING ORDER

- I. February 6, 2024 is the final date to file and serve upon the opposing party and the Tribunal a final exhibit list and to furnish the opposing party with a copy of each exhibit. **The parties must use the form prescribed by the Tribunal.** An exhibit will not be admitted into evidence unless the exhibit is disclosed and furnished in accordance with this Order (even though admissible) except upon a finding of good cause by the Tribunal.
- II. February 6, 2024 is the date for Petitioner to notify the Tribunal in writing of the name and telephone number of the court reporter retained by the parties to transcribe the hearing.

ORDER REQUIRING PAYMENT OF TAXES

The Tribunal has considered the file in this case and finds that Petitioner has outstanding ad valorem taxes due relating to the subject property. MCL 205.743(1) states that "if the date set by law for the payment of taxes has passed, the tribunal shall not make a final decision on the entire proceeding until the taxes are paid. This requirement may be waived at the tribunal's discretion."

Furthermore, the Tribunal notes that our Michigan Court of Appeals, in *Papma Lanes, Inc. v City of Warren*¹ held, "[i]t stands to reason that, when reading the statutes at issue in this case *in pari materia*, if a party fails to pay owed taxes and the MTT refuses to waive the issue, then the MTT has the power to either (1) withhold a final decision on the entire proceeding until the taxes are paid, (MCL 205.743(1), **or** (2) grant other relief that it deems necessary or appropriate, MCL 205.732², including dismissal of the case as a sanction, *Grimm*, 291 Mich App at 148-150." [Emphasis added.]

¹ See unpublished decision in *Papma Lanes, Inc. v City of Warren*, 2017 WL 4770901 (Mich Ct App, 2017).

² See also MCL 205.732(b), which gives the Tribunal authority to order the payment of taxes in a matter over which it acquires jurisdiction.

The Tribunal finds that Petitioner has not shown good cause to justify waiver of the payment of the 2022 winter taxes at issue, and as such, Petitioner is required to pay the outstanding taxes as of today's date of \$11,215.48.

Therefore,

IT IS ORDERED that Petitioner shall pay the outstanding property taxes for the winter tax year of 2022 and submit written notice to the Tribunal that payment in the amount of \$11,215.48, has been made on or before December 29, 2023.

Failure to comply with this Order may result in holding the non-complying party in default or the dismissal of the case or the conducting of a show cause or default hearing, as provided by TTR 231.³

Date Entered: October 20, 2023
jcg

By



³ See also MCL 205.732.

HEARING INFORMATION – PLEASE READ IMMEDIATELY

GENERAL INFORMATION: An impartial hearing will be conducted in accordance with the Michigan Administrative Hearing Rules (R 792.10101-R 792.11297) and the Michigan Administrative Procedures Act, MCL 24.201 *et seq.* The Michigan Rules of Evidence and the Michigan Court Rules may be applicable. A party is expected to exercise proper respect and courtesy toward other parties, witnesses and administrative law judges, which includes attending the hearing on time, silencing cell phones, and dressing in appropriate clothing for in-person hearings.

REPRESENTATION: A party may be represented by an attorney or other authorized representative of the party's own choosing and at the party's own expense. The Michigan Office of Administrative Hearings and Rules does not recommend or appoint attorneys.

WITNESSES: Parties may present witnesses, if any, identified in the Prehearing Statements, to testify under oath or affirmation at the hearing, subject to cross-examination by the opposing party, and questions by the administrative law judge.

EXHIBITS: The parties shall submit exhibits pursuant to the Guide for Participants.

COURT REPORTER: The parties shall not only provide a court reporter to transcribe the hearing but shall also provide an electronic copy of the hearing transcript to the Tribunal by e-mailing it to taxtrib@michigan.gov. The costs attributable to the court reporter shall be shared equally by the parties. If the parties fail to pay the costs of the transcript to the court report prior to the submission of the transcript to the Tribunal, the court reporter may report this to the Tribunal with the submission of the transcript. As a result, the party or parties who failed to pay the costs associated with the transcript may be held in default.⁴

WITHDRAWAL: If Petitioner no longer wants to continue with the appeal, Petitioner may submit a written request to withdraw the case. Respondent must concur with the withdrawal. The request must be submitted to the Tribunal and served on Respondent at least 14 days before the hearing. Respondent may file a concurrence or objection to the request within 7 days of the service of the request on that party. If Respondent does not timely submit a concurrence or objection to the request will be deemed to be a concurrence to the request. If the request is granted, the case will be dismissed. If a request is not granted or the Tribunal has not notified you that it has been granted, you are required to attend the hearing.

SETTLEMENT: Parties may submit a written agreement settling a case (i.e., stipulation). The stipulation must be on a form made available by the tribunal or shall be in a written form that is in substantial compliance with the tribunal's form and be signed by the parties' attorneys or authorized representatives, if they have attorneys or authorized representatives, or by the parties, if they do not have attorneys or authorized representatives. There is a \$50 fee for the filing of the stipulation. If the stipulation with appropriate filing fee is received by the Tribunal or the parties email a copy of the signed stipulation to the Tribunal by 4:30 p.m. on the business day immediately preceding the day of the scheduled hearing, the hearing may be adjourned. Parties that email a copy of a signed stipulation to the Tribunal for purposes of adjourning a hearing are also required to submit the original signed stipulation with appropriate filing fee. The

⁴ See TTR 321.

stipulation, once submitted, will be reviewed and, if accepted, the Tribunal will issue a consent judgment.

FAILURE TO APPEAR: The failure of a party to timely appear or otherwise participate in a hearing will result in adjournment of the hearing and the holding of that party in default. The defaulted party will be given an opportunity to show good cause for the failure to appear. Failure to respond or show good cause may result in dismissal of the case or the conducting of a default hearing.

REASONABLE ACCOMMODATION: All hearings are conducted in a barrier-free location in compliance with the Americans with Disabilities Act. An individual requiring reasonable accommodation for effective participation in a hearing, including accessible documentation such as braille, large print, electronic or audio reader, should contact the MOAHR by telephone at (517) 335-9760, or complete and submit an accommodation request form at https://www.michigan.gov/documents/lara/Disability_Accommodation_FORM_v1_2_464017_7.d oc within five (5) days of receipt of the Notice of Hearing to ensure availability of accommodation.

Hearing participants and observing members of the public who need assistance with speech or hearing may also participate in a telephonic or virtual hearing by dialing 7-1-1 and using the Michigan Relay service. More information about this service may be found at https://www.michigan.gov/mpsc/0,9535,7-395-93308_93325_93425_94040_94041---,00.html.

PRIVACY OF INFORMATION: In order to conduct a comprehensive and fair hearing, a party's private or confidential information, such as health or financial information, may be disclosed to the Tribunal and other parties and their attorneys or representatives. The MOAHR will use the private information solely for purposes related to the hearings process. A party may file a motion to request that a public hearing be closed in part or file a motion for protective order to deem certain information private and confidential in order to afford that information special protection.

CONTACT INFORMATION:

Michigan Tax Tribunal
U.S. Postal Mailing Address: 611 W. Ottawa St., Lansing, MI 48933
Overnight Carrier Address (UPS, FedEx, DHL Deliveries):
2nd Floor MOAHR, 2407 N. Grand River Avenue, Lansing, MI 48906
Phone: (517) 335-9760
E-Mail: taxtrib@michigan.gov
Website: www.michigan.gov/taxtrib
E-Filing: <https://eFiling.apps.lara.state.mi.us>
Office Hours: 8:00 a.m. – 5:00 p.m., our office is closed from 12:00 p.m. – 1:00 p.m.

PROOF OF SERVICE

I certify that a copy of the foregoing was sent on the entry date indicated above to the parties or their attorneys or authorized representatives, if any, utilizing either the mailing or email addresses on file, as provide by those parties, attorneys, or authorized representatives.

By: Tribunal Clerk