

**STATE OF INDIANA
Board of Tax Review**

In The Matter Of:

Petition for Review of Assessment,)
Form 131)

Petition No: 52-021-95-1-4-00004

Parcel No: 0219323000

Assessment Year: 1995

Petitioner: Edmund and Barbara Terry
429 Alexander Palm Road
Boca Raton, FL 33432

Petitioner Representative: Mr. Stephen R. Hardacre, Attorney
911 Meridian Plaza
Anderson, IN 46016

Findings of Fact and Conclusions of Law

On January 1, 2002, pursuant to Public Law 198-2001, the Indiana Board of Tax Review (IBTR) assumed jurisdiction of all appeals then pending with the State Board of Tax Commissioners (SBTC), or the Appeals Division of the State Board of Tax Commissioners (Appeals Division). For convenience of reference, each entity (the IBTR, SBTC, and Appeals Division) is hereafter, without distinction, referred to as "State". The State having reviewed the facts and evidence, and having considered the issues, now finds and concludes the following:

Issues

1. Whether the condition rating should be changed from average to fair.
2. Whether additional obsolescence depreciation should be applied.

Findings of Fact

1. If appropriate, any finding of fact made herein shall also be considered a conclusion of law. Also if appropriate, any conclusion of law made herein shall be considered a finding of fact.
2. Pursuant to Ind. Code § 6-1.1-15-3, Mr. Stephen Hardacre, attorney-at-law, filed a Form 131 petition on behalf of Edmund and Barbara Terry (the Petitioners). The Form 131 was filed on May 24, 1996. The Miami County Board of Review issued its determination on the underlying Form 130 petition on April 16, 1996 and a corrected determination on April 30, 1996.
3. Pursuant to Ind. Code § 6-1.1-15-4, a hearing was held on April 11, 2000 before Hearing Officer Dalene McMillen. Testimony and exhibits were received into evidence. Mr. Stephen Hardacre represented the Petitioners. Ms. Nancy Hardwick and Mr. Scott Potts represented Miami County (County Board).
4. At the hearing, the following documents were made part of the record and labeled as Board exhibits:
 - Board Exhibit A – Form131 petition
 - Board Exhibit B – Form 117, Notice of Hearing on Petition
 - Board Exhibit C – Request for additional evidence from the County Board, dated April 11, 2000.

5. In addition, the following documents were submitted by the Petitioners to the State Board:
- Petitioner's Exhibit 1 – Location map, site plan and plat map for the subject property
 - Petitioner's Exhibit 2 – List of the tenants for the Broadway Plaza Shopping Center
 - Petitioner's Exhibit 3 – The subject property's assessments for the years 1992 and 1995 and the Petitioner's proposed assessment for 1995 (eight pages)
 - Petitioner's Exhibit 4 –The 1992 Notice of Assessment to Land and Improvements (Form 11), dated October 27, 1992
 - Petitioner's Exhibit 5 –The County Board's response to Petitioner's claims (Form 115), dated June 28, 1993
 - Petitioner's Exhibit 6 – The State Board's final determination (Form 118) for the assessment year of March 1, 1992, dated July 18, 1996
 - Petitioner's Exhibit 7 – An addendum to the Petitioner's grounds for appeal (two pages)
 - Petitioner's Exhibit 8 – A copy of 50 IAC 2.1-5-1, obsolescence depreciation
 - Petitioner's Exhibit 9 – The 1995 Notice of Assessment of Land and Structures (Form 11), dated January 31, 1996.
 - Petitioner's Exhibit 10 –The County Board's response to Petitioner's claim and notification of final assessment determination (Form 115-R), dated April 16, 1996.
 - Petitioner's Exhibit 11 –The County Board's corrected Form 115-R and the County Board's response to Petitioner's claim, dated April 30, 1996
 - Petitioner's Exhibit 12 – The 1996 property record card
 - Petitioner's Exhibit 13 – A copy of the tenants' rents in the Broadway Plaza Shopping Center, dated January 1, 1996

Petitioner's Exhibit 14- Letter indicating the Petitioner's agreement with the corrected property record card, dated November 2, 2000

Respondent's Exhibit 1- Letter in response to the request for a corrected property record card, dated April 17, 2000

Respondent's Exhibit 2- Letter from Nancy Hardwick, dated November 6, 2000

Respondent's Exhibit 3- Letter from Mary Hill, Peru Township Assessor, dated November 6, 2000.

6. The Petitioners' property is located at the corner of Business 31 and Washington, Peru, Peru Township, Miami County. The Hearing Officer did not view the subject property.
7. At the hearing, the Hearing Officer requested that Mr. Potts provide the State with a corrected 1995 property record card, the 1995 County Board's minutes concerning the subject property's Form 130 appeal, and a response to the tenants' rental data (Petitioner's Exhibit 13). April 16, 2000 was established as the deadline date for the submission of this information.
8. By letter dated April 17, 2000, Mr. Potts responded to the request for information. In the response, Mr. Potts stated the County Board's minutes concerning the Form 130 appeal on the subject property could not be located. He did provide the County Board's final determinations dated April 16, 1996 and April 30, 1996, and the County Board's proposed assessments on the three buildings under appeal. Mr. Potts' letter was entered into the record and labeled Respondent's Exhibit 1.

Issue 1 – Condition

9. The Petitioners are requesting that the condition of the structures be changed from “average” to “fair”, as previously determined by the State for the 1992 assessment year. This condition rating was determined as a result of an inspection by Mr. Knee of the State in April 1996. The taxpayer has extreme difficulty in adequately maintaining the improvements so as to avoid substantial deterioration. Also, the lack of economic returns has prevented reasonable and necessary repairs to major parts of the shopping center. The subject property is located on a bog, which causes the doors of J.C. Penney’s (building #1) to recess and they must be re-aligned monthly. The land has also caused the shopping center to shift, thereby compromising the structures. In addition, the heating, plumbing and electrical components are all outdated. *Hardacre Testimony*. Petitioner’s Exhibits 6 and 7.

Issue 2 – Obsolescence

10. The Petitioners are requesting that the obsolescence for the three (3) buildings be changed to the amounts as previously determined by the State for the assessment year of 1992. The three structures were built in 1960 and do not meet the needs and desires of modern tenants. The storefronts are irregular in dimension, with some being small and narrow. The stores are narrow and deep with outdated single pane glass entries inset into the buildings, inefficient and inadequate heating and air conditioning systems. The loading docks are inadequate and there is limited accessibility to the site and the improvements. In 1996, two store areas were vacant. The tenants of the shopping center pay rents substantially below market rate. The Petitioners own similar shopping centers in Anderson and Richmond, IN that are both substantially in better condition than the subject property and they are receiving 25% functional obsolescence. The Petitioner is requesting obsolescence depreciation as follows: Building #1 (J.C.

Penney) 25%; Building #2 (Aldi's & Dollar General) 30%; and Building #3 (neighborhood shopping complex) 35%. These are the amounts applied by the State for 1992. *Hardacre Testimony*. Petitioner's Exhibits 2, 6, 7, 8, and 13.

Conclusions of Law

1. The Petitioner is statutorily limited to the issues raised on the Form 130 petition filed with the Property Tax Assessment Board of Appeals (PTABOA) or issues that are raised as a result of the PTABOA's action on the Form 130 petition. Ind. Code §§ 6-1.1-15-1, -2.1, and -4. See also the Forms 130 and 131 petitions. In addition, Indiana courts have long recognized the principle of exhaustion of administrative remedies and have insisted that every designated administrative step of the review process be completed. *State v. Sproles*, 672 N.E. 2d 1353 (Ind. 1996); *County Board of Review of Assessments for Lake County v. Kranz* (1964), 224 Ind. 358, 66 N.E. 2d 896. Regarding the Form 130/131 process, the levels of review are clearly outlined by statute. First, the Form 130 petition is filed with the County and acted upon by the PTABOA. Ind. Code §§ 6-1.1-15-1 and -2.1. If the taxpayer, township assessor, or certain members of the PTABOA disagree with the PTABOA's decision on the Form 130, then a Form 131 petition may be filed with the State. Ind. Code § 6-1.1-15-3. Form 131 petitioners who raise new issues at the State level of appeal circumvent review of the issues by the PTABOA and, thus, do not follow the prescribed statutory scheme required by the statutes and case law. Once an appeal is filed with the State, however, the State has the discretion to address issues not raised on the Form 131 petition. *Joyce Sportswear Co. v. State Board of Tax Commissioners*, 684 N.E. 2d 1189, 1191 (Ind. Tax 1997). In this appeal, such discretion will not be exercised and the Petitioner is limited to the issues raised on the Form 131 petition filed with the State.

2. The State is the proper body to hear an appeal of the action of the County pursuant to Ind. Code § 6-1.1-15-3.

A. Indiana's Property Tax System

3. Indiana's real estate property tax system is a mass assessment system. Like all other mass assessment systems, issues of time and cost preclude the use of assessment-quality evidence in every case.
4. The true tax value assessed against the property is not exclusively or necessarily identical to fair market value. *State Board of Tax Commissioners v. Town of St. John*, 702 N.E. 2d 1034, 1038 (Ind. 1998)(*Town of St. John V*).
5. The Property Taxation Clause of the Indiana Constitution, Ind. Const. Art. X, § 1 (a), requires the State to create a uniform, equal, and just system of assessment. The Clause does not create a personal, substantive right of uniformity and equality and does not require absolute and precise exactitude as to the uniformity and equality of each *individual* assessment. *Town of St. John V*, 702 N.E. 2d at 1039 – 40.
6. Individual taxpayers must have a reasonable opportunity to challenge their assessments. But the Property Taxation Clause does not mandate the consideration of whatever evidence of property wealth any given taxpayer deems relevant. *Id.* Rather, the proper inquiry in all tax appeals is “whether the system prescribed by statute and regulations was properly applied to individual assessments.” *Id.* at 1040. Only evidence relevant to this inquiry is pertinent to the State's decision.

B. Burden

7. Ind. Code § 6-1.1-15-3 requires the State to review the actions of the PTABOA, but does not require the State to review the initial assessment or undertake reassessment of the property. The State has the ability to decide the administrative appeal based upon the evidence presented and to limit its review to the issues the taxpayer presents. *Whitley Products, Inc. v. State Board of Tax Commissioners*, 704 N.E. 2d 1113, 1118 (Ind. Tax 1998) (citing *North Park Cinemas, Inc. v. State Board of Tax Commissioners*, 689 N.E. 2d 765, 769 (Ind. Tax 1997)).
8. In reviewing the actions of the PTABOA, the State is entitled to presume that its actions are correct. “Indeed, if administrative agencies were not entitled to presume that the actions of other administrative agencies were in accordance with Indiana law, there would be a wasteful duplication of effort in the work assigned to agencies.” *Bell v. State Board of Tax Commissioners*, 651 N.E. 2d 816, 820 (Ind. Tax 1995). The taxpayer must overcome that presumption of correctness to prevail in the appeal.
9. It is a fundamental principle of administrative law that the burden of proof is on the person petitioning the agency for relief. 2 Charles H. Koch, Jr., *Administrative Law and Practice*, § 5.51; 73 C.J.S. Public Administrative Law and Procedure, § 128. See also Ind. Code § 4-21.5-2-4(a)(10) (Though the State is exempted from the Indiana Administrative Orders & Procedures Act, it is cited for the proposition that Indiana follows the customary common law rule regarding burden).
10. Taxpayers are expected to make factual presentations to the State regarding alleged errors in assessment. *Whitley*, 704 N.E. 2d at 1119. These presentations should both outline the alleged errors and support the allegations

with evidence. "Allegations, unsupported by factual evidence, remain mere allegations." *Id* (citing *Herb v. State Board of Tax Commissioners*, 656 N.E. 2d 890, 893 (Ind. Tax 1995)). The State is not required to give weight to evidence that is not probative of the errors the taxpayer alleges. *Whitley*, 704 N.E. 2d at 1119 (citing *Clark v. State Board of Tax Commissioners*, 694 N.E. 2d 1230, 1239, n. 13 (Ind. Tax 1998)).

11. The taxpayer's burden in the State's administrative proceedings is two-fold: (1) the taxpayer must identify properties that are similarly situated to the contested property, and (2) the taxpayer must establish disparate treatment between the contested property and other similarly situated properties. In this way, the taxpayer properly frames the inquiry as to "whether the system prescribed by statute and regulations was properly applied to individual assessments." *Town of St. John V*, 702 N.E. 2d at 1040.
12. The taxpayer is required to meet his burden of proof at the State administrative level for two reasons. First, the State is an impartial adjudicator, and relieving the taxpayer of his burden of proof would place the State in the untenable position of making the taxpayer's case for him. Second, requiring the taxpayer to meet his burden in the administrative adjudication conserves resources.
13. To meet his burden, the taxpayer must present probative evidence in order to make a prima facie case. In order to establish a prima facie case, the taxpayer must introduce evidence "sufficient to establish a given fact and which if not contradicted will remain sufficient." *Clark*, 694 N.E. 2d at 1233; *GTE North, Inc. v. State Board of Tax Commissioners*, 634 N.E. 2d 882, 887 (Ind. Tax 1994).
14. In the event a taxpayer sustains his burden, the burden then shifts to the local taxing officials to rebut the taxpayer's evidence and justify its decision with substantial evidence. 2 Charles H. Koch, Jr. at §5.1; 73 C.J.S. at § 128. See

Whitley, 704 N.E. 2d at 1119 (The substantial evidence requirement for a taxpayer challenging a State Board determination at the Tax Court level is not “triggered” if the taxpayer does not present any probative evidence concerning the error raised. Accordingly, the Tax Court will not reverse the State’s final determination even though the taxpayer demonstrates flaws in it).

C. Review of Assessments After *Town of St. John V*

15. Because true tax value is not necessarily identical to market value, any tax appeal that seeks a reduction in assessed value solely because the assessed value assigned to the property does not equal the property’s market value will fail.
16. Although the Courts have declared the cost tables and certain subjective elements of the State’s regulations constitutionally infirm, the assessment and appeals process continue under the existing rules until a new property tax system is operative. *Town of St. John V*, 702 N.E. 2d at 1043; *Whitley*, 704 N.E. 2d at 1121.
17. *Town of St. John V* does not permit individuals to base individual claims about their individual properties on the equality and uniformity provisions of the Indiana Constitution. *Town of St. John*, 702 N.E. 2d at 1040.

D. Issue 1 – Condition

18. Condition is a judgment of the physical condition of the item relative to its age. Average condition indicates the structure is in an average condition relative to its age, or the condition in which it would normally be expected. Fair condition indicates the structure is somewhat worse than would normally be expected.

Poor condition indicates that the degree of deterioration is significantly worse than would normally be expected. 50 IAC 2.2-10-5 (d)(8).

19. The estimate of depreciation is an essential element in the cost approach. An estimate must be predicated on an understanding of the nature, components, and theory of depreciation, as well as practical concepts for estimating its extent in improvements being valued. Physical depreciation is evidenced by wear and tear, decay, dry rot, cracks or structural defects. 50 IAC 2.2-10-7 (a).
20. Condition, the degree of wear and tear displayed by a building, is determined relative to the age of the building. Condition measures the remaining usefulness of the building based on its age. 50 IAC 2.2-10-7 (b).
21. The Petitioners presented the testimony of Mr. Hardacre and evidence alleging that the overall condition of the contested property is below average due to such things as outdated heating, plumbing and electrical components, the doors of the J.C. Penney's building recess, the location on a bog, the compromised structural integrity of the buildings and the lack of economic return on the structures. These contentions do not explain why the condition of the property is below average condition relative to its age. Statements such as these do not constitute probative evidence of error.
22. The Petitioners have based their case on the fact that the State assigned a condition rating of "fair" to Building #1 (J.C. Penney), Building #2 (Aldi's), and Building #3 (neighborhood shopping center) as a result of an appeal for tax year 1992.
23. The State will not change the condition rating on the three buildings on the basis of its Final Determination for tax year 1992. That determination did not specifically state the basis for the condition rating assigned and did not address

the evidence considered in determining the “fair” condition rating. The Final Determination only said “Upon considering the evidence and inspecting the property, and after reviewing 50 IAC 2.1,the structure is best described as being in fair.” (Petitioner’s Exhibit 6) Consequently, the 1992 Final Determination is insufficient to support the allegation of a “fair” condition rating.

24. In Indiana each tax year is separate and distinct. See *Williams v. State Board of Tax Commissioners*, 648 N.E. 2d 713 (Ind. Tax 1995). The Petitioner compares the assessment of its property for the March 1, 1995 assessment date to the State’s 1992 determination for said property. Attempting to compare assessments for different years results in a comparison of properties that are not in all relevant respects alike.
25. The Petitioner did not present any photographs or maintenance costs to support the request for a change in condition.
26. The Petitioners have not established disparate treatment between the contested property and other similarly situated properties has occurred.
27. Taxpayers are expected to make detailed factual presentations to the State regarding alleged errors in assessments. *Id.* “Allegations, unsupported by factual evidence, remain mere allegations.” *Id.* (citing *Herb v. State Board of Tax Commissioners*, 656 N.E. 2d. 890, 893 (Ind. Tax 1995)).
28. For all reason set forth above, the Petitioners failed to meet their burden of proof in this appeal. Accordingly, no change is made in the assessment as a result of this issue.

E. Issue 2 - Obsolescence

29. Depreciation is a concept in which an estimate must be predicated upon a comprehensive understanding of the nature, components, and theory of depreciation, as well as practical concepts for estimating the extent of it in improvements being valued. 50 IAC 2.2-10-7.
30. Obsolescence is the “diminishing of a property’s desirability and usefulness brought about by either functional inadequacies or over adequacies inherent in the property itself, or adverse economic factors external to the property”. 50 IAC 2.2-1-40
31. The Regulation recognizes two forms of obsolescence: functional and economic. 50 IAC 2.2-10-7 (e); *Freudenberg-NOK Gen. Partnership v. State Board of Tax Commissioners*, 715 N.E. 2d 1026, 1029 (Ind. Tax 1999). Functional obsolescence is caused by internal factors, while economic obsolescence is caused by external factors.
32. Functional obsolescence means obsolescence caused by factors inherent in the property itself. 50 IAC 2.2-1-29. Property Assessment Valuation, Second edition, published by International Association of Assessing Officers states, “Functional utility is the overall usefulness and desirability of a property; the ultimate criterion is whether the improvement efficiently satisfies the wants and needs of the market. Functional obsolescence is the loss of value in a property improvement due to changes in style, taste, technology, needs, and demands.”
33. Economic obsolescence means obsolescence caused by factors extraneous to the property. 50 IAC 2.2-1-24. Property Assessment Valuation, Second edition, published by International Association of Assessing Officers states, “External obsolescence is loss in value as a result of an impairment in utility and

desirability caused by factors external to the property (outside the property's boundaries) and is generally deemed to be incurable.”

34. The elements of functional and economic obsolescence can be documented using recognized appraisal techniques. *Canal Square Limited Partnership v. State Board of Tax Commissioners*, 694 N.E. 2d 801 (Ind. Tax 1998). These standardized techniques enable a knowledgeable person to associate cause and effect to value pertaining to a specific property.
35. It is incumbent on the taxpayer to establish a link between the evidence and the loss of value due to obsolescence. After all, the taxpayer is the one who best knows his business and it is the taxpayer who seeks to have the assessed value of his property reduced. *Rotation Products Corp. v. Department of State Revenue*, 690 N.E. 2d 795, 798 (Ind. Tax 1998).
36. Regarding obsolescence, the taxpayer has a two-prong burden of proof: (1) the taxpayer has to prove the obsolescence exists, and (2) the taxpayer must quantify it. *Clark*, 694 N.E. 2d at 1233.
37. In support of the claim for obsolescence, the Petitioners submitted evidence and the testimony of Mr. Hardacre. The Petitioners contend that the property suffers a loss in value due to various causes of obsolescence depreciation. These causes are functional and external and affect the economic performance of the property. The property record card shows that the local officials applied 20% obsolescence to Buildings #1-#3, so the fact that obsolescence exists has been established.
38. The Petitioners submitted the State Board Final Assessment Determination (Form 118) for the assessment year of 1992, the rents paid by the tenants of the subject property and oral testimony; however, the Petitioners did not establish the relevancy of the evidence. The Petitioners failed to supply adequate

documentation to substantiate how the rents paid by the tenants related to an overall loss in value to the property; they did not establish that the rates were different from other shopping centers. The Petitioners did not present the evidence necessary to quantify the allegations made. It is the Petitioners' responsibility to provide sufficient evidence and to maintain records sufficient to establish the claim alleged.

39. Mr. Hardacre testified to many characteristics of this property that may contribute to obsolescence. He testified to problems such as limited accessibility to the improvements, inadequate heating and air conditioning systems, narrow, deep stores with outdated single pane glass entries and two vacant stores. However, Mr. Hardacre failed to establish a link between the evidence and a loss in value of the property.
40. Finally, the Petitioners' evidence in this appeal primarily focused on the fact that the State assigned obsolescence depreciation as a result of an appeal for 1992. Obsolescence was applied as follows: Building #1 (J.C. Penney), 25% obsolescence; Building #2 (Aldi's), 30% obsolescence; and Building #3 (neighborhood shopping center), 35% obsolescence.
41. The State will not change the obsolescence depreciation on the three buildings on the basis of its Final Determination for tax year 1992. That determination did not specifically state the basis for the obsolescence depreciation assigned and did not address the evidence considered in determining the obsolescence depreciation. The Final Determination only said "A review of the assessment is made following the guidelines for depreciation in 50 IAC2.1-5-1. (Petitioner's Exhibit 6). Consequently, the 1992 Final Determination is insufficient to support the allegation that the local officials erred in applying 20% obsolescence to Buildings #1-#3.

42. In this case, the Petitioners have made conclusory statements that additional obsolescence depreciation should be applied to the structures, but have failed to quantify any amount of obsolescence. In the absence of substantial evidence and an established method of quantifying the obsolescence, the requested obsolescence is considered as speculation and speculation does not establish a prima facie case.
43. For all the above reasons, the State denies the request for additional obsolescence. Accordingly, no change is made to the assessment.

F. Other Findings and Conclusions

44. At the State hearing, the Petitioners' representative testified that on April 2, 1996, he appeared before the County Board as a result of a Form 130 petition and as a result of that hearing it was verbally agreed that on three buildings (J.C. Penney, Aldi's & neighborhood shopping center) that the physical depreciation would be based on the 40-year life table, obsolescence depreciation would be granted and that on Building #1 (J.C. Penney) the grade factor would be changed from "C" to "C-2".
45. On April 16, 1996, the Petitioners received the County Board's final determination (Form 115), which reflected that the County Board removed a mezzanine in Aldi's and added a second story to Dollar General (Building #2). This resulted in an increase to the assessed value in the amount of \$1,440. Upon receipt of the County Board's final determination (Form 115) the Petitioners contacted the County Board concerning the agreed upon changes from the meeting conducted on April 2, 1996 (see paragraph #59).
46. On April 30, 1996, the County Board issued a corrected final determination (Form 115) that addressed the issues that were agreed upon by the parties at the

County Board's hearing conducted on April 2, 1996. The County Board's final determination (Form 115) reflected the following; "changed use to 40-year life (physical depreciation), added obsolescence and changed grade to C-2". This resulted in a decrease in the assessed value from \$663,440 to \$582,380.

47. At the State Board hearing, the Petitioner's representative testified that prior to the State Board hearing, he requested a copy of the County Board's property record card and was unable to determine the changes made by the County Board.
48. Mr. Potts, the County's representative, indicated that the County Board had issued their final determinations (Form 115) on the subject property on April 16, 1996 and April 30, 1996, but inadvertently the County Board had failed to make all the changes indicated on the final determinations. Mr. Potts indicated that the County Board failed to change the grade factor on Building #1 (J.C. Penney) to "C-2", the mezzanine in Aldi's was not removed and the second story in the Dollar General was not added.
49. In order to provide a complete review of the issues on the 131 petition, the County Board's property record card must be corrected to reflect the changes that were voted on by the County Board. The corrected errors are as follows:
 - a. Building #1 (J.C. Penney) – "C-2" grade factor.
 - b. Building #2 (Aldi's & Dollar General) – mezzanine was removed from Aldi's and second story was added to Dollar General.
50. By letter dated November 1, 2000, Mr. Hardacre, the Petitioners, Miami County and Peru Township were notified by the State of the correction made to the County Board's property record card as indicated in paragraph #49. As a result of the correction the subject property assessed value is as follows; land \$52,800 and improvements \$510,130 for a total assessed value of \$562,930. The State's

letter has been entered into the record and labeled Board Exhibit D. November 13, 2000 was established for the parties to respond to the corrected County Board property record card. All parties responded and agreed to the corrected assessed values as stated.

The above stated findings and conclusions are issued in conjunction with, and serve as the basis for, the Final Determination in the above captioned matter, both issued by the Indiana Board of Tax Review this ____ day of _____, 2002.

Chairman, Indiana Board of Tax Review