

COPY

AUG 13 2009



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5 Phoenix, AZ 85007  
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6 Inv2009-0690/527371

7 Attorneys for Plaintiff

8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

9 **IN AND FOR THE COUNTY OF MARICOPA**

10 **CV 2009-025967**

11 STATE OF ARIZONA, *ex rel.* TERRY  
GODDARD, Attorney General,

12 Plaintiff,

13 vs.

14 MICHAEL MCCONVILLE; PROPERTY  
TAX REVIEW BOARD, INC., a Delaware  
15 Corporation and CARMEN MERCER,

16  
17 Defendant(s)

Case No.:

VERIFIED COMPLAINT AND  
APPLICATION FOR TEMPORARY  
RESTRAINING ORDER, PRELIMINARY  
INJUNCTION AND OTHER RELIEF

(Non-Classified Civil)

18  
19 Plaintiff, State of Arizona, alleges:

20 **JURISDICTION AND VENUE**

21 1. This action is brought pursuant to the Arizona Consumer Fraud Act, A.R.S. § 44-  
22 1521, *et seq.* Plaintiff seeks injunctive relief, restitution, civil penalties, investigative expenses,  
23 costs and attorneys' fees and other relief to prevent the unlawful acts and practices alleged in  
24 this complaint.

25 2. The Superior Court has jurisdiction to enter appropriate orders both prior to and  
26 following a determination of liability pursuant to A.R.S. § 44-1528.



1 **DEFENDANTS' BUSINESS PRACTICES**

2 10. Beginning in July, 2009, defendants McConville and PTRB disseminated  
3 hundreds of solicitations, using direct mail, to property owners throughout the State of Arizona.  
4 The solicitations, entitled "2009 Property Tax Reduction Form," purported to offer property  
5 owners assistance in applying for and appealing decisions related to property tax reassessment.  
6 (See Attachment A)

7 11. In their solicitation, defendants McConville and PTRB advise consumers that the  
8 county assessor's office is required by Arizona law to provide "Property Tax Relief" when the  
9 assessed value of real property exceeds the market value. Defendants McConville and PTRB  
10 offer to assist property owners in obtaining a property tax reduction for tax year 2009 by  
11 preparing, signing and filing an application and/or appeal, requesting a property tax reduction.

12 **FIRST CLAIM FOR RELIEF**  
13 **VIOLATIONS OF CONSUMER FRAUD ACT**  
14 **A.R.S. § § 44-1521, et seq.**

15 12. The solicitations distributed by defendants McConville and PTRB are completely  
16 fraudulent and deceptive. Arizona taxpayers no longer can appeal their 2009 property values as  
17 the time period in which to do so has lapsed.

18 13. The solicitations are misleading as they contain information which would lead  
19 consumers to believe that defendants McConville and PTRB are conducting a legitimate  
20 business, including:

21 A. The envelope in which the solicitation was sent showed "Property Tax  
22 Review Board" as the sender of the information and included the statement "PROPERTY TAX  
23 INFORMATION ENCLOSED," (See Attachment B)

24 B. The solicitations reference a "Notice Number" and include a "Property  
25 Description and Profile" section which provides the property's current assessment value, a  
26 proposed assessment value and estimated tax savings. In at least one instance, the tax savings  
estimated by defendants McConville and PTRB is unrealistic.

1 C. The solicitations state that defendants have conducted an "evaluation"  
2 which suggests that the property taxes assessed on the property may be too high.

3 D. The solicitations instruct consumers to detach and mail the payment coupon  
4 along with the \$189.00 "service fee" on or before the "due date" of 08/28/2009.

5 14. The solicitations distributed by defendants McConville and PTRB contain the  
6 following deceptive statements and misrepresentations:

7 A. **"Property values continue to drop.** If you filed for Property Tax  
8 Reduction in 2008 you need to file again for 2009 due to the continued drop in property values."

9 B. **"Your property qualifies for tax reduction review.** Public records  
10 indicate that the property purchased, transferred or refinanced on *(date provided)* at *(property*  
11 *address)* may be over assessed for tax purposes."

12 C. "Our records show an Over-Assessed Value of *(dollar figure provided)* and  
13 that Property Tax Review Board has not filed a current REQUEST FOR PROPERTY TAX RE-  
14 ASSESSMENT."

15 D. "Due to declining real estate values in Arizona, Property Tax Review Board  
16 has proactively completed a review of recent comparable sales in your area. This analysis  
17 indicates that the January 1, 2009, estimated market value of your property has decrease relative  
18 to its January 1, 2009 estimated assessed value."

19 E. Property Tax Review Board is "a company whose full time job is the  
20 preparation and representation of homeowners in the property tax appeals process. Property Tax  
21 Review Board proprietary software and industry specific databases will ensure an aggressive  
22 strategy that will obtain the maximum property tax reduction and greatest savings for you, our  
23 client."

24 15. Defendants McConville and PTRB instruct property owners to sign the attached  
25 authorization form and send a check or money order in the amount of \$189.00 to defendants in a  
26 pre-printed envelope that provides the address of P.O. Box 66762 in Phoenix, Arizona 85082.



1           D.     Receiving any monies, in any form, from any Arizona property owner who  
2 responds to the solicitation referenced in this Complaint;

3           E.     Transferring, receiving, dissipating, altering, selling, pledging, assigning,  
4 encumbering, expending, liquidating or otherwise disposing of any assets, funds or property  
5 owned, controlled or in the possession of said defendants, their officers, agents, servants,  
6 employees and attorneys and all persons in active concert or participation with them, to the  
7 extent that such assets, funds or property was acquired by means of the unlawful conduct alleged  
8 in this Complaint;

9           F.     Destroying, concealing, defacing or otherwise altering or disposing of any  
10 books, records, accounts, mail, papers, memos or any other documents or things of any kind or  
11 nature of or relating to the business or financial affairs of defendant Property Tax Review  
12 Board;

13           2.     Pursuant to A.R.S. § 44-1528.A.2., order that defendants restore to all persons in  
14 interest any monies or property, real or personal, which may have been acquired by means of  
15 any practice in this article declared to be unlawful;

16           3.     Pursuant to A.R.S. § 44-1531, order defendants to pay to the State of Arizona a  
17 civil penalty of ten thousand dollars (\$10,000.00) for each violation of A.R.S. § 44-1521, *et*  
18 *seq.*;

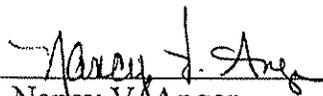
19           4.     Pursuant to A.R.S. § 44-1534, order defendants to reimburse the Attorney General  
20 for its attorneys fees and costs incurred in the investigation and prosecution of the defendants'  
21 activities alleged in this Complaint;

22           5.     For such further relief as the Court may deem just and proper.

23 ...  
24 ...  
25 ...

1 DATED this 13<sup>th</sup> day of August, 2009.

2 Terry Goddard  
3 Attorney General  
4 State of Arizona

5 

6 Nancy V. Anger  
7 Assistant Attorney General  
8 Attorneys for Plaintiff  
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PROPERTY TAX REVIEW BOARD  
Not a Government Agency  
REGIONAL PROCESSING CENTER  
PO BOX 66762  
PHOENIX, AZ 85082  
(800) 581-0628

2009 PROPERTY TAX REDUCTION FORM

ASSESSOR'S ID NO: 109-17-046

Notice Number: 03-4231675-061209

**PROPOSED SAVINGS**

**Estimated Savings:**  
**\$668.20**

**DATE**

**Due Before: 08/28/2009**

Fraleley, [REDACTED]  
[REDACTED]  
[REDACTED], AZ 86025-2715



Detach and mail the reverse side in the enclosed envelope.

**Notice for Navajo County Property Owners: Fraley, [REDACTED]**

Property values continue to drop. If you filed for Property Tax Reduction in 2008 you need to file again for 2009 due to the continued drop in property values.

Your property qualifies for tax reduction review. Public records indicate that the property purchased, transferred, or refinanced on 1/24/2008 at 875 N 4th St may be over assessed for tax purposes.

**PROPERTY DESCRIPTION AND PROFILE**

**Response due by**  
**08/28/2009**

ASSESSOR'S ID NO:  
[REDACTED]

PROPERTY LOCATION  
AND/OR PROPERTY  
DESCRIPTION  
[REDACTED]

[REDACTED], AZ 86025

Your proposed assessed value is shown in the column below

**ASSESSMENT FOR 2009 TAX ROLL**

Current Assessment:

\$128,500

Proposed Assessment:

\$77,100

**EST. TAX SAVINGS:**

**\$668.20**

PROPERTY TAX REVIEW BOARD FEE:

\$189.00

**Note:**

Upon receipt of your Signed Authorization and Fee, our updated data will be used for the preparation of your Appeal Application

Arizona law requires the Navajo County Assessor to provide Property Tax Relief for taxpayers when the assessed value of their property exceeds the market value.

Our records show an Over-Assessed Value of \$128,500 and that Property Tax Review Board has not filed a current REQUEST FOR PROPERTY TAX RE-ASSESSMENT. At your request, Property Tax Review Board will file an application requesting Navajo County to lower your property taxes. Property Tax Review Board is not a government agency.

The County Assessor may have reviewed and reduced the assessed value of homes purchased after July 1, 2002. However, our evaluation suggests that you may still be paying too much on your property taxes. At your request, Property Tax Review Board will apply for a reduction in your property taxes. If necessary, Property Tax Review Board will attend a hearing on your behalf to actively advocate your right as a homeowner to pay the correct amount of property tax.

**TO ASSURE PROMPT PROCESSING RETURN THE SIGNED AUTHORIZATION FORM  
NO LATER THAN 08/28/2009.**

Refund Policy: If for any reason Property Tax Review Board is unable to prepare and submit an application to the County for property tax reduction including attending an appeals hearing (if necessary), your processing fee will be immediately and fully refunded.

**REVIEW, SIGN AND MAIL COMPLETED FORM ON BACK WITH CHECK BEFORE DEADLINE**

# AUTHORIZATION FORM - PROPERTY TAX REDUCTION APPEAL

SERVICE FEE

Due Date: 08/28/2009



Payment: \$189.00

Make checks payable to: Property Tax Review Board  
(Please include your APN # on your Check or Money Order)

ASSESSOR'S ID NO.  
[REDACTED]

As an owner of the real property identified as parcel number 109-17-046, I authorize Property Tax Review Board (PO Box 66762 Phoenix, AZ 85082 - (800) 581-0628) or its designee to prepare, sign and file an application and/or appeal requesting a reduction in my property taxes due to a decline in the value of my property. This authorization is for the current tax year. I understand that Property Tax Review Board will provide me with copies of the formal appeal application files.

## Current Property Specifications

# of Bedrooms: \_\_\_\_\_ # of Bathrooms: \_\_\_\_\_  
Sq. Footage: \_\_\_\_\_ Pool: \_\_\_\_\_

Date Signed: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

x \_\_\_\_\_  
Fraley, [REDACTED]  
[REDACTED]  
[REDACTED], AZ 86026

Signature is Required  
PAYMENT: \$189.00

**PLEASE BE SURE TO SIGN. APPEAL CANNOT BE PROCESSED WITHOUT YOUR SIGNATURE**

## ANSWERS TO FREQUENTLY ASKED QUESTIONS

**Q: How was my Property Determined to have a Reduced Property Tax Amount?**

**A:** Due to declining real estate values in Arizona, Property Tax Review Board has proactively completed a review of recent comparable sales in your area. This analysis indicates that the January 1, 2009, estimated market value of your property has decreased relative to its January 1, 2009, estimated assessed value. Property Tax Review Board encourages all homeowners to independently review the S&P/Case-Shiller Price Indices for yourself to see what your average home value is this year compared to last year.

**Q: What is Property Tax Reassessment?**

**A:** Property Tax Reassessment is a service provided to homeowners that have suffered a possible decline in market value. Property Tax Review Board will prepare and submit all necessary documentation to the County Assessor's Office and Assessment Appeals Board, and will act as your agent in all dealings with the County Assessor's Office and at all Assessment Appeals Board hearings. Property Tax Review Board is not a government agency and at no time should the service fee be construed as mandatory unless you wish Property Tax Review Board to perform services on your behalf. Furthermore, our service has not been approved or endorsed by any government agency.

**Q: Should I Hire You or do it Myself?**

**A:** Self-representation is always an option and can be done for free. The difference in hiring Property Tax Review Board is that you will have a company whose full time job is the preparation and representation of homeowners in the property tax appeals process. Property Tax Review Board proprietary software and industry specific databases will ensure an aggressive strategy that will obtain the maximum property tax reduction and greatest savings for you, our client.

**Q: Are there any other fees?**

**A:** No, there are no additional fees.

**Q: How do I contact my local Assessor's office?**

**A:** Property Tax Review Board is not endorsed or affiliated with your local assessor and they may be contacted by calling your local government.

**Q: How Long does this Process Take?**

**A:** Property Tax Review Board will file all necessary forms immediately; however there is no guarantee as to how long the County Assessors will take to review your property reassessment request. If the Assessor's office does not approve our initial request for reassessment, Property Tax Review Board will appeal your case to the Assessment Appeals Board.

**Q: How is my Property Tax Bill Created?**

**A:** It takes three separate offices to produce and account for your property tax bill payment. The Assessor establishes the assessed value of your property by appraising the value of that property under applicable State law. The assessed value of your property is placed on the Assessment Roll. The Roll is then presented to the Auditor for further processing. The Auditor adds direct assessments to the Tax Roll then applies the General Tax Levy (1%) and the Voted Indebtedness (voter & bonded) tax rates to the value of the Tax Roll. This function is called "extending the Assessment Roll." The Extended Roll is then sent to the Treasurer and the Tax Collector for individual tax bill distribution and payment collection. The Treasurer receives the Extended Roll, prints the property tax bills and mails them to the names and addresses on the Roll. When you send your remittance to pay your tax bill, the Treasurer and Tax Collector then posts that payment to your property.

**Q: If I have other properties I would like Property Tax Review Board to review, what should I do?**

**A:** Attach your other property information to the stub above with a check in the amount of \$189.00 per property, made payable to Property Tax Review Board. Upon receipt of your service fee, Property Tax Review Board will thoroughly review your individual property value.

1 VERIFICATION

2 STATE OF ARIZONA)  
3 County of Maricopa ) ss

4 FRANCISCO V. ARVIZU, being first duly sworn, upon his oath states as follows:

5 1. I am an Investigator for the Consumer Protection and Advocacy Section of the  
6 Arizona Attorney General's Office and am duly authorized to make this verification.

7 2. I have read the foregoing Verified Complaint and Application for Temporary  
8 Restraining Order, Preliminary and Other Relief.

9 3. The statement contained therein are true and correct to the best of my  
10 knowledge, information and belief.

11 4. Further Affiant sayeth not.

12  
13 Francisco V. Arvizu  
14 FRANCISCO V. ARVIZU

15 SUBSCRIBED AND SWORN to before me this 13<sup>th</sup> day of August, 2009.

16  
17 Joann Zychlewicz  
18 Notary Public

19 My Commission Expires:

20  
21 October 24, 2012

