

IN THE SUPREME COURT, STATE OF WYOMING

2026 WY 103

APRIL TERM, A.D. 2026

September 23, 2026

JANIS D. GUMMEL,

Appellant
(Petitioner),

v.

LARAMIE COUNTY ASSESSOR,

Appellee
(Respondent).

S-26-0038

*Appeal from the District Court of Laramie County
The Honorable Catherine R. Rogers, Judge*

Representing Appellant:

Janis D. Gummel, pro se.

Representing Appellee:

Mark T. Voss, Laramie County Attorney, Cheyenne, Wyoming.

Before BOOMGAARDEN, C.J., and GRAY, FENN, JAROSH, and HILL, JJ.

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GRAY, Justice.

[¶1] Janis D. Gummel appealed the Laramie County Assessor’s (Assessor) valuation of her home to the Laramie County Board of Equalization (County Board). After a contested case hearing, the County Board remanded the matter to the Assessor to downgrade the condition of the home from average to fair. We reverse the County Board’s decision.

ISSUE

[¶2] We restate the issue as:

Was the County Board’s decision requiring the Assessor to downgrade the condition of Ms. Gummel’s home from average to fair supported by substantial evidence?¹

FACTS

[¶3] Ms. Gummel owns a one-story home in an older neighborhood in Laramie County, Wyoming. In April 2024, the Assessor issued a Notice of Assessment to Ms. Gummel valuing her home at \$188,822. Ms. Gummel contacted the Assessor’s office and objected to the valuation of her home. Field appraisers from the Assessor’s office visited her home and inspected its interior and exterior. According to the Assessor, they found “the basement really wasn’t a basement [but] kind of a dug-out type cellar,” and the basement was reclassified as an “outbuilding basement.” That change resulted in a new valuation of \$167,996. Unsatisfied with that value, Ms. Gummel contacted the Assessor, who noticed a “slight error between [file] notes [and] the [Computer Assisted Mass Appraisal (CAMA)] system.” This error reduced the home’s value to \$164,939, which resulted in an estimated tax of \$1,108. In all three valuations, the Assessor rated the condition of Ms. Gummel’s home as average and the quality of her home as low.

[¶4] Ms. Gummel filed a pro se appeal of the \$164,939 valuation of her property to the County Board. She asked that the value of her home be lowered to at least \$130,000 and that her taxes not exceed \$1,000. The County Board held a contested case hearing. During the hearing, Ms. Gummel testified or offered evidence showing she purchased her home in 2021 for approximately \$150,000. At that time, her property taxes were \$858. Although the home is listed at 1,100 square feet, Ms. Gummel claimed her actual living space is 552 square feet because the basement is concrete, is not livable space, and does not have a drain which makes it subject to flooding. She said the home has lath and plaster walls and rock

¹ Ms. Gummel raises two other issues in her pro se brief: (1) whether the classification of her home as average condition is arbitrary and capricious and (2) whether that classification results in unequal tax treatment. Because these issues are not supported by cogent argument, we decline to address them. *See Sorum v. Sikorski*, 2026 WY 91, ¶ 2, — P.3d —, — (Wyo. 2026).

wool insulation and claimed its only value is its .13 acre lot. Since she purchased the home, the only thing she has done to the home is add solar panels, which she asserted “have done nothing for [her] home [because they] [s]hould easily power [her] home, [but do] not.” Ms. Gummel submitted, without objection, a single exhibit consisting of, among other things, the 2021 real estate listing for her home with a picture of its front exterior and recent (2024) real estate listings for nine other homes in her neighborhood. Using this exhibit, Ms. Gummel compared her home to the nine other homes, claiming her home was less valuable but assessed higher than these homes.² She also argued it is unfair to value her home based on the sales of other homes in her neighborhood because “every house is different.”

[¶5] The Assessor testified he has worked in the Laramie County Assessor’s Office for over 31 years and is very familiar with Wyoming’s property tax statutes and the Wyoming Department of Revenue’s rules and regulations. He stated he is a certified Wyoming tax appraiser with over 1,000 hours of education and is a member of the International Assessing Association of Officers. The Assessor explained the process he uses to value residential property within the county. Every year, he receives new costs of building materials and local and cost multipliers from Marshall & Swift, a national costing company, and inputs this information into the CAMA system. Starting each property at zero value, he uses the CAMA system and the specific characteristics of the property to arrive at the property’s “replacement cost new less depreciation” value. The Assessor then multiplies that value by a ratio calculated by comparing the “replacement cost new less depreciation” values and the sales prices of homes in the property’s neighborhood (market adjustment factor). He then adds in the value of the land. The Assessor applied this process to Ms. Gummel’s home. Using the CAMA system and the specific characteristics of her home, he calculated a “replacement cost new” value of \$105,000. He subtracted \$44,656 in depreciation to arrive at a “replacement cost new less depreciation” value of \$60,746. Based on home sales in her neighborhood, he multiplied the “replacement cost new less depreciation” value by 2.15 (the market adjustment factor) to arrive at a fair market value of \$130,604. The Assessor then added in the “replacement cost new less depreciation” value of her storage shed (\$591) and the value of her lot (\$33,744) for a total fair market value of \$164,939.

[¶6] After Ms. Gummel cross-examined the Assessor, the hearing was open to questions from the County Board members. A member asked the Assessor how he determined the “quality and condition” of Ms. Gummel’s home. The Assessor stated that quality and condition are determined from guidelines developed by Marshall & Swift. He explained a home’s condition may be classified as poor, fair, average, or good. He described poor, fair, and average conditions:

² The Assessor testified that two of the homes Ms. Gummel relied upon as comparators could not be considered in determining the fair market value of her home because neither was sold on the open market, as one was a foreclosure sale and the other was sold by the U.S. Department of Housing and Urban Development (HUD).

[An] average home is maintained to the age of the house. Upgrades have been made to the house to keep [it] in livable condition. Anything below an average condition house, then it starts to limit. A fair house is very unattractive. It starts talking about . . . functional parts of the home that [are] no longer being used to [their] ability. It talks about the siding is very unattractive and starting to need replaced. And, of course, once you get to poor, then it's uninhabitable.

The Assessor testified quality ranges from low to excellent. He said when the field appraisers visited Ms. Gummel's home it was "just a little box home, pretty much flat on the ground." Using Marshall & Swift guidelines, the field appraisers determined the home's quality was low.

[¶7] When the County Board member asked if there was "any leeway to move the condition from average to fair," the Assessor responded:

If the field appraisers thought the overall condition of the house was fair, yes, we could do that. But as the field appraisers went out there, they believed the house fit the average house for a . . . 1943 house. It was an average condition house for a 1943 house.

In response to this line of questioning, Ms. Gummel argued her home "is not average. I would say it is fair condition. It's . . . livable, but it still needs work." A County Board member then asked the Assessor what effect changing the condition of the home from average to fair would have on its fair market value. The Assessor stated he would need time to calculate the new value.

[¶8] When the County Board met to deliberate on Ms. Gummel's appeal, one member moved to remand the matter back to the County Assessor to change the condition of her home from average to fair. While he "hate[d] to argue with staff or overcome the staff," he believed lowering the condition of the house from average to fair was warranted based on its age and the condition of the house as depicted in pictures. A different County Board member seconded the motion. He maintained the Board should be cautious in arbitrarily changing the condition of homes but explained that "if we assume that the comparables [relied upon by Ms. Gummel] are average, I think she effectively demonstrated that . . . the condition of hers was less than those comparables; therefore, I think it warrants that change from . . . average to fair."³ Another Board member commented he had looked at the

³ As the Board member acknowledged, there were "faults" in his reasoning because there was no evidence regarding the condition ratings of Ms. Gummel's comparables.

pictures and, based on the information provided, a downgrade from “average” to “fair” condition was appropriate. The County Board voted 3-2 in favor of remanding the matter to the Assessor to change the condition of Ms. Gummel’s home from average to fair. In its written order remanding the matter to the Assessor, the County Board found Ms. Gummel “provided evidence and testimony that her house had not been updated and needed a lot of work. [She] further testified that the home is not average condition but she believed the condition of the house was fair.” It concluded she had presented “credible evidence sufficient to show that the condition of the house should be downgraded from average to fair.”

[¶9] The Assessor appealed to the Wyoming State Board of Equalization (State Board), which reversed the County Board’s decision. The State Board concluded the decision was not supported by substantial evidence:

The County Board received almost no evidence about the actual condition of Ms. Gummel’s home, and almost no evidence about how condition ratings are assigned. While we cannot fault the County Board members for wanting to do something to help Ms. Gummel, the evidence simply cannot overcome the rebuttable presumption that an experienced Assessor and his qualified staff got it right when they assigned the condition rating.

Ms. Gummel timely filed a pro se petition for judicial review of the State Board’s decision. The district court summarily affirmed the State Board’s decision. Ms. Gummel timely appealed to this Court.

STANDARD OF REVIEW

[¶10] We review the County Board’s decision pursuant to Wyo. Stat. Ann. § 16-3-114(c), which, in pertinent part, states that the reviewing court shall:

(ii) Hold unlawful and set aside agency action, findings and conclusions found to be:

. . . .

(E) Unsupported by substantial evidence in a case reviewed on the record of an agency hearing provided by statute.

Wyo. Stat. Ann. § 16-3-114(c)(ii)(E) (LexisNexis 2025). “Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support the decision.

A finding of fact is supported by substantial evidence if, from the evidence preserved in the record, we can discern a rational premise for it.” *Contango Res., LLC v. Fremont Cnty.*, 2025 WY 29, ¶ 24, 565 P.3d 167, 174 (Wyo. 2025) (citations and internal quotation marks omitted).

DISCUSSION

[¶11] Ms. Gummel argues the district court erred in affirming the State Board’s decision because the classification of her home as average is not supported by substantial evidence. We are not reviewing the district court’s or the State Board’s decisions but rather the County Board’s decision. See *Teton Cnty. Assessor v. Aspen S, LLC*, 2024 WY 30, ¶ 9, 545 P.3d 427, 430 (Wyo. 2024) (“We are reviewing only the decision of the Teton County Board of Equalization. Although the State Board of Equalization and the district court conducted appellate type reviews, our concern is solely with the decision of the agency acting as a fact finder—here the County Board of Equalization.” (citing *Union Pac. R.R. Co. v. Wyo. State Bd. of Equalization*, 802 P.2d 856, 859 (Wyo. 1990))); *Gray v. Converse Cnty. Assessor*, 2023 WY 116, ¶ 6, 539 P.3d 107, 110 (Wyo. 2023) (stating our review is focused on the County Board’s decisions, and we do not defer to the State Board’s or district court’s decisions). Reframing Ms. Gummel’s argument accordingly, she contends the County Board’s decision requiring the Assessor to downgrade the condition of her home from average to fair was supported by substantial evidence. We disagree.

[¶12] “The Wyoming Constitution mandates the Wyoming Legislature to value real and personal property equally and uniformly.” *Gray*, ¶ 17, 539 P.3d at 113 (citing Wyo. Const. art. 15, § 11(a), (d)).

To that end, the legislature has directed that all taxable property must be valued at its fair market value for property tax purposes, and it has tasked the Department of Revenue with “prescrib[ing] by rule and regulation the appraisal methods and systems for determining fair market value using generally accepted appraisal standards[.]”

Johnston v. Ernst, 2026 WY 2, ¶ 24, 581 P.3d 1120, 1125 (Wyo. 2026) (quoting Wyo. Stat. Ann. § 39-13-103(b)(ii)). The Department of Revenue’s rules allow county assessors to determine fair market value via the cost approach, which is defined as “a method of estimating value by summing the land value, where applicable, with the depreciated value of improvements.” Wyo. Dept. of Rev. Rules & Regulations, ch. 9, § 5(b)(ii) (2016). Under this approach, the “replacement cost new less depreciation” value is calculated in the CAMA system using Marshall & Swift cost tables and then adjusted by the market adjustment factor. *Id.*, §§ 4(a)(xxi), 5(b)(ii), 6(a)(iv).

[¶13] In this case, the Assessor used the cost approach to determine the fair market value of Ms. Gummel’s home. Ms. Gummel does not challenge the Assessor’s use of the cost approach but claims he misclassified her home’s condition as average rather than fair. In addressing this argument, “we recognize that a ‘strong presumption favors the county assessor’s valuation.’” *Contango Res.*, ¶ 27, 565 P.3d at 174 (quoting *Mountain Vista Ret. Residence v. Fremont Cnty. Assessor*, 2015 WY 117, ¶ 12, 356 P.3d 269, 273 (Wyo. 2015)) (citing Wyo. Stat. Ann. § 39-13-109(b)(i)). This presumption creates shifting burdens:

[Ms. Gummel] had the initial burden of presenting credible evidence to overcome the presumption. If [she] had met that burden, the burden would have shifted to the Assessor to defend the valuation. [Ms. Gummel] had the ultimate burden of persuasion to prove, by a preponderance of the evidence, that the Assessor’s valuation[] w[as] not derived in accordance with the required constitutional and statutory requirements for valuing property.

Contango Res., ¶ 28, 565 P.3d at 174–75 (citations and internal quotations omitted). See also *Gray*, ¶ 19, 539 P.3d at 113–14 (to rebut the presumption in favor of a county assessor’s valuation, a taxpayer must “present credible evidence that ‘is relevant, material or not repetitious, including expert opinion testimony’”; “[t]he burden is on [the taxpayer] to establish any [overvaluation]’ by the County Assessor” (quoting Wyo. Stat. Ann. § 39-13-109(b)(i) and *Hillard v. Big Horn Coal Co.*, 549 P.2d 293, 294 (Wyo. 1976))).

[¶14] Ms. Gummel failed to present credible evidence rebutting the presumption in favor of the Assessor’s valuation of her home, in particular, his rating the condition of her home as average. At the contested case hearing, she provided minimal evidence on the condition of her home, and there was no evidence on the impact a condition rating has on a home’s value or what effect the average condition rating had on the valuation of Ms. Gummel’s home. Ms. Gummel testified her home is small, old, and has lath and plaster walls and rock wool insulation. The field appraisers were aware of this information when they physically inspected the home. Based on their inspection and Marshall & Swift guidelines, they determined the home was in average condition for the year it was built. Ms. Gummel stated “[e]verything is original on [her] home” and she has not updated it since she purchased it. She did testify that she had added solar panels. She did not tie this testimony to the Marshall & Swift cost tables or condition guidelines or explain what, if any, difference it would make to the calculation. Ms. Gummel claimed her home does not have a usable basement, but the Assessor accounted for the lack of a livable basement by downgrading the basement to an outbuilding basement, which lowered the fair market value of her home by \$20,826. On appeal, Ms. Gummel argues the condition rating of her home as average is inconsistent with its classification as low quality. Nothing in the record supports or contradicts that a home cannot be of both average condition and low quality. The only discussion in the record of how a home’s condition and quality affect valuation

came from the Assessor. Aside from his response to a County Board member's question about changing the home's condition from average to fair—he said he would need time to calculate a new value—his testimony supported the valuation of Ms. Gummel's home.

[¶15] In arriving at its decision that the condition of Ms. Gummel's home should be changed from average to fair, the County Board relied on photographs of the home. The only photographs of Ms. Gummel's home presented to the County Board were two small pictures of the front exterior. These pictures do not capture the interior of Ms. Gummel's home or the remainder of its exterior. They fail to provide a basis to override the field appraisers' judgment—grounded in their inspection of the interior and exterior of the home and their knowledge of the Marshall & Swift guidelines—that the condition of Ms. Gummel's home was average. The County Board also relied on Ms. Gummel's statement that her home is in fair condition because "it's livable, but it still needs work." Ms. Gummel failed to present any evidence of the "work" needed on the home or that "functional parts of the home [are] no longer being used to [their] ability," as required by the Assessor's criteria for a fair rating.

[¶16] The County Board's decision remanding the matter to the Assessor to downgrade the condition of Ms. Gummel's home from average to fair is not supported by substantial evidence. We reverse that decision.