

Hearing Agenda

Date: September 12, 2023

Time: 10:00 am

Main Location:

**Grant Sawyer Building
Governor's Office of Economic
Development Conference Room
555 E. Washington Ave, Room 5400
Las Vegas, NV 89101**

Public Location for Video Conference:

[Register for Public Hearing](#)

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1. Call to Order
 2. Public Comments
 3. Hearing Officer's Comments
 4. **Transferable Tax Credit Application for GOED Approval:**
 - A. **Desert Dawn Film Productions LLC**
Production Type: Feature Film
 5. Public Comments
 6. Adjournment
- For Possible Action**

NOTE (1) THIS NOTICE HAS BEEN POSTED NO LATER THAN THREE WORKING DAYS PRIOR TO THE MEETING AT THE FOLLOWING LOCATIONS:

- a. GOED website www.goed.nv.gov
- b. Nevada Public Notice website <http://notice.nv.gov>

NOTE (2) Persons with disabilities who require special accommodations or assistance at the meeting should notify Kim Spurgeon, Nevada Film Office, 555 E. Washington Ave, Suite 5400, Las Vegas, NV 89101, (702)-486-2711, kspurgeon@nevadafilm.com on or before the close of business two business days prior to the meeting date.

NOTE (3) The Nevada Film Office reserves the right to take items in a different order, combine items for consideration and/or pull or remove items from the agenda at any time to accomplish business in the most efficient manner.

NOTE (4) All comments will be limited to 3 minutes per speaker. Comment based on viewpoint may not be restricted. No action may be taken upon a matter raised under the public comment period unless the matter itself has been specifically included on an agenda as an action item. Prior to the commencement and conclusion of a contested case or quasi-judicial proceeding that may affect the due process of individuals; the Nevada Film Office may refuse to consider public comment. Public comments may be submitted in advance to the Nevada Film Office, (702) 486-2711, or Kim Spurgeon, kspurgeon@nevadafilm.com, no later than one business day prior to the meeting date. See NRS 233b.126.

NOTE (5) For supporting material please contact Kim Spurgeon, 555 E. Washington Ave, Suite 5400, Las Vegas, NV 89101, (702) 486-2711, kspurgeon@nevadafilm.com. Materials may be obtained at the following public locations: GOED website www.goed.nv.gov.

STATE OF NEVADA

Application for Certificate of Eligibility for the Nevada Transferable Tax Credit Program

Note: This application is considered public record.

I PRODUCTION COMPANY INFORMATION

A. Full Legal Name of Production Company to receive the tax credit

Company Name: DESERT DAWN FILM PRODUCTIONS LLC

Company Address: 9539 ADOBE ARCH CT

City: LAS VEGAS

State: NV

Zip Code: 89148

B. Contacts

Primary Contact: CARLOS RINCON

Title: EXECUTIVE PRODUCER

Phone: 213-534-3139

Email: CARLOS@PREMIEREENT.COM

Other contacts authorized to discuss this form (if applicable):

ELIAS AXUME, AL BRAVO, FRANK DEMARTINI, OSCAR AXUME

II PRODUCTION INFORMATION

A. Production Title	DESERT DAWN
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B. Type of Production	FEATURE FILM
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C. Will this production contain any obscene or sexually explicit material? If so, please explain.

NO

E. Name of Producer(s)	ELIAS AXUME, AL BRAVO
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F. Name of Director(s)	MARTY MURRAY
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G. Name(s) of Principal Cast	KELLAN LUTZ, CAM GIGANDET
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III PROPOSED SCHEDULE AND LOCATIONS

	In Nevada ^[1]	Everywhere
A. Pre-production Start Date	08/23/2023	
B. Production Start Date	09/13/2023	
C. Post-production Start Date		10/2/2023
D. Project Completion Date	12/4/2023	

^[1] NRS 360.7591(1) Qualified direct production expenditures must be for purchases rentals or leases of tangible personal property or services from a Nevada business during the period in which a qualified production is produced. The first date of pre-production in Nevada is the first day of the qualified production period.

STATE OF NEVADA

Application for Certificate of Eligibility for the Nevada Transferable Tax Credit Program

III PROPOSED SCHEDULE AND LOCATIONS (CONTINUED)		
E. List of Nevada filming locations		
SHERIFF'S OFFICE, INTERROGATION ROOM, MORGUE, MOTEL, HOTEL, RESIDENTIAL HOMES, APARTMENT, MEDICAL ROOM,		
NIGHT CLUB, RESTAURANT, WOMEN'S SHELTER, EXTERIOR SHOTS OF THE CITY		
F. Will any filming days take place in any of the following counties: Carson City, Churchill, Douglas, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Lyon, Mineral, Nye, Pershing, Storey, Washoe, White Pine? If so, indicate which counties and number of filming days in each.		
NO		
G. Are postproduction costs included in this application? ^[1]	NO	
IV ATTACHMENTS		
<input checked="" type="checkbox"/>	Attachment 1:	Script, storyboard, or synopsis of the production.
<input checked="" type="checkbox"/>	Attachment 2:	Explanation of how the proposed production is in the economic interest of Nevada, including marketing & distribution plans. ^[2]
<input checked="" type="checkbox"/>	Attachment 3:	Summary budget or top sheet for the entire production.
<input type="checkbox"/>	Attachment 4:	Proposed Capital Investment in real property and other tangible personal property purchased (if applicable).
<input checked="" type="checkbox"/>	Attachment 5:	Completed Incentive Calculation Worksheet, including separate subtotals for costs incurred within and outside of Nevada, above the line, below the line, Nevada residents and non-Nevada residents; as well as disallowed expenditures, and a jobs summary. It must show at least \$500,000 and 60% of the total budget is incurred in Nevada.
<input checked="" type="checkbox"/>	Attachment 6:	Proof of adequate financing, that (a) Seventy percent or more of the funding for the qualified production has been obtained; or (b) the Production Company has a corporate credit rating of "lower medium grade" or higher from a credit rating agency found suitable by the Office.
V AGREEMENTS AND ACKNOWLEDGEMENTS		
CR	(initial)	(A) I certify that the Production Company has, or will, secure all licenses, registrations and other filings required to do business in each location in Nevada at which the production will be produced.
CR	(initial)	(B) I agree and acknowledge that this is a qualified production as defined in NRS 360.7586.
CR	(initial)	(C) I agree and acknowledge that the production must be completed within 18 months after the date of commencement of principal photography.
CR	(initial)	(D) I agree and acknowledge that the Production Company will pay for a final audit by a Nevada independent certified public accountant approved by the Office. The audit will include an itemized report of direct production expenditures, show at least \$500,000 was incurred in Nevada, and submit to the Office not later than 270 days after completion of the Production.

^[1] At least 60% of the direct production expenditures for pre-production, production, and post-production must be incurred in Nevada as qualified direct production expenditures. However, if all post-production will be completed outside of Nevada, then post-production expenditures can be withheld from the 60% calculation.

^[2] Due to funding caps in the transferable tax credits for film and other productions program, priority shall be given to applications that are in the economic interest of the State and promote tourism to Nevada.

STATE OF NEVADA

Application for Certificate of Eligibility for the Nevada Transferable Tax Credit Program

V AGREEMENTS AND ACKNOWLEDGEMENTS (CONTINUED)		
CR	(initial)	(E) I agree and acknowledge that the Production Company shall provide a Declaration of Residency, with sufficient evidence, which will be a required part of the audit package for all cast and crew claimed to have Nevada residency during the production.
CR	(initial)	(F) I agree and acknowledge that the Production Company will repay to the Department or the State Gaming Control Board, as applicable, any portion of the transferable tax credits to which the producer is not entitled if found to have submitted any false statement, representation or certification in any document for the purpose of obtaining Transferable Tax Credits, or who otherwise becomes ineligible for transferable tax credits after receiving the transferable tax credits.
CR	(initial)	(G) I agree and acknowledge that the Production Company shall provide proof of insurance certificate, binder or quote for general liability insurance totaling \$1,000,000 or more at the start of production.
CR	(initial)	(H) I agree and acknowledge that the Production Company shall provide proof that the production meets the applicable requirements relating to worker's compensation insurance at the start of production.
CR	(initial)	(I) I agree and acknowledge that the State of Nevada may withhold, in whole or in part, any portion of the tax credits until any pending legal action in the State against the producer or qualified production is resolved.
CR	(initial)	(J) I agree and acknowledge that expenditures and costs which provide a pass-through benefit to a person or business who is not a Nevada resident or business (as defined in NRS 360.7583), are not qualified expenditures and are not eligible to serve as a basis for transferable tax credits, as described in NRS 360.7591(2) through NRS 360.7591(3).
CR	(initial)	(K) I acknowledge that a public hearing is required regarding this application.
CR	(initial)	(L) I agree and acknowledge that the Production Company will not be issued a Transferable Tax Credit Certificate until all required documentation and materials are submitted to the Office.
CR	(initial)	(M) I agree and acknowledge that the production will include a Nevada Film Office logo provided by the Office within the end screen credits, as described in NRS 360.759(3)(g).

VI OATH AND SIGNATURE

Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, it and all of the attached information are true and correct.

<i>Carlos Rincon</i>	07/26/23
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Signature of Authorized Representative

Date (mm/dd/yy)

CARLOS RINCON	EXECUTIVE PRODUCER
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Print Name

Title

**STATE OF NEVADA
INCENTIVE CALCULATION WORKSHEET
JOBS SUMMARY**

Instructions: Include totals for all work performed both inside and outside of Nevada. Separate cast and crew into anticipated Nevada residents and non-Nevada residents. Input the number of crew members, anticipated total hours worked, total wages, and total fringes. The wage and fringe totals for Nevada resident labor performed in Nevada (cell G17) and above-the-line non-resident labor performed in Nevada (cell G21) should match the corresponding labor column totals on the Budget Breakdown sheet.

Production Company: **DESERT DAWN FILM PRODUCTIONS LLC**

Production Title: **DESERT DAWN**

PRODUCTION HIRES:	CREW COUNT:	HOURS WORKED:	TOTAL WAGES:	TOTAL FRINGES:	WAGE & FRINGE TOTAL	WAGE HOURLY RATE:	WAGE & FRINGE HOURLY RATE:	FTE
NEVADA RESIDENT LABOR PERFORMED IN NEVADA:								
ATL NEVADA RESIDENT LABOR:	4	1,360	\$ 313,247	\$ 7,058	\$ 320,305	\$ 230.33	\$ 235.52	0.7
BTL NEVADA RESIDENT LABOR (not including extras):	32	8,458	\$ 227,725	\$ 9,031	\$ 236,756	\$ 26.92	\$ 27.99	4.1
NEVADA RESIDENT EXTRAS:	15	150	\$ 4,500	\$ 412	\$ 4,912	\$ 30.00	\$ 32.75	0.1
TOTAL NEVADA LABOR:	51	9,968	\$ 545,472	\$ 16,501	\$ 561,973	\$ 54.72	\$ 56.38	4.8
NON-NV RESIDENT LABOR PERFORMED IN NEVADA:								
ATL NON-NEVADA RESIDENT LABOR:	31	5,290	\$ 480,000	\$ 12,470	\$ 492,470	\$ 90.74	\$ 93.09	2.5
BTL NON-NEVADA RESIDENT LABOR:					\$ -			0.0
TOTAL NON-NEVADA LABOR:	31	5,290	\$ 480,000	\$ 12,470	\$ 492,470	\$ 90.74	\$ 93.09	2.5
ALL LABOR PERFORMED OUTSIDE OF NEVADA:								
ATL LABOR PERFORMED OUTSIDE OF NEVADA:	1	240	\$ 26,425		\$ 26,425	\$ 110.10	\$ 110.10	0.1
BTL LABOR PERFORMED OUTSIDE OF NEVADA:	8	1,690	\$ 183,321		\$ 183,321	\$ 108.47	\$ 108.47	0.8
TOTAL LABOR PERFORMED OUTSIDE OF NEVADA:	9	1,930	\$ 209,746	\$ -	\$ 209,746	\$ 108.68	\$ 108.68	0.9
TOTAL LABOR:	91	17,188	\$ 1,235,218	\$ 28,971	\$ 1,264,189	\$ 71.87	\$ 73.55	8.3

**STATE OF NEVADA
INCENTIVE CALCULATION WORKSHEET
COMPENSATION LIMITS**

Instructions: Change cast and crew titles as needed. All producers on the production should be included in the producer subtotals. Include any entity (individual or loan-out) whose wage and fringe total will exceed \$750,000. [1] Include totals only for work performed in Nevada.

Production Company: **DESERT DAWN FILM PRODUCTION**
Production Title: **DESERT DAWN**

Nevada Residents					
	Salary & Fringe Total	Maximum Allowed	Disallowed Expenditure	Remaining Allowed	% of NV Total Spend
Above the Line					
Executive Producer	-	750,000	-	-	0.0%
Producer	182,500	750,000	-	182,500	14.7%
Associate Producer	-	750,000	-	-	0.0%
(additional producers)	-	750,000	-	-	0.0%
(additional producers)	-	750,000	-	-	0.0%
Subtotal All Producers	182,500		-	182,500	14.7%
Limit on Producers	10.0%	123,981	58,519	123,981	
Director	-	750,000	-	-	
Lead Actor	-	750,000	-	-	
Supporting Actor	123,247	750,000	-	123,247	
Supporting Actor	-	750,000	-	-	
(additional items)	-	750,000	-	-	
(additional items)	-	750,000	-	-	
(additional items)	-	750,000	-	-	
Subtotal Other Nevada ATL	123,247		-	123,247	
Total Nevada	305,747		58,519	247,228	
Total Nevada Expenditures	1,239,810				

Non-Nevada Residents					
	Salary & Fringe Total	Maximum Allowed	Disallowed Expenditure	Remaining Allowed	% of NV Total Spend
Above the Line					
Executive Producer	300,000	750,000	-	300,000	24.2%
Producer	-	750,000	-	-	0.0%
Associate Producer	-	750,000	-	-	0.0%
(additional producers)	-	750,000	-	-	0.0%
(additional producers)	-	750,000	-	-	0.0%
Subtotal All Producers	300,000		-	300,000	24.2%
Limit on Producers	5.0%	61,991	238,010	61,991	
Director	30,000	750,000	-	30,000	
Lead Actor	150,000	750,000	-	150,000	
Supporting Actor	-	750,000	-	-	
Supporting Actor	-	750,000	-	-	
(additional items)	-	750,000	-	-	
(additional items)	-	750,000	-	-	
(additional items)	-	750,000	-	-	
Subtotal Other Non-Nevada ATL	180,000		-	180,000	
Total Non-Nevada	480,000		238,010	241,991	
Total Nevada Expenditures	1,239,810				

[1] NRS 360.7594(3) For the purposes of calculating qualified direct production expenditures: (a) The compensation payable to all producers who are Nevada residents must not exceed 10 percent of the portion of the total budget of the qualified production that was expended in or attributable to any expenses incurred in this State. (b) The compensation payable to all producers who are not Nevada residents must not exceed 5 percent of the portion of the total budget of the qualified production that was expended in or attributable to any expenses incurred in this State. (c) The compensation payable to any employee, independent contractor or any other person paid a wage or salary as compensation for providing labor services on the production of the qualified production must not exceed \$750,000.

**STATE OF NEVADA
INCENTIVE CALCULATION WORKSHEET
SUMMARY**

Instructions: Complete the number of production days. The rest of the form will auto-calculate based on inputs in previous worksheets.

Production Company: DESERT DAWN FILM PRODUCTIONS LLC
Production Title: DESERT DAWN

Date: 7/26/2023

Fiscal Year Funding: 2022

	Pre-Production	Production	Post-Production	Total	Production days in a rural county
Total days in Nevada	10	15		25	
Total days Outside of Nevada			60	60	
Total Days	10	15	60	85	0%

	Number of Personnel	Expenditure Amount	Disallowed Expenditures	Qualified Expenditures	Incentive Rate	Incentive Amount
Total Nevada Personnel Expenditures (Above the Line) Limit on compensation	4	320,305	58,519	261,786	15%	39,268
Total Non-Nevada Personnel Expenditures (Above the Line) Limit on compensation	31	492,470	238,010	254,461	12%	30,535
Total Nevada Personnel Expenditures (Below the Line) Excluding extras	32	236,756		236,756	15%	35,513
Total Nevada Personnel Expenditures (Extras)	15	4,912		4,912	15%	737
Percentage of Nevada Personnel (BTL)-for additional 5% [1]	83%					

Total Nevada Personnel Expenditures	561,973	58,519
Total Qualified Non-NV Personnel Expenditures incurred in NV	492,470	238,010
Total Personnel Expenditures incurred in NV	1,054,443	296,529

Total Nevada Direct Production Expenditures	214,338	214,338	15%	32,151
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Total Qualified Nevada Expenditures	1,268,781	296,529	972,253
Total Non-Qualified Expenditures	157,846	157,846	1,130,099
Total Budget	1,426,627	296,529	1,130,099

Percentage of NV to Total Qualified Expenditures, must >60% [2]	86%		
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Additional Incentives

Additional 5% incentive if >50% of BTL personnel are NV residents [3]	972,253	5%	48,613
Additional 5% incentive if >50% filming days occurred in rural county [4]	-	5%	-

Projected Incentive Total [5]	\$ 186,817		
Effective Incentive Rate	13.1%		

Proof of Funds amount Production Company must show obtained [6] (70% of total Budget)	\$ 998,639		
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- [1] NRS 360.7592(3) For the purposes of paragraph (a) of subsection 2: (a) Except as otherwise provided in paragraph (b) of this subsection, the percentage of the below-the-line personnel who are Nevada residents must be determined by dividing the number of workdays worked by Nevada residents by the number of workdays worked by all below-the-line personnel. (b) Any work performed by an extra must not be considered in determining the percentage of the below-the-line personnel who are Nevada residents.
- [2] NRS 360.759(3) To be eligible for transferable tax credits pursuant to this section, a production company must: (d) Provide proof satisfactory to the Office that at least 60 percent of the direct production expenditures for: (1) Preproduction; (2) Production; and (3) If any direct production expenditures for postproduction will be incurred in this State, postproduction; of the qualified production will be incurred in this State as qualified direct production expenditures.
- [3] NRS 360.7592(2) Except as otherwise provided in subsections 3 and 4 and NRS 360.7594, in addition to the base amount calculated pursuant to subsection 1, transferable tax credits issued to an eligible production company pursuant to NRS 360.759 must include credits in an amount equal to: (a) An additional 5 percent of the qualified direct production expenditures if more than 50 percent of the below-the-line personnel of the qualified production are Nevada residents.

**STATE OF NEVADA
INCENTIVE CALCULATION WORKSHEET
SUMMARY**

- ^[4] NRS 360.7592(2) Except as otherwise provided in subsections 3 and 4 and NRS 360.7594, in addition to the base amount calculated pursuant to subsection 1, transferable tax credits issued to an eligible production company pursuant to NRS 360.759 must include credits in an amount equal to: (b) An additional 5 percent of the qualified direct production expenditures if more than 50 percent of the filming days of the qualified production occurred in a county in this State in which, in each of the 2 years immediately preceding the date of application, qualified productions incurred less than \$10,000,000 of qualified direct production expenditures.
- ^[5] NRS 360.7594(2) The transferable tax credits issued to any production company for any qualified production pursuant to NRS 360.759: (a) Must not exceed a total amount of \$6,000,000.
- ^[6] NRS 360.759(3) To be eligible for transferable tax credits pursuant to this section, a production company must: (c) Provide proof satisfactory to the Office that 70 percent or more of the funding for the qualified production has been obtained.

Logline

A newly appointed small-town sheriff and his begrudging deputy get tangled up in a web of lies and corruption involving shady businessmen and the cartel while investigating the murder of a mysterious woman.

Synopsis

Just as LUKE EASTON is sworn in as new town sheriff, he's immediately confronted with a mysterious homicide involving the apparent suicide of a well-dressed man, BYRON CRESSMAN, inside of a car on the desert road. On the dead man's cell phone, Luke finds several texts and photos of a dead girl—the image of this mysterious dead woman consumes him as he obsesses over her identity. Inside the car, Luke also finds five million dollars in cash. The sheriff begins to piece together the clues leading him to a meeting with a local attorney, KITCHER MORRIS, who he discovers to be working for a shady businessman from Phoenix named JACK DANES. Eventually, Luke learns that the five million dollars was stolen from the cartel and to be delivered to Danes by the dead driver Cressman who planned to double-cross Danes, resulting in the death of the woman, Miranda, from his phone. However, with two dangerous syndicates on his trail, Luke and his deputy are running out of time to find the true identity of the mysterious dead woman known as "Miranda".

Economic Interest for Nevada

DESERT DAWN FILM PRODUCTION LLC will employ around 50 Nevada residents, equivalent of 4.1 FTE. Qualified Nevada expenditures are over \$750,000 which will directly benefit local vendors, small business owners and the hotel industry. Exterior or establishing shots of Las Vegas will serve as a business card for the city aimed to boost tourism in Las Vegas and Nevada.

This production will offer the Nevada film crew locals an opportunity to enhance their skills up to industry standard, a chance to network with other filmmakers, and provide for their families while doing what they love best... making movies.

The movie theater industry took a big blow during the pandemic but is gradually getting back to normal with the success of films such as TOP GUN: MAVERICK and SPIDER-MAN: NO WAY HOME. While it's difficult to predict where the film will find its home, we aim to get on the major streaming platforms, VOD, and potentially a limited theatrical release in both domestic and international markets.