REPRESENTATIVE FOR PETITIONER:	Bradley Hasler, Dentons Bingham Greenebaum, LLP
REPRESENTATIVES FOR RESPONDENT:	Jess Reagan Gastineau and Brian Coppinger, Office of Corporation Counsel

BEFORE THE
INDIANA BOARD OF TAX REVIEW

CORTEVA AGRISCIENCE, LLC.,	)	Petition Nos.: 49-600-22-2-8-00334-23
	)	49-600-22-2-8-00335-23
Petitioner,	)	49-600-23-2-8-00582-23
	)	49-600-23-2-8-00583-23
v.	)	
	)	Parcel Nos.: 6018652
MARION COUNTY ASSESSOR,	)	F510176
	)	
Respondent.	)	County: Marion
	)	
	)	Assessment Years: 2022-2023

FINAL DETERMINATION

The Indiana Board of Tax Review ("Board") having reviewed the facts and evidence, and having considered the issues, now finds and concludes the following:

INTRODUCTION

1. Corteva Agriscience, LLC ("Corteva LLC"), seeks a scientific exemption under Indiana Code § 6-1.1-10-16 for a portion of the real and personal property at its corporate headquarters in Indianapolis (the "Campus"), used for research and development of herbicides, pesticides, and fungicides. Tax exempt property must be owned, operated, and used for the purpose of conferring a public benefit. Because the property is primarily used by Corteva LLC in furtherance of its commercial profit motive, the claim for an exemption fails the public benefit test and the exemption must be denied.

PROCEDURAL HISTORY

2. On April 26, 2022, and March 29, 2023, Corteva LLC filed Form 136 exemption applications seeking both real and personal property tax exemptions for the January 1, 2022, and January 1, 2023, assessment dates for property located at 9550 Zionsville Road, Indianapolis. On March 24, 2023, the Marion County Property Tax Assessment Board of Appeals ("PTABOA") issued a Form 120 determination denying the exemption applications for the January 1, 2022, assessment date.

3. On March 28, 2023, Corteva LLC timely filed Form 132 petitions with the Board challenging the PTABOA's determination regarding the 2022 assessment year. On October 4, 2023, after the maximum time for the PTABOA to act on the 2023 appeals expired, Corteva filed Form 132 petitions with the Board for 2023.

4. The parties filed a stipulation with the Board on February 20, 2025, identifying the components of the real property at issue in this appeal. *Ex. P-2.*

5. Following a continuance, the Board scheduled the matter for March 4, 2025, and Tammy Sierp, our designated administrative law judge ("ALJ"), held a three-day hearing on Corteva's petitions. Neither she nor the Board inspected the subject property.

6. Scott Clark, Michael Ford, Albert Haung, Melissa Tetrick, Jordi Cat, Tawnya McCullough, Jonathan Karty, Gabe Deaton, and Lucas Anderson testified under oath.

RECORD

7. Corteva submitted the following exhibits:

Petitioner Ex. P-1:	Corteva Site Map
Petitioner Ex. P-2:	Stipulation Identifying Real Property
Petitioner Ex. P-3	Parcel 6018652 Property Record Card (PRC)
Petitioner Ex. P-4:	Web of Science list of 305 Records
Petitioner Ex. P-5:	Corteva Agriscience's perspective and commitment to managing herbicide resistance
Petitioner Ex. P-6:	OPR&D Article "Development of Efficient Process to Prepare Methyl 4,5,6…"
Petitioner Ex. P-7:	Weed Science Article: "Metabolic cross-resistance to…"

Petitioner Ex. P-8:	Journal of Exposure Science Article: "In-silico prediction of …"
Petitioner Ex. P-9:	Remote Sensing Article: "Predicting Nitrogen Efficiencies…"
Petitioner Ex. P-10:	Elsevier Article: "Spray atomization in multiphase flows…"
Petitioner Ex. P-11:	Weed Technology Article: "Sustainable weed management…"
Petitioner Ex. P-12:	Purdue AgSeed Website prints 2/23/23
Petitioner Ex. P-13:	USDA ARS website printout
Petitioner Ex. P-14:	Hypothesis Onion Template-Confidential
Petitioner Ex. P-15:	Excerpt of Corteva Form 136 parcel F510176
Petitioner Ex. P-16:	2022 Asset Listing of Laboratory Equipment
Petitioner Ex. P-17:	2023 Asset Listing of Laboratory Equipment
Petitioner Ex. P-18:	2022 Business Tangible Personal Property Assessment Return
Petitioner Ex. P-19:	Example of 2022 Business Tangible Personal Property Assessment Return without equipment used for scientific purposes
Petitioner Ex. P-20:	2023 Business Tangible Personal Property Assessment Return
Petitioner Ex. P-21:	Example of 2023 Business Tangible Personal Property Assessment Return without equipment used for scientific purposes
Petitioner Ex. P-22:	Indiana SOS- Corteva Agriscience LLC and Centen AG LLC
Petitioner Ex. P-23:	Written Consent of Sole Member of Centen AG LLC
Petitioner Ex. P-24:	Certificate of Merger Centen AG/Corteva Agriscience
Petitioner Ex. P-25:	Report of Dr. Albert Haung dated 10/30/24
Petitioner Ex. P-26:	Purdue AgSEED Website printouts 10/25/24

8. The Respondent offered the following exhibits:

Respondent Ex. R-1:	2022 Form 113/PP Notice of Assessment/ Change
Respondent Ex. R-2:	2022 Property Tax Bill parcel F510176
Respondent Ex. R-3:	PVDNET Cash History Report 2022 payable 2023
Respondent Ex. R-4:	Jordi Cat Curriculum Vitae
Respondent Ex. R-5:	Rebuttal report of Jordi Cat
Respondent Ex. R-6:	Corteva TIF Note
Respondent Ex. R-7:	Jonathan Karty- Curriculum Vitae
Respondent Ex. R-8:	Rebuttal Report of Jonathan Karty
Respondent Ex. R-9:	2023 Form 104 Business Tangible Personal Property Return
Respondent Ex. R-10:	Respondent's Witness List

9. The official record for this matter also includes the following: (1) all pleadings, briefs, motions, and documents filed in this appeal; (2) all notices and orders issued by the Board or our ALJ; (3) transcript of the hearing[1]; (4) the parties post-hearing briefs.

OBJECTIONS

10. During the hearing, our ALJ ruled on several objections. We see no cause to revisit those objections, and we adopt our ALJ's rulings. However, our ALJ took several objections under advisement. We now turn to those objections.

11. The Assessor objected to the admission of Exhibits P-4 through P-14 on the grounds of hearsay. These exhibits consist of various documents and articles relating to the research performed by Corteva LLC. Corteva LLC argued that hearsay is admissible under the Board's procedural rules. Our procedural rules allow us to admit hearsay, with the caveat that we cannot base our final determination solely on hearsay that has been properly objected to unless it falls within a recognized exception to the hearsay rule. 52 IAC 4-6-9(d). We note that we have not solely based our final determination on these exhibits and admit them.

12. The Assessor objected to the admission of Exhibits P-4 through P-11 and P-14, a series of published articles relating to research on the Campus or similar research by public institutions, on the grounds of relevance. The threshold for relevance is low, and we find the exhibits meet that standard. We overrule the objections and admit the exhibits. The Assessor additionally objected to these exhibits based on lack of authentication. Corteva LLC argued these are business records and authentication was provided by the witness. We disagree with Corteva LLC's argument, but our streamlined proceedings are conducted under relaxed rules of evidence. 52 IAC 4-6-9. In this case, we find Corteva LLC laid sufficient foundation as to allay any due process concerns. We overrule the objections and admit the exhibits.

[1] The transcript is bound in three volumes, but the pages are numbered consecutively from 1 to 439. We will cite to the transcript, without reference to the volume, using the following format: *Tr.* at (page number).

13. The Assessor objected to Exhibits P-18, P-19, and P-21, 2022 and 2023 Business Tangible Personal Property documents, on several grounds. These documents were not copies of Corteva LLC's actual personal property tax returns, and we agree the exhibits should have been more properly labeled so as to prevent confusion. We overrule the objections because they were introduced for demonstrable purposes only.

14. The Assessor objected to Exhibits P-22 through P-24 on hearsay grounds, which consisted of documents from the Indiana Secretary of State and other corporate formation records. Without any challenge to the authenticity of these government filings and certificates, we overrule the objection and admit the exhibits.

15. The Assessor objected to the admission of Exhibit P-26, Purdue AgSEED Website Printouts, based on relevance among other reasons. We find it meets the minimal standard for relevance and overrule the objection.

16. The Assessor objected to Dr. Haung being qualified as an expert in the use of the scientific method on the grounds of lack of foundation and the type of expert being declared. We find that the Assessor laid a sufficient foundation to show that Dr. Haung had relevant training and experience to opine generally on matters related to the scientific method and more specifically in the practice of medicine and developing medical devices.

17. Corteva LLC objected to Melissa Tetrick's testimony regarding the characteristics of parcel #6018652 because the parties had stipulated to the portions of the Campus for which an exemption is sought. The stipulation did not foreclose the Assessor from presenting background on the Campus, and we overrule the objection.

18. Corteva LLC objected to Exhibit R-6, documents establishing a TIF district, on relevance and foundational grounds. We find the exhibit offers relevant background on the Campus and its ownership. We overrule the objection and admit the exhibit.

19. Corteva LLC objected to Dr. Cat being qualified as an expert in determining what is or is not science. We find Dr. Cat was an expert in the field of the history of science and could offer opinions as to how the term has historically been understood.

FINDINGS OF FACT

20. Corteva LLC is in the business of "crop protection," which is a euphemism for developing "herbicides, pesticides, and fungicides" to kill plants, insects, and fungi that might threaten a farmer's crops. *Tr.* at 29. Its headquarters are in Indianapolis. The original development of the Campus was financed with the aid of economic development incentives, including a TIF district.[2] The Campus includes facilities for the operations of the CEO, human resources, information technology, and research and development. *Tr.* at 19; *Ex. P-2.* The land and buildings for which Corteva LLC seeks an exemption are located on parcel 6018652. As stipulated by the parties, the land and improvements for which an exemption is sought include 190 acres, greenhouses, laboratories, warehouses, hazardous waste and other storage, manufacturing facilities, and a soccer field.[3] *Ex. P-1, Ex. P-2, Ex. P-3*; *Tr.* at 68-84, 233. Approximately 800 employees use the research and development facilities. *Form 136.* Corteva LLC claims that all of the stipulated portion of the Campus is predominantly used for research and development activities. *Ex. P-2.*

21. Corteva, Inc., ("Corteva Inc.") is a publicly traded corporation formed on June 1, 2019, and headquartered on the Campus. *See Attachment to Form 136, the 2021 Securities and Exchange Commission Form 10-K* (hereinafter "Form 10-K") at 3. Corteva Inc. was created when Dow-DuPont was broken into three companies, and "DuPont contributed all their agricultural assets to the ag company which in turn became Corteva LLC underneath Corteva, Inc." *Tr.* at 127; *Form 10-K* generally. "Corteva Agriscience" became the trade name of E. I. du Pont de Nemours and Company, which is listed as an entity owned by Corteva Inc. *Ex. R-6* (TIF Agreement; Exhibit E; trade name

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[2] The Assessor makes much of the existence of the tax increment finance district and the potential financial consequences for the district if the exemption were granted. The Assessor fails to direct us to any authority for the proposition that the establishment of a TIF district might preclude a property owner's eligibility for an exemption. We enter no findings of fact or conclusions of law regarding the contractual obligations under the TIF district.

[3] Corteva LLC's stipulation identified the entirety of the land as exempt, despite the admission that the corporate offices and other buildings were not exempt. *Pet'r's Ex. 2.* Relying on I.C. § 6-1.1-10-16(c) and *Johnson Cnty. Prop. Tax Assessment Bd. of Appeals v. KC Propco LLC*, 28 N.E.3d 370, 377 (Ind. Tax Ct. 2015), Corteva LLC claims that an exemption extends beyond the building's footprint and to the rest of the land. But *KC Propco* did not involve a parcel with exempt and non-exempt uses. *Id.* at 377-78 (rejecting the assessor's argument that the exemption should not extend to an unimproved portion of the parcel). The burden is on Corteva LLC to develop a rational method for excluding the non-exempt land and improvements, and support it with evidence (e.g., delineation on a map with a calculation of acreage; overall percentage of the land and improvements as measured by square footage or valuation; etc.). Corteva LLC has failed to create a record sufficient to meet this burden.

registration). In regard to the operations on the Campus, the transition from Dow-Dupont to Corteva Agriscience was a change only in corporate name and structure, not operations on the Campus.[4] At all relevant times, the Campus was used as a headquarters for a company in the business of developing crop protection products, including onsite research and development facilities.[5]

22. Corteva LLC has failed to provide the organizing documents and corporate organization or leadership charts that would fully explain the relationship between Corteva LLC and Corteva Inc. Counsel for Corteva LLC represented that "Corteva is organized for-profit, and Corteva as a company does seek to earn a profit." *Tr.* at 12. We find that Corteva Inc. functions as the parent company and sole controlling entity of Corteva LLC, which, in turn controls and operates all of the company's "agricultural assets." *Tr.* at 127; *Form 10-K* generally. We find that Corteva Inc. and Corteva LLC are both organized and operated for the same general purposes.

23. Corteva LLC makes multiple references to the research and development operations on its Campus using the phrase "Corteva's R&D group." *See generally Pet'r's Post-Hearing Br.* We find that "Corteva's R&D group" is merely a title for a division or department within Corteva LLC. No evidence establishes that "Corteva's R&D group" is a distinct legal entity. There is no evidence that "Corteva's R&D group" operates independently of Corteva LLC or has independent goals or functions. Rather, as established below, research and development is a core function of the company's business model. We find no factual basis for analyzing the research and development operations in isolation from Corteva LLC's general business purposes. Corteva LLC seeks the exemption, not "Corteva's R&D group," and eligibility for the exemption must

[4] Between 2019 and 2022, Dow-DuPont's corporate entities evolved and converged through several entities, including DowElanco, LLC, Dow Agrisciences, LLC, Centen Ag. Inc., Centen Ag LLC, and finally merged into Corteva Agriscience LLC. *See attachments to Form 136.* Corteva LLC became the sole member of Centen Ag LLC as of September 29, 2021. *Tr.* at 128. The testimony of Michael Ford establishes that "Centen AG was always part of and owned by Corteva after 2019." *Tr.* at 128.

[5] The property record card indicates the Campus was transferred from Centen Ag to Corteva LLC on December 8, 2021. *See Ex. P-3.* The move of Corteva Inc. to the Campus was effective February 8, 2022. *Form 10-K* at 26. Corteva LLC claims it owned the personal property as of January 1, 2022, and January 1, 2023. *See Pet'r's Post-Hearing Br.* at 4 citing to *Tr.* 120:17-121:4; 124:9-13; 349:12-22*; Ex. P-18, P-20.*

be based on the purposes of Corteva LLC in conducting the research activities on the campus.

24. Corteva LLC fails to cite to any business records to support the claim that its primary purpose is the "systemic pursuit of knowledge." *Form 136* at 2, 3 (sections I:5, II:1, II:3). When asked to describe "Corteva's purpose of owning the real estate and lab equipment," Scott Clark, an executive over Corteva LLC's research and development operations, responded: "we're an innovation and technology company that happens to produce some of our products." *Tr.* at 83. This testimony is outweighed by other evidence in the record. Testimony established that Exhibit P-20, Corteva LLC's personal property tax return, lists the nature of the business as "manufacturing." *Tr.* at 144. Michael Ford, who oversees accounting for Corteva LLC, admitted that the NAICS code for "farm management services" was an accurate description of its operations. *Tr.* at 145. We find that Corteva LLC is predominantly in the manufacturing and farm management business sector.

25. This conclusion finds additional support in Corteva Inc.'s filings. Corteva Inc. "aims to deliver a wide range of *improved products and services* to its customers." *Form 10-K* at 3 (emphasis added). The business "intends to leverage its rich heritage of scientific achievement to advance its robust innovation pipeline" of new products. *Id.* at 3. Crop protection is a major component of its enterprise. Corteva Inc. reported over $15B in sales, and roughly half, $7B, came from crop protection products. *Id.* at 34, 50. Research and development are accounted for as a business expense, which amounts to 8% of net sales. *Id.* at 38. We find the representations made in the SEC filings more credible than Clark's self-serving, conclusory testimony that Corteva is an innovation company that happens to produce some products. Corteva Inc. is in the business of selling products and services to farmers—innovation and technology at Corteva LLC is the means of developing those products.

26. We likewise find that Corteva LLC functions like any other subsidiary of a publicly-traded business dependent on technological or scientific innovations. Corteva Inc.'s primary focus is its 76,000 shareholders of record. *Form 10-K* at 30. Corteva Inc. has

four priorities for its operations: earnings growth, expanded profit margins, generating cash flow, and deploying capital in order to provide "attractive returns to shareholders via dividends and share repurchases." *Id.* at 34. As for public disclosures in the SEC filing, there is no evidence that Corteva Inc., or any of its subsidiaries like Corteva LLC, consider the "systemic pursuit of knowledge" as a goal or primary motivation.

27. The only evidence[6] of a non-commercial motivation or activity is the listing of 305 articles published over 5 years by researchers at Corteva LLC. *Ex's. P-4* through *P-13*. However, there is no evidence that the 800 employees conducting research at the Campus do so predominantly *for the purpose of publishing* their discoveries. Corteva LLC did not offer a log identifying how much time researchers spent on public research versus private research during 2021 or 2022. The overwhelming weight of the evidence is that the primary purpose of the research on the Campus is to find a "better mouse trap" that can be patented and sold exclusively by Corteva LLC. *Tr.* at 80.

28. Corteva Inc. "considers its intellectual property estate . . . to constitute a valuable asset of Corteva and actively seeks to secure intellectual property rights as part of an overall strategy to protect its investment in innovations and maximize the results of its research and development program." *Form 10-K* at 10. Corteva Inc. restricts "access to and distribution of its intellectual property." *Id.* at 21. It "vigilantly protects ***all*** of its intellectual property" including by civil litigation and criminal referrals. *Id.* at 10 (emphasis added). It holds over 5,500 patents in the U.S. *Id.* Clark admitted that "[a]ll of the research done [by Corteva LLC at the facility] is by us, for us," and it did not conduct any research for third parties. *Tr.* at 31. The closely-protected scientific research is what functionally enables the company to manufacture products and pursue profits.[7] We find by a preponderance of the evidence that Corteva Inc. controls Corteva

[6] Corteva LLC introduced evidence that Purdue University and the federal government conduct similar research in the subject area of crop protection. This is not factual evidence of Corteva LLC's activities.

[7] We recognize Dr. Huang's testimony that protecting and patenting research is not uncommon at nonprofits like hospitals and universities. There is no suggestion that the majority of research at universities or hospitals is kept private, or that it is primarily used to create new products that are sold for profit. In any event, hospitals and universities are typically exempt for their charitable or educational activities, not their scientific research.

LLC, and its research and development operations are conducted in conformity with Corteva Inc.'s priorities.

29. Both parties presented the testimony of expert witnesses to spar over whether the research and development activities at Corteva LLC should be considered science. We reject the testimony of Dr. Cat and Dr. Karty as irrelevant and unpersuasive. There is no dispute that Corteva LLC's research and development operations are staffed by credentialed scientists who apply the scientific method in developing new discoveries to assist in manufacturing improved herbicides, insecticides, and fungicides.[8] We have no difficulty in finding that the research and development department of a billion-dollar agriscience company uses science to guide its research and development operations.[9]

30. Considering the record as a whole, we find by a preponderance of the evidence that Corteva Inc. controls Corteva LLC, and their primary use of the research and development facilities on the Campus is to develop products that can be sold for a profit to enrich the company and its shareholders.

CONCLUSIONS OF LAW

31. The Assessor argues that the "Petitioner invites the Board to open up a Pandora's box, in which any company doing R&D could claim a scientific tax exemption . . . ." *Resp.'s Post-Trial Br.* at 9. This accurately describes the effect of the exemption claimed here. If the law grants an exemption for a scientific purpose under these circumstances, any research and development facility would be entitled to an exemption. Such a ruling would be entirely inconsistent with Indiana exemption law. The exemption statute has

[8] Neither Dr. Cat nor Dr. Karty disputed that Corteva LLC's scientists applied the scientific method in their research at the Campus. Their testimony largely amounted to policy or legal arguments for why university research departments are different from corporate research and development departments because the former value "pure knowledge" as the end-goal. We find no logical reason the research at a university to *study* cancer should be considered science, but identical research at a pharmaceutical company to *cure* cancer should be considered non-science. Moreover, of the 305 published papers admitted into evidence by Corteva LLC, the vast majority involved research in collaboration with academic researchers. By the logic of Drs. Cat and Karty, the collaborating university-employed scientists *were doing science*, but the Corteva LLC-employed scientists *were not doing science* on the same research papers they co-authored. We find this entirely nonsensical.

[9] We need not address the outer boundaries of the scientific use exemption. There is no suggestion of pseudo-scientific practices, as if the researchers were consulting a crystal ball or a Ouija Board to analyze chemical compounds. Likewise, we need not theorize whether research in academic disciplines outside the hard sciences, like political science or economics, would suffice.

always been interpreted to require a public benefit, and the established case law is unequivocal that activities primarily motivated by commercial profit, like those of Corteva LLC, are not eligible for an exemption.

32. All tangible property in Indiana is taxable, but the Legislature has exercised its constitutional power to exempt certain types of property. *Hamilton Cnty. Prop. Tax Assessment Bd. of App. v. Oaken Bucket Partners, LLC*, 938 N.E.2d 654, 656-57 (Ind. 2010). A taxpayer bears the burden of proving that its property qualifies for an exemption. *Indianapolis Osteopathic Hospital, Inc. v. Dep't of Local Gov't Fin.*, 818 N.E.2d 1009, 1014 (Ind. Tax Ct. 2004).

33. All exemptions are subject to a public benefit test. "Generally exemptions from taxation are granted when there is an expectation that the public will derive a benefit from the exemption." *Oaken Bucket*, 938 N.E.2d at 657. Because exemptions relieve properties from bearing their fair share of the cost of government services, they are strictly construed against the taxpayer. *Dep't of Local Gov't Fin. v. Roller Skating Rink Operators Ass'n*, 853 N.E.2d 1262, 1265 (Ind. 2006). Property tax exemptions are strictly construed because an "exemption releases property from the obligation of bearing its share of the cost of government and serves to disturb the equality and distribution of the common burden of government upon all property." *Id.* Accordingly, if the "use of property does not serve the public good, the property is taxable." *Id.* The requirement of ownership, occupation, and use for a public purpose is "to ensure that the particular arrangement involved *is not driven by a profit motive*." *Sangralea Boys Fund, Inc. v. State Bd. of Tax Comm'rs*, 686 N.E.2d 954, 958 (Ind. Tax Ct. 1997) (emphasis added).

34. All or part of a building is exempt from taxation if it is owned, and exclusively or predominantly used or occupied for educational, literary, scientific, religious, or charitable purposes. I.C. § 6-1.1-10-16(a); I.C. § 6-1.1-10-36.3(c). The exemption extends to a tract of land on which an exempt building is situated, as well as to parking lots and other structures that serve the exempt building. I.C. § 6-1.1-10-16(c)(1)-(2). Additionally, the legislature has provided for the exemption of personal property if it is

owned and used in a way that would qualify as exempt if it were a building. I.C. § 6-1.1-10-16(e).

35. Property is predominantly used for an exempt purpose if it is used for those purposes during more than 50% of the time that it is used in the year that ends on the assessment date. I.C. § 6-1.1-10-36.3(a). A property is fully exempt if it is exclusively used or occupied for exempt purposes or if it is predominantly used for exempt purposes by a church, religious society, or nonprofit school. I.C. § 6-1.1-10-36.3(c)(1)-(2). Otherwise, a property qualifies only for an exemption that "bears the same proportion to the total assessment" as the amount of time the property's exempt use bears to its total use. I.C. § 6-1.1-10-36.3(c)(3). Where a property is not used exclusively for exempt purposes, a taxpayer must offer evidence comparing the relative distribution of time between exempt and non-exempt uses. *See Hamilton Cnty. Ass'r v. Duke*, 69 N.E.3d 567, 572 (Ind. Tax Ct. 2017).

a. Evidence of Corteva's Use for the 2022 and 2023 Tax Years

36. As Corteva LLC seeks exemptions for 2022 and 2023, it must establish an exempt use during the prior calendar years, which are 2021 and 2022 respectively. Counsel alleges that "the purposes of Centen AG and Corteva Agriscience LLC were identical" during the relevant time periods. *Tr.* at 130. However, counsel for Corteva LLC also asserted in its brief that "[t]he Board should base its decision on an exemption for assessment year 2022 based solely on the evidence concerning Corteva's ownership, use and occupancy of parcel 6018652 since December 28, 2021." *Pet'r's Post-Hearing Br.* at 9.

37. As the facts establish that the Campus was occupied for the entirety of 2021, looking solely to Corteva LLC's use of the property during the last four days of the year cannot establish 50% of the property's total use in 2021.[10] Accordingly, based on the request in

[10] Corteva LLC made this request based on a misunderstanding of our holding in *Hobby Lobby Stores, Inc. v. Elkhart County Assessor*, Pet. Nos. 20-012-22-2-8-00431-22, *et al.*, Ind. Bd. Tax Rev. (Feb. 29, 2024). In that case, in the prior year, the property was being used as a church, but it closed, leaving the property vacant until acquired by a new church a few days before the end of the year. We found this sufficient evidence to establish that the only use of the property in the prior year was a religious use. Rather than "disregarding [the] use and occupancy of [a] prior owner" (*Pet'r's Post-Hearing Br.* at 9), we ignored the vacant period and stacked the two religious uses together.

its brief, we find Corteva LLC has failed to establish it is entitled to an exemption for real or personal property for 2022.[11]

38. For the 2023 tax year, there is no dispute that Corteva LLC owned, occupied, and used the Campus and personal property for the calendar year 2022.

b. The Distinctions Between Corteva LLC and Corteva Inc.

39. The Tax Court has previously "reversed" the Board for imputing the purposes of a parent company to the subsidiary property owner, holding that "one of the hallmarks of Anglo-American law is the status of a corporation as a distinct legal entity" that is "separate and distinct from its shareholders, affiliates, corporate members, parents, and subsidiaries." *St. Mary's Bldg. Corp. v. Redman*, 135 N.E.3d 681, 687 (Ind. Tax Ct. 2019) (*affirming* the Board's denial of an exemption). In that case, the property was owned by a building corporation rather than the nonprofit parent company that operated the medical facility. However, instead of denying the exemption based on the lack of evidence of the purpose of the building corporation, the Tax Court decided the case based on the occupancy and use by the parent entity and its tenants. Thus, the holding appears to be a distinction without a difference at best, and it is certainly an outlier.[12]

40. We acknowledge the existence of Corteva Inc. and Corteva LLC as legally distinct entities but likewise consider the purposes of both the property owner and its parent company. The record is devoid of any evidence that suggests that Corteva LLC has any independent purpose other than advancing the purposes of Corteva Inc. Likewise, there is no evidence that "Corteva's R&D group" is an independent entity in fact or law, and we find that its activities are central to the priorities of Corteva LLC and Corteva Inc.

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[11] Even if Corteva LLC's use of the property during the last four days of 2021 was sufficient to pass the predominant use test, we would still reach the same ultimate conclusion that Corteva LLC failed to meet the public benefit test.

[12] In cases before the Indiana Supreme Court, Indiana Tax Court, and Indiana Court of Appeals, the purposes of the controlling parent company have been both relevant and frequently dispositive in determining the purposes of the subsidiary property owner. *See generally, Roller Skating Rink*, 853 N.E.2d 1262; *St. Mary's Bldg. Corp*, 135 N.E.3d 681; *Hamilton Cnty. Assessor v. SPD Realty, LLC,* 9 N.E.3d 773, 775 (Ind. Tax Ct. 2014); *State Bd. of Tax Comm'rs v. Warner Press*, Inc., 248 N.E.2d 405, 408 (Inc. Ct. App. 1969), affirmed in part by *State Bd. of Tax Comm'rs v. Warner Press, Inc.*, 258 N.E.2d 621, 622 (Ind. 1970); *Himes v. Free Methodist Pub. House*, 251 N.E.2d 486, 487 (Ind. Ct. App. 1969); *Hebron-Vision, LLC v. Porter Cnty. Assessor*, 134 N.E.3d 1077 (Ind. Tax Ct. 2019).

c. Scientific Use of the Campus

41. What constitutes a scientific purpose under Indiana Code § 6-1.1-10-16(a) has not been interpreted by the courts. When we previously considered a claim for a scientific exemption, we held:

> [T]o qualify for an exemption based on using a property for scientific purposes, a taxpayer must show that its use incorporates the scientific method. And the 'scientific method' involves 'principles and procedures for the systematic pursuit of knowledge involving the recognition and formulation of a problem, the collection of data through observation and experiment, and the formulation and testing of hypotheses.'

Fourth Freedom Forum, Inc. v. Elkhart Property Tax Assessment Bd. of Appeals, Pet. No. 20-005-04-2-8-0001, Ind. Bd. Tax Rev. (Nov. 29, 2007). *See also Indiana Crop Improvement Assoc., Inc. v. Tippecanoe Cnty Ass'r.,* Pet. No. 79-012-22-2-8-00395-22, Ind. Bd. Tax Rev. (Jan. 24, 2024). This is consistent with the dictionary definition of scientific: (1) "of, relating to, or exhibiting the methods or principles of science," or (2) "conducted in the manner of science or according to results of investigation by science: practicing or using thorough or systematic methods." *Merriam-Webster.com Dictionary, Merriam-Webster*, https://www.merriam-webster.com/dictionary/scientific.

42. As noted in the findings of facts, there is no factual dispute that the activities conducted on the Campus are research into the use and applications of insecticides, herbicides, and fungicides. Likewise, the persons conducting the research are credentialed scientists using the methods and principles of science. We rejected the expert testimony that would suggest that the activities conducted on the Campus should not be considered "true" or "pure" science. We easily conclude that research and development activities at the Campus meet the definition of a scientific use. However, it is not enough to show a scientific use. A property owner must also meet the public benefit test to receive the exemption.

d. Exempt Versus Non-Exempt Research

43. As determined in our findings of facts, Corteva LLC did not distinguish or otherwise quantify its publicly published research activities relative to its private research, which is protected as intellectual property and used in developing products for commercial sales. Without a log quantifying the two classes of research activities, Corteva LLC cannot show its public research activities were the predominant activity on the Campus. *See Duke*, 69 N.E.3d at 572. Thus, we conclude the research on the campus is predominantly in furtherance of its manufacturing operations.

e. The Public Benefit Test

44. "[T]he well-established and obvious purpose for legislative conferral of tax exemptions requires a showing of some *public benefit* as a condition precedent to the granting of such exemption." *State Bd. of Tax Comm'rs v. Fort Wayne Sport Club, Inc.*, 258 N.E.2d 874, 881 (Ind. Ct. App. 1970) (emphasis added). Consequently, "Indiana Code § 6–1.1–10–16 requires the showing of a charitable purpose to ensure that the benefit conferred by the exemption both relieves the government of a cost that it would otherwise bear *and does not primarily serve a commercial profit motive*." *Hamilton Cnty. Assessor v. SPD Realty*, LLC, 9 N.E.3d 773, 775 (Ind. Tax Ct. 2014) (emphasis added). The absence of a primary commercial profit motive is necessary to receive an exemption.

45. Undeterred by this basic premise, Corteva LLC cites to the Tax Court's holding in *College Corner*, which states that the exemption statute "does not differentiate between entities that are not-for-profit and entities that operate for profit." *Coll. Corner, L.P. v. Dep't of Local Gov't Fin.*, 840 N.E.2d 905, 911 (Ind. Tax Ct. 2006). Corteva LLC ignores the Tax Court's conclusion in *College Corner* that any profit realized from the use of the exempt property in that case was "inconsequential." *Id.* More importantly *College Corner* cited to *Indiana State Bd. of Tax Comm'rs v. Int'l Bus. Coll., Inc.*, for the premise that an "exemption is not lost where income is not derived as a result of a dominant profit motive but rather as an incident to the accomplishment of the charitable or other exempt purpose." 251 N.E.2d 39, 42 (Ind. 1969) (*citing Matanuska–Susitna Borough v. King's Lake Camp*, 439 P.2d 441 (Alaska 1968). We must conclude that

College Corner affirms the basic premise that "a dominant profit motive" is typically fatal to a claim for an exemption. Corteva LLC's interpretation would have the exception swallow the rule.

46. To the extent *College Corner* might have weakened the public benefit test, the Indiana Supreme Court expressly reversed the Tax Court for granting an exemption to a commercial landlord. In *Oaken Bucket*, a for-profit limited liability company owned a multi-unit commercial building and sought a charitable/religious exemption for a portion of the building it leased to a church for religious services. 938 N.E.2d at 655. The State Board denied the exemption, finding that the lease was at a market rate, but the Tax Court reversed, finding that the landlord had a charitable purpose in leasing the property to the church at a below-market rate. *Id.* at 656. The Supreme Court reversed the Tax Court primarily for failing to adhere to its standard of review and the deference it owed to the State Board as finder of fact. *Id.* at 657-58. Secondarily, and more importantly, the Court reversed the Tax Court for failing to follow the public benefit test established in *Travelers' Ins. Co. v. Kent*, 50 N.E. 562 (Ind. 1898). *Id.* at 659. It held the Tax Court adopted precisely what the *Travelers* court tried to prevent, a situation where:

> [A]ny person who rents a hall, a store building, or a part of his house for the use of a school would thus be able to claim such hall, store building, or part of his dwelling free from taxes,—at least, during the time he was so receiving rent for the property.

Id. at 659 citing *Travelers*, 50 N.E. 563-64. This must be rejected because a for-profit property owner "holds such property for his own use and benefit,—*for his individual profit*,—and not for the public good." *Id.* (emphasis added). Corteva LLC's expansive interpretation of *College Corner* has been squarely rejected by the Indiana Supreme Court.

47. This was the second time the Indiana Supreme Court reversed the Tax Court for broadening *College Corner* and failing to apply the public benefits test as announced in *Travelers*. In *Roller Skating Rink*, an association of skating rink owners had created a nonprofit entity that held for its members seminars that were developed by college professors, and students who completed the course were entitled to continuing education credits from the University of Wisconsin. 853 N.E.2d at 1263. The State Board held that

the educational activities were "merely incidental" to the promotional activities the association provided to the skating rink owners and denied the exemption. *Id.* at 1264. The Tax Court reversed and granted the exemption. The Indiana Supreme Court reversed the Tax Court for failing to correctly apply "the 'public benefit' test early established in *Travelers'* and later elaborated in *Ft. Wayne Sport Club*." *Id.* at 1265-66. It upheld the State Board's finding that the educational activities of the association were merely incidental to the commercial motives of the members. *Id.* 1266-67. We find that any benefit to the public from Corteva LLC's research and development activities is likewise "merely incidental" to its private commercial motives.

48. The only other appellate authority cited by Corteva LLC for the premise that for-profit businesses are as equally entitled to an exemption as nonprofits is *International Business College*, 251 N.E.2d at 39.[13] This case considered whether a for-profit status was an absolute bar to receiving an exemption. *Id.* at 40. The court concluded that a per se rule, not being expressly stated in the exemption statute, must come from the General Assembly and not the courts. *Id.* at 43. In further analysis, the court looked to a South Dakota decision that asked whether "educational institutions . . . must be of the same general character as charitable and benevolent organizations—that is, nonprofit in character," and decided schools should be an exception to the nonprofit requirement. *Id.* at 43-44 (quoting *Nat'l Coll. of Bus. v. Pennington Cnty*, 146 N.W.2d 731 (S.D. 1966)). The Indiana appellate court adopted South Dakota's reasoning and held that educational institutions, unlike religious and charitable, need only be educational to receive an exemption and not necessarily "operated without profit." *Id.*

49. This carve-out regarding for-profit educational institutions meeting the public benefit test was recognized and narrowed by the Indiana Supreme Court in *Roller Skating Rink*:

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[13] Corteva LLC also cites to *State ex rel. Tieman v. City of Indianapolis*, 69 Ind. 375, 377 (Ind. 1879), which *struck down* a law granting a property tax exemption to women who were widows or unmarried and also fatherless female minors. The Court held the exemption was unconstitutional: "It is not contended that the property [that the women] own is used for a 'charitable purpose,' but is owned and enjoyed privately." *Id.* Thus, instead of supporting Corteva LLC's claim, it refutes it. *Tieman* expressly asserted the same public benefit test that Corteva LLC seeks to avoid: "It is the use of the property *for the public benefit* which will authorize its exemption from taxation by law." *Id.* at 378 (emphasis added). Rather than offering support, *Tieman* compels us to reject Corteva LLC's claim for an exemption for failing the public benefit test.

> But in each of these earlier cases where an educational purpose was found, the courses (general business, photography, gymnastics training, natural health courses) did not duplicate programs offered in public schools or institutions, but they were offered to the public and did not further the business objectives of the attendees. And the persons attending were not largely or exclusively affiliated with the presenter. In contrast, [the Association's] offerings are for the benefit of its own members and serve their business purposes.

832 N.E.2d at 1266. Thus, a school operated by a for-profit entity may pass the public benefit test by filling a gap in public school offerings and receive an *educational* exemption. No court has extended this holding beyond educational exemptions, and we find that the private, tightly controlled research and development activities at Corteva LLC are not remotely analogous to the open, public-focused schools referenced in *Roller Skating Rinks*.

50. Corteva LLC also cites to our own decision in *Indiana Crop Improvement Assoc., Inc. v. Tippecanoe Cnty. Ass'r*, Pet. No. 79-012-22-2-8-00395-22 (Ind. Bd. Tax Rev. Jan. 24, 2024). The property owner in *Indiana Crop* was a nonprofit subsidiary of Purdue University that was created in 1935 to fulfill a statutory duty placed on the university to conduct seed testing. *Id.* The wrinkle in that case was that the association had expanded its testing operations for private seed companies, and the statutory testing had become the minority of the nonprofit's workload. The question was whether this constituted a change in primary use that would defeat its claim of a public benefit. We concluded that the additional seed testing was sufficiently related to its public purpose to remain eligible for the scientific use exemption.

51. The purposes and motives behind the operations of the university-owned association in *Indiana Crop* are entirely different from the purposes and motives behind the operations of Corteva LLC, a subsidiary of a billion-dollar publicly-traded corporation. One provides a statutorily obligated public service and the other serves to deliver a return on the investments of its shareholders. *Indiana Crop* offers no support for Corteva LLC's claims of a public benefit.

52. We find *Warner Press* to be instructive. This decision by the Court of Appeals was adopted by the Indiana Supreme Court and considered an exemption for the property of a publisher, which was wholly owned by the Church of God and sold religious tracts and books. *State Bd. of Tax Comm'rs v. Warner Press*, Inc., 248 N.E.2d 405, 408 (Ind. Ct. App. 1969), affirmed in part by *State Bd. of Tax Comm'rs v. Warner Press, Inc.*, 258 N.E.2d 621, 622 (Ind. 1970) (adopting the decision of the Court of Appeals in full, except for the order charging costs). Warner Press was operated by a for-profit subsidiary called Commercial Service Company and reaped substantial sales ($4.5M in 1964). Some of the land and facilities were also used for the adjacent Anderson College and the annual convention of the Church God. *Id.* The court noted that:

> [Warner Press] could correctly claim that its activities meet three of the statutory requirements, namely: religious, educational and charitable. However, when these terms are defined in their broadest sense, there would seem to be no end to the number of organizations that could slide beneath the outer limits of so broad a definition into the cherished state of exemption.

Id. at 410. The court concluded that the "average citizens who religiously tender semi-annual property tax payments would conclude, on the facts of this case, that Warner Press was well without the nebulous sanctuary of exemption . . . ." *Id.* Yet, the court granted the exemption, though finding it "*scarcely* remains within even the *most lenient* interpretation" of religious or charitable use. *Id.* (emphasis added).

53. *Warner Press* was followed by another exemption case considering the property of a nonprofit publisher that was wholly owned by the Free Methodist Church, *Himes v. Free Methodist Pub. House*, 251 N.E.2d 486, 487 (Ind. Ct. App. 1969). In granting the exemption, the *Free Methodist* court noted the importance of the religious materials being produced, and that were it to "manufacture tennis shoes, no such relationship between product and purposes could be established." *Id.* at 489.

54. The commercial uses in both *Warner Press* and *Free Methodist Publishing* both "scarcely" fell within the "outer limits" of eligibility for an exemption. The *Warner Press* court granted the exemption only by imputing the governing church body's religious purpose to its publisher. The *Free Methodist Publishing* court announced a test

requiring a link between the governing church's exempt purpose and the product sold. This reflects the degree to which commercial enterprises are presumed to be outside the scope of exemption because of the requirement of a public benefit. Here, there is no governing church body, or other organization operated for the good of the public, that can cloak Corteva LLC's commercial operations with a public benefit purpose.

55. It is easy to get lost in the weeds of the "nebulous" law of exemptions. We start with the premise that businesses are created to benefit their owners, and they are not owned, occupied or used for the benefit of the public, even if they offer a good and helpful service to the public. The rooms at the 5-star luxury Conrad Hotel and the rooms at the Wheeler Mission for the homeless both provide the public with shelter for the night, but only one does so without regard to profits. We also find merit in the Assessor's analogy that, without a public benefit test, the "literary exemption should go to anyone that has a book." *Tr.* at 13. We agree, were Corteva LLC to prevail here, any for-profit bookstore, publisher, or private collector would likely be eligible for the literary exemption. To prevent this, the public benefit test forecloses an exemption if the ownership, occupancy, or use is "driven by a profit motive." *Sangralea Boys Fund*, 686 N.E.2d at 958.

56. Corteva LLC believes it is entitled to an exemption simply because it is engaged in science. Outside of the carve-out for schools that meet certain requirements, there is no precedent for a purely commercial enterprise receiving an exemption from property taxation simply because its activities can be described as educational or charitable or religious or scientific. We have already entered our factual findings that Corteva LLC and Corteva Inc., and their research and development activities, are all conducted primarily for purposes of commercial profit. Accordingly, Corteva's claim for an exemption must be denied for failing to meet the public benefit test.

57. Our findings and conclusions should not be read as casting any aspersion on Corteva Agriscience. We whole-heartedly appreciate the benefits to the State of Indiana and its citizens in having a billion-dollar corporation headquartered here. It is a source of great pride to call the hardworking scientists employed at Corteva our friends and neighbors, as they endeavor to develop safer, more effective techniques to help Hoosier farmers feed

the world. But the law is clear that "good and noble deeds" alone have never been sufficient for a property tax exemption. *Hous. Partnerships, Inc. v. Owens*, 17 N.E.3d 403, 404 (Ind. Tax Ct. 2014)

CONCLUSION

58. Corteva LLC's scientific activities on its Campus were in furtherance of a commercial profit motive, and its claim for an exemption fails the public benefit test. Accordingly, we conclude that its real and personal property are not entitled to a scientific exemption for the 2022 or 2023 assessment years.

Date: April 27, 2026

Chairman, Indiana Board of Tax Review

Commissioner, Indiana Board of Tax Review

Commissioner, Indiana Board of Tax Review

- APPEAL RIGHTS -

You may petition for judicial review of this final determination under the provisions of Indiana Code § 6-1.1-15-5 and the Indiana Tax Court's rules. To initiate a proceeding for judicial review you must take the action required not later than forty-five (45) days of the date of this notice. The Indiana Code is available on the Internet at <http://www.in.gov/legislative/ic/code>. The Indiana Tax Court's rules are available at<http://www.in.gov/judiciary/rules/tax/index.html>.