FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Neal Gallo
DOCKET NO.: 07-20395.001-C-1
PARCEL NO.: 10-36-415-019-0000

The parties of record before the Property Tax Appeal Board are Neal Gallo, the appellant, by attorney Anthony M. Farace, of Amari & Locallo in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds ***no change*** in the assessment of the property as established by the **Cook** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	$ 30,724
IMPR.:	$ 99,616
TOTAL:	$ 130,340

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 5,302 square foot site improved with a 53-year old, one-story, masonry building used as a commercial office building. The improvement contains 4,900 square feet of building area.

The appellant's appeal argues that there is unequal treatment in the assessment process of the subject's improvement as the basis of this appeal.

As to the equity argument, the appellant submitted assessment data and descriptions on a total of four properties located within the subject's neighborhood. The properties range in land size from 5,400 to 6,250 square feet. They are improved with a single, one-story, masonry building. The improvements range: in age from 50 to 56 years; in size from 3,500 to 4,900 square feet of building area; and in improvement assessments from $12.62 to $15.71 per square foot of building area. The subject's improvement assessment is $20.33 per square foot of building area. The grid sheet reflects that properties #1 and #3 contain multiple land parcels without further elaboration. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $130,340 was disclosed. This assessment reflects a market value of $343,000 or $70.00 per square foot when the Cook County Ordinance level of assessment for class 5a, commercial property of 38% is applied. In addition, copies of the subject's property record cards were submitted.

In support of the subject's market value, raw sales data was submitted for five properties. The data from the CoStar Comps service sheets reflect that the research was licensed to the assessor's office, but failed to indicate that there was any verification of the information or sources of data. The properties sold from January, 2003, to January, 2007, for prices in an unadjusted range from $128.71 to $171.43 per square foot. The buildings contain from 4,000 to 7,000 square feet of building area. The descriptive data indicated that the properties were identified as constituting office usage, with the exception of sale #4 identified as office/medical usage. The printouts also indicate that properties #2 through #5 did not contain any real estate brokers for the parties' in the sales transaction, while all of the sales were multi-tenant buildings with the exception of sale #3.

As to the subject, the board's memorandum asserted that the subject sold on July 20, 2005 for a price of $700,000 or $142.85 per square foot. In support of this assertion, the board of review submitted a copy of the subject's Illinois Real Estate Transfer Declaration, wherein line #7 indicated that the property was not advertised for sale and/or was not sold using a real estate agent.

Moreover, the board of review's memorandum stated that it was not intended to be an appraisal or an estimate of value and should not be construed as such. It indicated that the information provided in the memorandum was collected from various sources and assumed to be factual, accurate or reliable. However, the memorandum disclosed that the writer had not verified the information or sources referenced; and therefore, did not warrant its accuracy. As a result of its analysis, the board requested confirmation of the subject's assessment.

After reviewing the argument as well as considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

The appellant contends unequal treatment in the subject's improvement assessment as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the PTAB finds the appellant has not met this burden.

As to the equity argument, the PTAB finds that the appellant's argument unpersuasive. The PTAB accorded no weight to the appellant's comparables #1 and #3 due to the absence of additional data regarding whether or not the assessment data related to the multiple parcels identified at the top of the appellant's grid sheet. The appellant failed to provide property characteristic printouts or testimony to explain and/or verify the assessment data reflected in the grid sheet. Moreover, the appellant failed to indicate the improvement's usage on each of the suggested comparables.

Further, the PTAB accorded no weight to the board of review's raw and unadjusted sales data on five properties. Moreover, the PTAB finds that the board's data regarding the subject's sale failed to demonstrate that the transaction was arm's length. In contrast, the subject's transfer declaration reflected that the subject property was not advertised for sale and/or was not sold using a real estate agent.

As a result of this analysis, the PTAB finds the appellant has not adequately demonstrated that the subject was inequitably assessed and that a reduction is not warranted.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.

Chairman

Member

Member

Member

Member

DISSENTING:

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: September 23, 2011

Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing

complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board’s decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.