



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Giuseppe Gallo
DOCKET NO.: 07-23706.001-I-1
PARCEL NO.: 09-17-202-002-0000

The parties of record before the Property Tax Appeal Board are Giuseppe Gallo, the appellant(s), by attorney Michael Elliott, of Elliott & Associates, P.C. in Des Plaines; and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction 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: \$ 105,840
IMPR.: \$ 180,357
TOTAL: \$ 286,197

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 84,000 square feet of land that is improved with a 79 year old, one, two, and part three-story, masonry, industrial building with 38,715 square feet of building area. The subject's total assessment was \$349,997, which equates to a fair market value of \$972,214 when the 36% assessment level for class 5-93 property under the Cook County Classification of Real Property Ordinance is applied. The appellant, via counsel, argued that the subject's market value was not accurately reflected in its assessment.

In support of the market value argument, the appellant submitted an appraisal, which stated that the subject had an estimated market value of \$795,000 as of January 1, 2007, based on the income approach to value. The appraisal states that the appraiser personally inspected the subject, and that the subject's highest and best use as improved is its current use. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The Cook County Board of Review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$349,997 was disclosed. In support of the subject's assessment, the board of review submitted a property characteristic printout

for the subject, and raw sales data for five industrial warehouse properties located within five miles of the subject. The sales data was collected from the CoStar Comps service, and the CoStar Comps sheets state that the research was licensed to the assessor's office. However, the board of review included a memorandum which states that the submission of these comparables is not intended to be an appraisal or an estimate of value, and should not be construed as such. The memorandum further stated that the information provided was collected from various sources, and was assumed to be factual, accurate, and reliable; but that the information had not been verified, and that the board of review did not warrant its accuracy.

The suggested comparables contained industrial warehouse buildings that are 9 to 32 years old, and range in size from 35,336 to 43,370 square feet of building area. The properties sold from January 2005 to September 2009 in an unadjusted range from \$1,826,000 to \$5,200,000, or from \$50.05 to \$137.70 per square foot of building area, included land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant argued that the board of review's evidence should be given no weight because the sales used were not adjusted for market conditions.

At hearing, the appellant's attorney, Panagiota Fortsas, reaffirmed the evidence previously submitted, through testimony elicited from Gary M. Skish, of First Real Estate Services, Ltd., the appellant's appraiser. Ms. Fortsas also asked the Board to take judicial notice of the subject's 2008 assessment, which was determined to be \$286,197 by the Cook County Board of Review. This assessment was accepted into evidence, without objection from the board of review, and marked as Appellant's Hearing Exhibit #1. Ms. Fortsas also highlighted the subject's vacancy, which was described in the appraisal, and testified to by Mr. Skish.

The Property Tax Appeal Board (the "Board") then asked Mr. Skish if there were sales of similar properties in the area surrounding the subject around the lien date of January 1, 2007. Mr. Skish replied that there were many such sales. The Board then asked Ms. Fortsas how this evidence differs from that in Cook Cnty. Bd. of Review v. Ill. Prop. Tax Appeal Bd., 384 Ill. App. 3d 472 (1st Dist. 2008) (the "Omni" case), where the Appellate Court stated that "[w]here the correctness of the assessment turns on market value and there is evidence of a market for the subject property, a taxpayer's submission that excludes the sales comparison approach in assessing market value is insufficient as a matter of law." Id. at 484. In lieu of answering the Board's question, Ms. Fortsas stated that she would be willing to submit a supplemental brief addressing why the instant case is distinguishable from the Omni case within one month. The Cook County Board of Review Analyst, Colin Brady, rested on the evidence previously submitted.

The Board timely received the supplemental brief from the appellant addressing the Omni case. In the brief, the appellant argued that there was no testimony showing the similarity or location of the board of review's comparables, such as there was in the Omni case. Therefore, the appellant argued, the Omni case is inapplicable.

After reviewing the record and considering the evidence, the Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

When overvaluation is claimed, the appellant has the burden of proving the value of the property by a preponderance of the evidence. Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 339 Ill. App. 3d 529, 545 (1st Dist. 2002); National City Bank of Michigan/Illinois v. Prop. Tax Appeal Bd., 331 Ill. App. 3d 1038, 1042 (3d Dist. 2002) (citing Winnebago Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 313 Ill. App. 3d 179 (2d Dist. 2000)); 86 Ill. Admin. Code § 1910.63(e). Proof of market value may consist of an appraisal, a recent arm's-length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. Calumet Transfer, LLC v. Prop. Tax Appeal Bd., 401 Ill. App. 3d 652, 655 (1st Dist. 2010); 86 Ill. Admin. Code. § 1910.65(c). Evidence showing that the subject received a reduction in a later assessment year is admissible, and can be a relevant factor in determining whether the assessment for the tax year at issue is grossly excessive. Hoyne Savings & Loan Ass'n v. Hare, 60 Ill. 2d 84, 90 (1974). However, when such evidence is taken into account, consideration must be given to any changes in the property that may have changed the subject's assessed value. Id. Having considered the evidence presented, the Board concludes that the evidence indicates a reduction is warranted.

In determining the fair market value of the subject property, the Board finds that, under Hoyne, it can consider the subject's 2008 assessment as evidence that the subject's 2007 assessment was "grossly excessive." Thus, the Board finds the 2007 assessment was excessive, and finds that the best evidence of the subject's fair market value is the 2008 assessment. The Board gives little weight to the board of review's comparables as the information provided was unadjusted raw sales data. As described above, the subject's 2008 assessed value determined by the board of review was \$286,197. Therefore, based on this record, the Board finds that the subject property had an assessed value of \$286,197 for tax year 2007. The subject's current assessed value is above this amount, and, therefore, the Board finds that a reduction is 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.

Ronald R. Cuit

Chairman

Frank J. Huff

Member

Mark Morris

Member

JR

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: May 24, 2013

Allen Castrovillari

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.