



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

APPELLANT: Anthony Pugliese
DOCKET NO.: 07-25594.001-R-1
PARCEL NO.: 12-25-427-023-0000

The parties of record before the Property Tax Appeal Board are Anthony Pugliese, the appellant(s), by attorney Lisa A. Marino, of Marino & Assoc., PC 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: \$11,875
IMPR.: \$65,903
TOTAL: \$77,778

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 3,125 square foot parcel of land improved with a 47-year old including a 13-year old addition, one-story, masonry constructed, commercial building containing 2,488 square feet of building area. The appellant argued that the market value of the subject property is not accurately reflected in its assessed value.

In support of this overvaluation argument, the appellant submitted sales data for three properties located within the subject's neighborhood. These properties are described as masonry constructed, two year old, one-story commercial buildings. The properties sold from July 2005 to October 2006 for prices ranging from \$160,000 to \$179,900. The appellant did not provide any square footage information.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$77,778 was disclosed. This assessment reflects a market value of \$204,678 or \$82.27 per square foot of living area using the Illinois Department of Revenue's 2007 three-year median level of assessment for class 5A property of 38%. In support of the subject's assessment, the board of review submitted raw sale information for five properties located within the subject's neighborhood. These properties are described as

retail/storefront buildings with that range in age from 15 to 81 year and in size from 2,000 to 3,000 square feet of building area. The properties sold from April 25, 2003 to December 18, 2007 for prices ranging from \$260,000 to \$559,000 or from \$86.67 to \$279.50 per square foot of building area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant's attorney, Ms. Mellissa Whitley and the board of review's analyst, Mr. Nicholas Jordan reiterated and summarized the evidence submitted and requested that the PTAB reduce or affirm the subject's assessment, respectively.

After reviewing the record/testimony and considering the evidence, the Property Tax Appeal 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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3d Dist. 2002; Winnbago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d (2d Dist. 2000). 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. 86 Ill. Admin. Code 1910.65(c). Having considered the evidence presented, the Board concludes that the evidence indicates a reduction in the subject's assessment is not warranted.

In determining the fair market value of the subject property, the PTAB finds that the appellant failed to provide a key element of comparability: the square footage of each recent sales comparable. Without the square footage of each of the appellant's recent sales comparables, the PTAB is unable to determine the sale price per square foot. As a final point, the Board gives little weight to the board of review's comparables as the information provided was raw sales data with no adjustments made.

Accordingly, in determining the fair market value of the subject property, the Board finds that the appellant failed to submit sufficient evidence to show the subject was overvalued. Therefore, the Board finds that the appellant has not met its burden by a preponderance of the evidence and that the subject does not warrant a reduction based upon the market data submitted into evidence.

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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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: December 21, 2012

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.