



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

APPELLANT: Michael Concialdi / John Perkins
DOCKET NO.: 07-28320.001-R-1
PARCEL NO.: 14-31-409-012-0000

The parties of record before the Property Tax Appeal Board are Michael Concialdi/ John Perkins, the appellant(s), by attorney Terrence Kennedy Jr., of Law Offices of Terrence Kennedy Jr. 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: \$12,840
IMPR.: \$83,345
TOTAL: \$96,185

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 3,000 square foot parcel of land improved with a two-story, masonry, single-family dwelling containing 2,590 square feet of living area. Features include three and one-half baths, a full finished basement, two fireplaces, air conditioning, and a two-car garage. The property is a Class 2-78, two or more story residence, up to 62 years of age, 2001 to 3,800 square feet under the Cook County Real Property Assessment Classification Ordinance.

The appellants contend that the subject's market value is not accurately reflected in the assessed value as the basis of the appeal. The appellant argues that the non-completion of the subject until November 2007 and subsequent vacancy during the remainder of 2007 reduces the subject's market value. In support, the appellant submitted a brief stating that the subject was demolished in September 2005 and a new improvement was constructed and completed in November 2007. The appellant, Mr. Michael Concialdi, submitted general affidavit stating that the demolition of the subject occurred in 2005 with construction of a new home ongoing as of November 2007. In addition, the second appellant, Mr. John Perkins, and a neighbor of the subject, Mr. Mark Domitrovich, also submitted a general affidavits stating that the subject was demolished in September 2005 and new home

was completed and occupied on March 31, 2008 when the property was sold. Lastly, the appellants included a copy of the recorder of deeds website printout as evidence that the subject sold on March 31, 2008 for \$1,499,000. Based on all the evidence, the appellants requested the subject's assessment be reduced to reflect the non-completion of the subject in 2007.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$96,185 was disclosed. This assessment reflects a market value of \$958,017 using the Illinois Department of Revenue's 2007 three-year median level of assessment for class 2 property of 10.04%. In support of the subject's assessment, the board of review submitted descriptions and assessment information for four properties located within the subject's neighborhood. These properties are described as two-story, masonry, single-family dwellings with three and one-half baths, a full finished basements, one to three fireplaces, and air conditioning. The properties range: in age from one to four years-old; in size from 2,589 to 2,850 square feet of living area; and in improvement assessment from \$33.05 to \$37.19 per square foot of living area. In addition, the board of review submitted sales data for the four properties which sold from March 2004 to September 2005 for \$560,000 to \$1,500,000 or from \$207.56 to \$551.47 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant's attorney argued that the subject was demolished in September 2005 and construction started thereafter and was completed in November 2007. The subject sold in March 31, 2008 for \$1,499,000. The appellant's attorney asserted that the subject was substantially complete in November 2007 per the two affidavits submitted into evidence. No additional evidence was submitted regarding completion of construction in November 2007.

The board of review confirmed that the appellant's evidence does not include pictures or a copy of certificate of occupancy confirming that construction was completed in 2007 and therefore, concluded that the appellant has not met their burden of proof. Upon questioning by the administrative law judge, the board of review analyst, Mr. Nicholas Jordan, testified that under Section 9-181 of the Property Tax Code "a subject's improvement value begins when certificate of occupancy is issued. If no certificate of occupancy is issued, than when subject is substantial complete for intended use. "

Parties agreed that the appellant shall have 20 days to submit to PTAB and the board of review evidence of certificate of occupancy to confirm completion of construction.

Within 20 days, the appellant's attorney submitted evidence from the city of Chicago-Department of Buildings which confirmed that a certificate of occupancy was not issued. The evidence also included summary of certain permit and inspection schedules

regarding construction. The printouts indicate that electrical work permits were dated through 2008 and 2009. No further details were given regarding specific work completed per permit.

After reviewing the record 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.

Pursuant to Section 9-180, assessors are to pro-rate valuations based on the year of 365 days. Section 9-180 of the Property Tax Code states in relevant part:

Pro-rata valuations; improvements or removal of improvements. The owner of property on January 1 also shall be liable, on a proportionate basis, for the increased taxes occasioned by the construction of new or added buildings, structures or other improvements on the property from the date when the occupancy permit was issued or from the date the new or added improvement was inhabitable and fit for occupancy or for intended customary use to December 31 of the year....
(35 ILCS 200/9-180)

The statute measures the value of an improvement to the property either from the date "when the occupancy permit was issued" or from the date the improvement "was inhabitable and fit for occupancy" prior to December 31 of the same year. The appellant failed to establish by a preponderance of the evidence that the subject was inhabitable and fit for occupancy prior to December 31, 2007. The appellant failed to submit evidence such as photographs, contractor statements and/or building permits stating that the property was inhabitable as of November 2007. Evidence that the property sold in March 2008 alone does not equate that the property was not habitable until that date. Furthermore, the affidavits submitted by the appellants do not state when the subject was inhabitable but merely state that construction was ongoing through November 2007 and to when the property sold in March 2008. The City of Chicago permit printouts do not provide enough detail regarding ongoing construction work and open permits in 2007 and 2008. Therefore, based on this record, the PTAB finds that the subject's

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improvement assessment is supported and a reduction in the subject's assessment 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.

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: October 19, 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.