



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

APPELLANT: The Parthenon Restaurant  
DOCKET NO.: 09-27930.001-C-1 through 09-27930.002-C-1  
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are The Parthenon Restaurant, the appellant(s), by attorney George J. Relias, of Enterprise Law Group, LLP 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
09-27930.001-C-1	17-17-228-013-0000	19,921	110,109	\$130,030
09-27930.002-C-1	17-17-228-014-0000	10,625	34,808	\$ 45,433

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2009 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

**Findings of Fact**

The subject consists of a three-story and part four-story, 16,200 square foot commercial and apartment building built in 1863 and 1933. The first floor is used as the Parthenon Restaurant, while the upper floors house offices and four

apartment units. It is located on Halsted Street in Chicago, and is situated on a 6,250 square foot site. The appellant, via counsel, argued that the fair market value of the subject property was not accurately reflected in its assessed value as the basis of this appeal.

In support of the market value argument, the appellant submitted a commercial appraisal report for the subject property with an effective date of January 1, 2009. The appraiser estimated a fair market value for the subject of \$850,000 based on the income and sales comparison approaches to value. The appraiser also conducted an inspection of the subject, however, was not present at the hearing to offer testimony. 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 \$175,542 was disclosed. This assessment yields a fair market value of \$974,766, or \$60.17 per square foot of building area (including land), after applying a blended assessment ratio of 18%.

In support of the subject's assessment, the board of review submitted a property record card for the subject, and raw sales data for six mixed-used buildings. The sales data was collected from the CoStar Comps service, and the CoStar Comps sheets state that the research was licensed to the Cook County 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 states 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 comparables are described as multi-story, mixed-used buildings. Additionally, the comparables are from 3 to 144 years old and have from 10,500 to 19,875 square feet of building area. The comparables sold between June 2004 and April 2007 for \$910,000 to \$3,750,000, or \$85.04 to \$260.42 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 offered his appraisal as evidence that the subject is overvalued. The board of review's representative objected to the valuation contained in the appraisal as the appraiser was not present at the hearing to offer testimony. The board of review also noted that their comparable #5 was their best comparable as it is located next door to the subject property. It sold in August 2006 for \$105.66 per square foot, including land. The appellant's attorney argued that the appellant purchased this property in order to expand the subject property, therefore, this sale should be given no consideration.

### Conclusion of Law

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The appellant's appraiser was not present at the hearing to provide direct testimony or be cross-examined regarding the appraisal methodology and final value conclusion. In Novicki v. Department of Finance, 373 Ill.342, 26 N.E.2d 130 (1940), the Supreme Court of Illinois stated, "[t]he rule against hearsay evidence, that a witness may testify only as to facts within his personal knowledge and not as to what someone else told him, is founded on the necessity of an opportunity for cross-examination, and is basic and not a technical rule of evidence." Novicki, 373 Ill. at 344. In Oak Lawn Trust & Savings Bank v. City of Palos Heights, 115 Ill.App.3d 887, 450 N.E.2d 788, 71 Ill.Dec. 100 (1<sup>st</sup> Dist. 1983) the appellate court held that the admission of an appraisal into evidence prepared by an appraiser not present at the hearing was in error. The court found the appraisal was not competent evidence stating: "it was an unsworn ex parte statement of opinion of a witness not produced for cross-examination." This opinion stands for the proposition that an unsworn appraisal is not competent evidence where the preparer is not present to provide testimony and be cross-examined. Therefore, the appraiser's conclusion of value is given no weight.

The Board also gives no weight to the sale comparables submitted by the board of review, due to the following considerations: comparables #1, #3, #4 and #6 sold in 2004 or 2005, too far removed from the January 1, 2009 valuation date; comparable #2 was purchased by the tenant; comparable #5 was purchased by the appellant who owns the adjacent property; and comparable #6 was not listed on the open market, as the buyer approached the seller directly.

The board will, however, examine the unadjusted sales comparables submitted by the appellant. The appellant submitted four unadjusted sales comparables into evidence. No weight was given to the appellant's comparable #2 as it varied greatly in building size and location from the subject property. Therefore, the Board finds the best comparables contained in the record are the appellant's comparables #1, #3 and #4. These unadjusted sales comparables range in value from \$54.84 to \$56.12 per square foot, including land. The subject's current assessment reflects a market value of \$60.17 per square foot, including land, which is slightly above the range of these comparables. The Board notes, however, that although these comparables are similar in use and building size to the subject property, they are located in very inferior locations and require an upward adjustment.

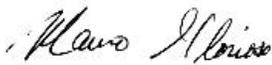
Accordingly, after considering the similarities and differences between the subject and the best comparables contained in the record, the Board finds that the appellant has not met its burden by a preponderance of the evidence and that the subject does not warrant a reduction based upon the market data 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.

\_\_\_\_\_  
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: April 24, 2015



\_\_\_\_\_  
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.