



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

APPELLANT: Brainard LLC  
DOCKET NO.: 12-00206.001-C-2  
PARCEL NO.: 09-01-207-010

The parties of record before the Property Tax Appeal Board are Brainard LLC, the appellant, by attorney James J. Tira of Tira & Tira, in Coal City; the Grundy County Board of Review; and Coal City C.U.S.D. #1, the intervenor, by attorney Joshua S. Whitt of Whitt Law, LLC, in Aurora.

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 Grundy County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$ 56,450  
**IMPR.:** \$210,220  
**TOTAL:** \$266,670

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Grundy County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2012 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal<sup>1</sup>.

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<sup>1</sup> Neither the appellant, board of review or intervenor requested a hearing in this matter. Therefore, the Board hereby issues this decision on the merits of this appeal based on the weight and equity of the evidence contained in the record.

**Findings of Fact**

The subject property consists of a one-story commercial building of metal siding exterior construction that has 17,592 square feet of building area. The structure was built in 2000 with an addition constructed in 2003. Features include heating and central air conditioning. The subject property has a 103,113 square foot site. The improvement is utilized as a liquor store and banquet hall. The subject property is located Braceville Township, Grundy County, Illinois.

The appellant submitted evidence before the Property Tax Appeal Board contending overvaluation as the basis of the appeal. In support of this argument, the appellant submitted two appraisal reports of the subject property.

Appraisal #1 was prepared by John P. Shea, a Certified Residential Real Estate Appraiser licensed by the State of Illinois. Shea developed the sales comparison approach to value in arriving at a final value conclusion of \$400,000 as of January 1, 2012.

Appraisal #2 was prepared by Thomas J. Raynor, a Certified General Real Estate Appraiser licensed by the State of Illinois. Raynor developed the cost and sales comparison approaches to value in arriving at a final value conclusion of \$800,000 as of February 9, 2012.

Based on this evidence, the appellant requested the subject's assessment be reduced to reflect a market value of \$400,000 commensurate with appraisal #1.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's final assessment of \$266,670. The subject's assessment reflects an estimated market value of \$800,090 when applying the statutory level of assessment of 33.33%.

The notes on appeal indicate the board of review would not stipulate in this appeal because of the appraisal report by American Valuation Group, Inc. (Raynor) that had been submitted by the appellant estimating a market value for the subject property of \$800,000 as of February 9, 2012. The board of review contends the American Valuation Group, Inc. appraisal represents the proper value for the subject property because it was prepared by a qualified commercial appraiser who holds a Certified General Real Estate Appraiser license. In contrast,

the board of review argued the author of the other appraiser report (Shea) only possesses Certified Residential Real Estate Appraiser license.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

The intervenor, Coal City Community Unit School District #1, also submitted a copy of the appraisal report prepared by Thomas J. Raynor of American Valuation Group, Inc. Again, the appraiser developed the cost and sales comparison approaches to value in arriving at a final value conclusion of \$800,000 as of February 9, 2012. Based on this evidence, the intervenor requested confirmation of the subject's assessment.

After receiving the response to the appeal from the board of review and intervenor, on April 29 2014, the Property Tax Appeal Board received Appellant's Motion to Strike Portions of the Appellant's Valuation Document. The motion, in pertinent part, alleges:

- 1 That the document prepared by John P. Shea was submitted erroneously as an appraisal of the appellant's property;
- 2 That John P. Shea is a residential real estate appraiser and is not qualified to render an commercial appraisal opinion;
- 3 That Mr. Shea was at the time a licensed real estate broker by the State of Illinois as is Mr. Michael Onorate, who ruled on the appellant's property as Chairman of the Grundy County Board of Review;
- 4 That Mr. Shea was a previous member of the Will County Board of Review from 97 to 99 and has ruled on the valuations of numerous commercial and residential appeals during his tenure on the Will County Board of Review and Mr. Shea is a Certified Illinois Assessing officer;
- 5 That based upon his prior experience as a local real estate broker and as a prior member of the Will County Board of Review, Mr. Shea reviewed the prior commercial appraisal submitted by the appellant;
- 6 That he also did an extensive search and review of comparable commercial properties that were similarly located and comparable to appellant's property;
- 7 That the appraisal commissioned by Centruue Bank for loan refinancing and compiled by the American Valuation Group utilized a wider area and included dissimilar properties than the appellant's property;

- 8 That the sales utilized by Mr. Shea were more local and did not represent properties dissimilar in construction or an ongoing business for refinancing purposes;
- 12 That the real estate valuation document prepared by Mr. Shea was inadvertently submitted on an appraisal form format rather than a narrative.

Based on the foregoing, appellant's counsel requested the Board strike pages i-1, i-2, i-3, i-4, p-4, General Text Addendum pages 1-4 and the final page, a copy of Mr. Shea's appraisal license.

After reviewing the merits, the Board hereby denies appellant's Motion to Strike Portions of the Appellant's Valuation Document. This evidence was timely filed pursuant to the rules of the Property Tax Appeal Board. The Board finds this document constitutes an appraisal of the subject property and will be given proper consideration based on its credibility and natural probative weight.

#### **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). Based on this record, the Board finds a slight reduction in the subject's assessment is warranted.

The Board gave little weight to appellant's appraisal #1 that was prepared by John P. Shea, a Certified Residential Real Estate Appraiser licensed by the State of Illinois. As pointed out by the board of review and the appellant's motion to strike, Shea is a residential real estate appraiser who is not qualified or licensed to render an opinion of market value for commercial property in the State of Illinois. Thus, the veracity of the appraised value conclusion conveyed by Shea is severely diminished.

After reviewing the entirety of the record, the Board finds the best evidence of market value contained in this record is the appraisal submitted by the appellant and intervenor estimating the subject property had a market value of \$800,000 as of February 9, 2012. Thomas J. Raynor, a Certified General Real Estate Appraiser licensed by the State of Illinois, developed the cost and sales comparison approaches to value in arriving at a final value conclusion. The subject property's assessment reflects a market value of \$800,090, which is supported by the most credible market evidence contained in this record. Therefore, the Board finds no reduction in the subject's assessment 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.

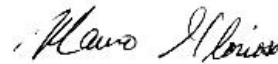
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Chairman



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Member



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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: August 21, 2015



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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.