



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

APPELLANT: Gus Tzoumas
DOCKET NO.: 12-25796.001-C-1 through 12-25796.004-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Gus Tzoumas, the appellant(s), by attorney George N. Reveliotis, of Reveliotis Law, P.C. in Park Ridge; and the Cook County Board of Review.

Based on the facts and exhibits presented in this matter, 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
12-25796.001-C-1	19-13-329-034-0000	6,447	36,345	\$42,792
12-25796.002-C-1	19-13-329-035-0000	6,445	27,712	\$34,157
12-25796.003-C-1	19-13-329-036-0000	6,445	14,107	\$20,552
12-25796.004-C-1	19-13-329-037-0000	8,538	3,999	\$12,537

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 2012 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 is situated on a 13,516 square foot parcel of land that is improved with a four-year old, one-story, masonry, strip center building with three units. The subject's improvement size is 5,948 square feet of building area and its total assessment is \$123,148. This assessment yields a fair market value of \$492,592, or \$82.82 per square foot of building area, including land, after applying the 25% assessment level for class 5 commercial properties under the Cook County Classification of Real Property Ordinance. 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 summary appraisal report for the subject property with an effective date of January 1, 2012. The appraiser was Eric Sladcik, an Illinois licensed general certified appraiser. He estimated a fair market value for the subject of \$275,000. The appraiser also conducted an inspection of the subject on November 30, 2013. The appraisal report utilized two of the three of the traditional approaches to value, that is the income and sales comparison approaches, to estimate the market value for the subject property and finds the subject's highest and best use is its present use.

The board of review submitted its "Board of Review-Notes on Appeal" disclosing the total assessment for the subject of \$123,148. The subject's assessment reflects a market value of \$492,592, or \$82.82 per square foot, including land, when applying the assessment level of 25% as established by the Cook County Real Property Classification Ordinance. In support of the subject's assessment, the board of review submitted raw sales data for five retail properties. 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. Based on this evidence, the board of review requested confirmation of the subject's assessment.

The comparables are described as one-story, retail/storefront or fast-food properties. Additionally, the comparables are from 17 to 89 years old, and have from 2,500 to 10,000 square feet of building area. The comparables sold between July 2007 and December 2011 for \$159,000 to \$1,361,500, or \$63.60 to \$439.19 per square foot, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant argued that the board of review's comparables were unadjusted and lacked descriptive data.

At hearing, the appellant's witness, Eric Sladcik, testified as to the approaches utilized to reach a final conclusion of market value for the subject property. He acknowledged that one of the three subject units was leased in a non-arm's length transaction. He also testified that the subject was in good condition as compared to the comparables, as they were older than the subject property. Mr. Sladcik further stated that this was because there was a limited amount of new construction sold during 2011 and 2012.

As to Mr. Sladcik's testimony regarding the income approach, he utilized a 35% vacancy rate in his analysis because the subject had historically high vacancy rates. He did not include any market data and had no knowledge of what the vacancy rates were in the vicinity of the subject property.

On cross-examination by the board of review, the appraiser acknowledged that large adjustments were made to the comparables, indicating a lack of similarity to the subject property. Additionally, four of the five sale comparables contained mathematical errors in their adjustments, both in the written analysis and on the sales chart contained in the appraisal.

The board of review rested on their written submission. On cross-examination, the board's representative indicated that the preparer of the board's documentation was not present to offer testimony.

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 meet this burden of proof and a reduction in the subject's assessment is warranted.

Initially, the Board finds the appraisal's conclusion of value to be unreliable for several reasons. Of the five comparable sales used in the appraisal, only one was used as a multi-tenant building. The other four were comprised of single-user buildings. More importantly, the appraiser had a multitude of math errors in the written analysis and chart of adjustments he made to the sale comparables when comparing them to the subject property. Additionally, the appraiser failed to provide any information as to the parties to the transactions or the conditions of sale. Lastly, the appraiser failed to use market vacancy in his income analysis, relying on the subject's historical vacancy instead. He had no knowledge of the vacancy rates in the vicinity of the subject property.

Therefore, in determining the fair market value of the subject property, the Board gives no weight to the appellant's appraisal's value conclusion. The Board finds that because of the flawed adjustment analysis riddled with math errors and the use of dissimilar sale comparables, the estimate of value for the subject property is unreliable. The appraiser's best comparable property is his comparable #1, as it is similar in size, similar in use and sold at a date proximate in time to the January 1, 2012 valuation date. The board of review's comparables #1 and #4 are also similar to the subject in location, use, and sale date. These three sales range in and unadjusted price per square foot from \$20.73 to \$74.00 per square foot, including land. The subject current market value is \$82.82 per square foot, including land, which is above the range of the best comparables contained in the record. After making adjustments to the comparables for similarities and differences in characteristics when compared to the subject property, the Board finds that the appellant has met its burden by a preponderance of the evidence and that the subject does 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

Acting Member

Member

Member

DISSENTING: _____

CERTIFICATION

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: July 21, 2017

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.