



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

APPELLANT: Dimitri Fanellis
DOCKET NO.: 12-35557.001-C-1
PARCEL NO.: 02-24-106-013-0000

The parties of record before the Property Tax Appeal Board are Dimitri Fanellis, the appellant, 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 **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: \$116,654
IMPR.: \$277,679
TOTAL: \$394,333

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 property consists of a 39-year-old, one-story commercial building with 22,216 square feet of building area. The property has a 50,445 square foot site and is located in Palatine Township, Cook County. The property is a class 5 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant filed a direct appeal under the Property Tax Code. The appellant submitted evidence disclosing the prior year Board's decision under docket number 11-23049.001-R-1. In that appeal, the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property to \$375,000 based on the parties' mutual agreement. The appellant contends overvaluation as the basis of the current appeal. In support of this argument the appellant submitted an appraisal completed by Eric Sladcik estimating the subject property had a market value of \$1,200,000 as of January 1, 2012.

Mr. Sladcik testified that he is a certified general real estate appraiser and has been in practice for about 15 years. He also testified that he appraises an average of about 100 properties per year and has previously appraised properties similar to the subject. Mr. Sladcik was offered as an expert in real estate valuation theory and practice and after no objections by opposing counsel was accepted as such by the Board.

Mr. Sladcik testified that he personally inspected the subject property on December 3, 2014. The purpose of his report was to estimate the market value of the fee simple estate of the subject property for ad valorem taxation. Mr. Sladcik utilized the sales comparison approach to value and found that the current use is the subject's highest and best use due to its unique design as a banquet building.

In his sales comparison approach, Mr. Sladcik examined three restaurant properties and two retail properties. He testified that he selected comparables based on proximity, age, condition, use, land-to-building ratio, and size. Based on these comparables and after adjustments, Mr. Sladcik opined a value for the subject of \$1,200,000 as of January 1, 2012.

On cross examination, Mr. Sladcik stated that the section of his appraisal labeled "Palatine Community Information" on page 43 was taken from a website that he could not recollect at the hearing.

Mr. Sladcik testified that he could not remember whether comparable #2 sold in September 2013 for \$1.1 million dollars, or as listed in the appraisal, of June, 2013 for a price of \$803,250. The board of review representative submitted into evidence a three-page printout personally prepared by him from the Cook County Recorder of Deeds, labelled BOR #1, to refresh the witness's recollection. After reviewing this document, Mr. Sladcik was unable to remember the subsequent sale and testified that he did not confirm the sale price listed for the June, 2013 sale in CoStar with the Cook County Recorder of Deeds. Therefore, Mr. Sladcik was unable to confirm or deny the \$965,000 sale price listed on the second page of BOR #1 for comparable #2's June, 2013 sale, which contradicted his \$803,250 sale price.

Mr. Sladcik also testified that on page 15 of his appraisal is listed the subject's last sale in July, 2009 for \$2,175,000. Finally, he testified that he had no information on any subsequent sales of the subject after January 1, 2012. On redirect, Mr. Sladcik testified that real estate prices have declined during the recession, or between 2009 and 2012. He stated that only after 2012 did the market begin to slightly improve.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$394,333. The subject's assessment reflects a market value of \$1,577,332 or \$71.00 per square foot of building area, including land, when applying the 2012 statutory level of assessments for class 5 property under the Cook County Real Property Assessment Classification Ordinance of 25%. In support of its contention of the correct assessment the board of review submitted information on five suggested sales comparables.

At hearing, the representative for the board of review, Roland Lara, testified that his research of the Cook County Recorder of Deeds website showed that comparable #2 of the appellant's

appraisal sold for \$965,000 in June, 2013. In addition, Mr. Lara testified that comparable #2 subsequently sold in September, 2013 for \$1.1 million dollars.

Furthermore, Mr. Lara testified that the subject property itself sold in 2009 for \$2,175,000. Mr. Lara also asserted that page #43-46 of the appellant's appraisal labelled "Palatine Community Information" is copied from the Wikipedia page of Northlake city, Illinois, with the only difference being that the word Northlake is replaced by the word Palatine. In support of this argument, Mr. Lara introduced into evidence BOR #2, a printout of Wikipedia internet pages for Northlake, Illinois.

On cross examination, Mr. Lara testified that he did not personally prepare the sales comparables submitted by the board of review. He also testified that he did not know the search parameters used, qualifications, or even who prepared the suggested comparable sales. He testified that no adjustments were made for land-to-building ratio, age, size, or condition of sale comparable. Finally, he testified that he has no personal knowledge about the data used by the Assessor's office in formulating their assessment of the subject. Based on Mr. Lara's lack of personal knowledge, counsel for the appellant motioned to have the board of review's evidence dismissed. The Board denied appellant counsel's motion to dismiss.

In closing, Mr. Lara submitted into evidence two prior Board decisions. The first matter, marked as BOR #3, under docket number 07-22394.001-C-1 dealt with an appraisal where the recent sale of the subject was not adequately discussed. The second matter, marked as BOR #4, under docket number 07-27152-C-1 dealt with the adequacy of an appraisal when only one valuation method is utilized. In rebuttal, appellant's counsel argued the 2009 sale of the subject is not indicative of the 2012 market because of the economic downturn.

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.

In determining the fair market value of the subject property, the Board examined the appellant's appraisal report and testimony and the board of review's evidence.

The Board finds the preparer of the board of review's evidence was not present or called to testify about his/her qualifications, identify his/her work, testify about the content of the evidence, or be cross-examined by the appellant and the Property Tax Appeal Board. Without the ability to observe the demeanor of this individual during the course of testimony, the Property Tax Appeal Board gives this evidence from the board of review diminished weight.

The Board gives no weight to the adjustments and conclusions of value in the appraisal due to the inconsistencies in the appellant's appraisal and testimony. However, the Board will consider the raw sales data submitted by the appellant. The courts have stated that where there is credible

evidence of comparable sales, these sales are to be given significant weight as evidence of market value. *Chrysler Corp. v. Illinois Property Tax Appeal Board*, 69 Ill.App.3d 207 (2nd Dist. 1979); *Willow Hill Grain, Inc. v. Property Tax Appeal Board*, 187 Ill.App.3d 9 (5th Dist. 1989). Therefore, the Board will consider the raw sales data from both parties.

The parties submitted a total of 10 sales comparables. The Board finds the appellant's sales comparables #2, #4, and #5, and the board of review's comparables sales #1 and #4 to be similar and most probative in determining the subject's market value. These properties sold for prices ranging from \$35.38 to \$204.44 per square foot of building area. In comparison, the subject assessment value reflects a market value of \$71.00 per square foot of building area, which is within the range. After adjustments to comparables the Board finds that the subject's improvement was not overvalued and a reduction in the subject's market value is not justified.

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. Pursuant to Section 1910.50(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



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:

October 20, 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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

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