



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

APPELLANT: Victor & Vincent Miceli
DOCKET NO.: 13-26051.001-R-1
PARCEL NO.: 02-18-201-001-0000

The parties of record before the Property Tax Appeal Board are Victor & Vincent Miceli, the appellant(s), by attorney Joanne Elliott, of Elliott & Associates, P.C. in Des Plaines; 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: \$ 4,842
IMPR.: \$ 64,547
TOTAL: \$ 69,389

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 2013 tax year. The Property Tax Appeal Board (the "Board") finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject consists of a two-story dwelling of frame and masonry construction. The dwelling is eight years old. Features of the home include a full basement with a formal recreation room, central air conditioning, three fireplaces, and a four-car garage. The property has a 38,743 square foot site, and is located in Inverness, Palatine Township, Cook County. The subject is classified as a class 2-08 property under the Cook County Real Property Assessment Classification Ordinance. No evidence was submitted as to whether the subject was owner-occupied.

The appellant contends assessment inequity as the basis of the appeal. In support of this argument, the appellant submitted information on three equity comparables.

The appellant's evidence states that the subject's improvement size is 4,571 square feet of living area. In support of this assertion, the appellant submitted a floorplan of the subject that includes certain measurements. The floorplan is undated, and does not include any information about how the measurements were obtained or who made the measurements.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$69,389. The subject property has an improvement assessment of \$64,547.

In support of its contention of the correct assessment, the board of review submitted information on four equity comparables and one sale comparable.

The board of review's evidence states that the subject's improvement size is 4,708 square feet of living area, with no evidence submitted in support of this assertion.

In rebuttal, the appellant argued that the board of review's comparables were not similar to the subject for various reasons.

Conclusion of Law

Initially, the Board finds that the subject's improvement size is 4,571 square feet of living area. "Standard of proof. Unless otherwise provided by law or stated in the agency's rules, the standard of proof in any contested case hearing conducted under this Act by an agency shall be the preponderance of the evidence." 5 ILCS 100/10 15. The Board finds that the floorplan submitted by the appellant lacks credibility, as it is undated, and does not describe how the measurements were obtained or who made the measurements. Therefore, the Board finds that the appellant has not proven, by a preponderance of the evidence, that the subject's improvement size is 4,571 square feet of living area. The Board further finds that the subject's improvement size is 4,708 square feet of living area, and that the subject's improvement assessment is \$13.71 per square foot of living area.

The taxpayer contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the best evidence of assessment equity to appellant comparables #1 and #3, and board of review comparables #1, #2, and #4. These comparables had improvement assessments that ranged from \$11.73 to \$17.05 per square foot of living area. The subject's assessment of \$13.71 per square foot of living area falls within the range established by the best comparables in this record. Based on this record, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed, and a reduction in the subject's assessment 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.



Chairman



Member



Member



Member



Acting 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 21, 2016



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.