



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

APPELLANT: BT Property Group, LLC
DOCKET NO.: 14-21910.001-C-1 through 14-21910.002-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are BT Property Group, LLC, the appellant(s), by attorney Joseph M. Talarico, of Talarico Law Group in Chicago; 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
14-21910.001-C-1	28-09-404-020-0000	31,587	2,193	\$ 33,780
14-21910.002-C-1	28-09-404-021-0000	58,301	100,419	\$ 158,720

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 2014 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 three-story building of masonry construction. The building is approximately 21 years old. The property has a 62,785 square foot site, and is located in Oak Forest, Bremen Township, Cook County. The subject is classified as a class 5-92 under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$770,000 as of January 1, 2014. Based on this evidence, the appellant requested a reduction in the subject's assessment to 25.00% of the appraisal's estimate of market value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$266,457. The subject's assessment reflects a market value of \$1,065,828 when applying the 2014 statutory level of assessment for commercial property under the Cook County Real Property Assessment Classification Ordinance of 25.00%.

In support of its contention of the correct assessment, the board of review submitted information on six comparable sales from the CoStar Comps Service.

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

At hearing, counsel for the appellant, Joseph Talarico, called Michael Gilligan, MAI to testify regarding the appellant's appraisal. Mr. Gilligan testified as to how he completed the appraisal, and how he concluded that the subject's market value was \$770,000 as of January 1, 2014.

During cross-examination, the board of review analyst, Lena Henderson, offered into evidence the Board's decision in docket number 2009-30789.001-C-2, which was marked for identification purposes as "Board of Review Exhibit #1." According to Ms. Henderson, this decision stands for the proposition that Mr. Gilligan is not a credible expert witness, who lacks experience and whose analyses lack veracity. Ms. Henderson requested that the Board take judicial notice of this Board decision for impeachment purposes. Mr. Talarico objected to the admission of this Board decision based on relevancy grounds. The Board sustained the objection, as the Board's findings in docket number 2009-30789.001-C-2 regarding Mr. Gilligan's credibility were specific to the evidence submitted and testimony elicited in that appeal, rendering them irrelevant to the instant appeal. Therefore, this decision was not accepted as relevant evidence in the instant appeal.

Mr. Gilligan also testified that land sale comparable #2 was a compulsory sale, and that the sale prices for land sale comparables #1 and #5 were incorrect in the appraisal. Ms. Henderson offered printouts from the Cook County Recorder of Deeds' website showing these details. These documents were accepted into evidence and marked as "Board of Review Exhibit #2" (land sale #2), "Board of Review Exhibit #3" (land sale comparable #1), and "Board of Review Exhibit #4" (land sale #5). Mr. Gilligan also admitted that there were several typographical errors in the appraisal.

During re-direct, Mr. Gilligan verbally corrected several of the typographical errors.

Ms. Henderson reaffirmed the evidence previously submitted during the board of review's case-in-chief.

During oral rebuttal, counsel for the appellant reaffirmed the arguments made during the appellant's written rebuttal submission.

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

The Board finds the best evidence of market value to be the appraisal submitted by the appellant. The subject's assessment reflects a market value above the best evidence of market value in the record. The Board finds the subject property had a market value of \$770,000 as of the assessment date at issue. Since market value has been established the 2014 statutory level of assessment for commercial property under the Cook County Real Property Assessment Classification Ordinance of 25.00% shall apply. 86 Ill.Admin.Code §1910.50(c)(3).

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(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) 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



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 17, 2018



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

AGENCY

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