



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

APPELLANT: Flora L. Weiss  
DOCKET NO.: 15-23645.001-R-1  
PARCEL NO.: 10-36-204-050-0000

The parties of record before the Property Tax Appeal Board are Flora L. Weiss, the appellant(s), by attorney Stephanie Park, of Park & Longstreet, P.C. in Rolling Meadows; 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:** \$5,077  
**IMPR.:** \$28,177  
**TOTAL:** \$33,254

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 2015 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 is a 61 year-old, one-story dwelling of masonry construction containing 1,577 square feet of living area. Features of the subject include a full unfinished basement, central air conditioning and a two-car garage. The property has a 3,906 square foot site in Chicago, Rogers Park Township, Cook County. The subject is a Class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends assessment inequity as the basis of the appeal. In support of this argument, the appellant submitted information on four suggested equity comparable properties. These properties ranged from 1,501 to 1,631 square feet of living area, or from \$15.86 to \$16.35 per square foot.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$33,254. The subject property has an improvement assessment of \$28,177, or \$17.87 per square foot of living area. In support of its contention of the correct assessment, the board of review submitted information on four suggested equity comparable properties. These properties ranged from 1,392 to 1,425 square feet of living area, or from \$17.90 to \$20.46 per square foot.

At hearing, the appellant offered into evidence a copy of the board of review's decision for the 2017 assessment appeal for the subject. The instant appeal and that 2017 appeal were in the same general assessment period. The appellant's counsel stated that the board of review reduced the subject's assessment for 2017. As a result, he argued the Board should also reduce the instant 2015 assessment to conform to the board of review's 2017 assessment reduction. The board of review representative objected, citing the case of Hoyne Savings & Loan Association v. Hare, 60 Ill.2d 84, 322 N.E.2d 833 (1974). The board of review argued that Hoyne stands for the proposition that an assessment reduction in a latter year within the same general assessment period does not, absent specific distinguishing facts of gross over-assessment in the prior years, require an assessment reduction. The Board allowed the appellant's copy of the 2017 board of review decision into evidence as Appellant's Exhibit #1. The Board reserved ruling on the board of review's objection.

### **Conclusion of Law**

The appellant 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 comparable properties 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 that there is no merit to the appellant's argument that Hoyne stands for the proposition that an assessment reduction in a subsequent year requires an assessment reduction in the tax year in the instant appeal absent a glaring error in calculation. The Supreme Court in Hoyne observed that that case presented unusual circumstances coupled with a grossly excessive assessment increase from \$9,510 in 1970 to \$246,810 in 1971. Consequently, it remanded the case for the lower court to ascertain the correct assessed valuation. Hoyne, 60 Ill.2d at 89-90, 322 N.E.2d at 836-37. The appellant inverts the holding in that case. The Supreme Court in Hoyne never found the 1970 assessment to be in error; it found the 1971 assessment to be grossly excessive. In this case, the appellant argued the 2015 assessment was too high merely because the 2017 assessment was reduced by the board of review. The appellant failed to present any facts that suggest the board of review reduced the 2017 assessment because it was already grossly excessive. Even if the appellant were to present such facts, there is no basis to conclude that the 2015 assessment should, therefore, be reduced. The Appellate Court in

Moroney v. Illinois Property Tax Appeal Board, 2013 Ill.App. (1<sup>st</sup>) 120493, distinguished Hoyne as confined to its unique facts. The Court rejected that appellant's argument that Hoyne stood for the proposition that "subsequent actions by assessing officials are fertile grounds to demonstrate a mistake in prior year's assessments." Moroney, 2013 Ill.App. 120493 at ¶46. There was no evidence in Moroney that there was any error in the calculation of the taxpayer's 2005 assessment. As the Appellate Court observed, "just because factors warranting a reduction existed in 2006, does not mean they existed in 2005, or any other year for that matter (which is why property taxes are assessed every year)." *Id.* Based on this record the Board finds that the appellant's contention of law is without merit.

The Board finds the best evidence of assessment equity to be the appellant's comparable(s) #1 and #2, and the board of review's comparable(s) #1 and #4. These comparable properties were most similar with the subject and had improvement assessments that ranged from \$15.86 to \$20.46 per square foot of living area. The subject's improvement assessment of \$17.87 per square foot of living area falls within the range established by the best comparable properties 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 holds that 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. 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.

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Chairman



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Member



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Member



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Member



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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: November 19, 2019



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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 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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