



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

APPELLANT: Toni Rufo
DOCKET NO.: 19-43378.001-C-1 through 19-43378.009-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Toni Rufo, 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
19-43378.001-C-1	13-25-400-012-0000	14,371	287	\$14,658
19-43378.002-C-1	13-25-400-013-0000	14,371	196	\$14,567
19-43378.003-C-1	13-25-400-014-0000	14,371	196	\$14,567
19-43378.004-C-1	13-25-400-015-0000	14,371	196	\$14,567
19-43378.005-C-1	13-25-400-016-0000	13,797	189	\$13,986
19-43378.006-C-1	13-25-400-017-0000	13,797	188	\$13,985
19-43378.007-C-1	13-25-400-018-0000	14,084	191	\$14,275
19-43378.008-C-1	13-25-400-043-0000	172,462	24,673	\$197,135
19-43378.009-C-1	13-25-400-048-0000	66,270	990	\$67,260

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 2019 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 nine separate PINs. The property includes a two-story building that serves as a health club. The first floor of the building has approximately 13,500 square feet and the second floor has approximately 6,000 square feet. The building was built in 1992 with the second story being added in 2015. The property has a 76,060 square foot site and is located in Chicago, West Chicago Township, Cook County. The land to building ratio is 5.63 to 1. The

subject is classified as a Class 5-90 property 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 which was written and signed by a certified appraiser. The appraiser analyzed two approaches to value for the subject property including the cost approach and sales comparison approach.

The cost approach analyzed comparable land sales and adding that figure to the replacement cost of the improvements and deducting accrued depreciation. The appraiser employed the Marshall & Swift *Marshall Valuation Service* (MVS) to estimate the replacement cost of the subject improvement. After conducting the cost approach analysis, the appraisal concluded that the subject property had a market value of \$1,465,000 (rounded).

The sales comparison approach analyzed ten different comparable sales properties, making adjustments for the differences of those properties when compared to the subject. The appraisal concluded that the subject property had a market value of \$1,450,000 based on the sales comparison approach.

The appraiser gave greatest weight to the sales comparison approach with the cost approach being given supporting weight. The appraiser concluded that the subject property had a market value of \$1,460,000, as of January 1, 2018. The appellant requested a reduction in the subject's assessment to a total of \$365,000, when utilizing the 25% level of assessment as determined by the Cook County Real Property Classification Ordinance.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$433,327. The subject's assessment reflects a market value of \$1,733,308 when applying the 25% level of assessment for class 5 properties under the Cook County Real Property Assessment Classification Ordinance. The board of review did not submit any evidence in support of this position.

This matter proceeded to hearing on September 11, 2024, via the WebEx platform. Participating in the hearing were George Reveliotis (Reveliotis), attorney for the appellant, and Bo Turek (Turek), representative for the Cook County Board of Review. The appellant presented Shawn Schneider (Schneider) as their sole witness, and he was sworn in under oath prior to the hearing. Turek was also sworn in as a witness for the Cook County Board of Review.

The appellant's attorney and the board of review gave opening statements prior to testimony.

In their case-in-chief, the appellant called appraiser Schneider as a witness. After initial qualifying questions, and no objection from the board of review, the Administrative Law Judge (ALJ) found Schneider to be an expert witness in the field of real estate appraisal.

Schneider testified that prior to 2012 the subject property was a carpet warehouse and that the interior of the building fit that use. Schneider testified that the subject property was later purchased by Planet Fitness in 2016 after a foreclosure action. Schneider testified that this sale was not of an arm's length nature, and Schneider opined that Planet Fitness, then a lessee, paid

above market value for the subject property likely due to their sunken investment in the property which included renovations and business equipment. Schneider testified that had a different entity purchased the subject property after the foreclosure action, that party would likely have paid less for the property and also have either terminated the lease with Planet Fitness or charged Planet Fitness a higher rent amount. Schneider testified that Planet Fitness paid a premium for the subject property.

Schneider next testified how he developed the cost approach by analyzing six comparable land sales to determine the value of the land of the subject property. Schneider testified that these land sales were the most similar sites to the subject site. Using the *Marshall and Swift* service, and other methodologies, Schneider estimated the cost of the building. Schneider testified that *Marshall and Swift* is the most reliable and most used service for determining building cost used by professional appraisers. Schneider then added his estimates of the total cost of the land to the total cost of building replacement to estimate a total market value of \$1,465,000.

In his comparable sales analysis, Schneider testified that he used ten comparable sales.

Schneider testified that he used ten comparable sales in this analysis. Schneider testified that these comparable sales were the most similar properties to the subject property. As part of the analysis, he adjusted for differences between sales comparable properties and the subject and opined a market value of \$1,450,000, including land, under the sales comparison approach to value.

Schneider testified that he reconciled the values arrived by the two approaches to value and concluded that the subject property had a market value of 1,460,000.

During cross examination by the BOR analysis Schneider was asked if he was aware that the subject property was sold for \$3,600,500 in January of 2016, the time of the foreclosure sale. The appellant objected to this question. The objection was overruled as Schneider had testified to this foreclosure sale in the appellant's case-in-chief and this was information that Schneider considered, but ultimately discounted, when determining the value of the subject property in his capacity as an expert witness. The board of review then asked Schneider if he was aware of the original asking price of \$7,000,000 for the subject property. Again, the appellant objected to this questioning arguing that this figure was never submitted into evidence. The ALJ again overruled the objection. The board of review asked Schneider if other health clubs would be the best comparables for the subject property. Schneider testified that they would if there were health clubs that had sold, but then he looks to the next most similar properties. The board of review then asked Schneider about the location of the subject property. Schneider agreed with the board of review that comparables sales were not in the Logan Square neighborhood where the subject property was located. Schneider testified that he did not make adjustments for location because there was no discernible difference in the locations. Schneider testified that the *Marshall and Swift* service has a health club section, but that Schneider chose not to use that classification because the subject property was a retrofit from a warehouse and was therefore less like a health club as described in *Marshall and Swift*. On further cross-examination, Schneider testified to other specific factors he used to base his opinion. The board of review then cross-examined Schneider on his sales comparison approach. When asked if Schneider inspected any of the sales

comparable properties, Schneider testified that some of these properties were inspected exterior only because he could not gain access to them.

After another round of questions for the witness in re-direct and re-cross the appellant rested their case-in-chief.

The appellant then rested their case-in-chief.

The board of review did not present any evidence and relied on their cross-examination of Schneider.

Both parties then presented closing argument.

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.

As a preliminary matter, the Board will examine some of the objections made during Schneider's testimony. Schneider was questioned by the board of review about whether he was aware of certain alleged facts that were never admitted into the record such as the sale price of the subject property in 2016. The appellant objected to these objections which were overruled as Schneider was testifying in his capacity as an expert witness. A further examination of this ruling may prove to be beneficial.

The Illinois Administrative Procedure Act states that "[t]he rules of evidence and privilege as applied in civil cases in the circuit courts of this State shall be followed. Evidence not admissible under those rules of evidence may be admitted, however, (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs." 5 ILCS 100/10-40.

Looking to Illinois Rule of Evidence 703, while perhaps not a perfect analogy, can be illustrative. "The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to the expert at or before the hearing. If of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, the facts or data need not be admissible in evidence." Ill. R. Evid. 703.

Facts or data, such as a sale price of a subject property, need not be admitted into evidence, or even admissible, for an expert witness to be permitted to testify about said facts or data. This issue is further illustrated with regards to hearsay evidence.

"Illinois courts have 'long held that prohibitions against the admission of hearsay do not apply when an expert testifies to underlying facts and data, not admitted into evidence, for the purpose

of explaining the basis of his opinion.” People v. Hooker (In re Hooker), 2012 IL App (2d) 101007, ¶ 51 quoting People v. Lovejoy, 235 Ill. 2d 97, 142 (2009). See also People v. Berrios 2018 IL App (2d) 150824.

In fact, the Berrios court authoritatively and correctly lays out an issue presented in the instant case:

It is critical to maintain the distinction between using information as the basis for an expert's opinion and treating that information as fact. That otherwise inadmissible evidence may serve as the basis for an expert's opinion does not mean that the evidence is admissible for some other purpose. ‘If for example the expert witness (call him A) bases his opinion in part on a fact (call it X) that the party's lawyer told him, the lawyer cannot in closing argument tell the jury, ‘See, we proved X through our expert witness, A.’”

People v. Berrios, 2018 IL App (2d) 150824, ¶ 20, quoting In re James Wilson Associates, 965 F.2d 160, 173 (7th Cir. 1992).

So where here, the representative of the board of review asked Schneider if he is aware that the subject property sold for \$3,600,500 in January of 2016, the question is appropriate and not objectionable as to what all formed the basis of Schneider’s final expert opinion. Was Schneider aware of this purported sale price when Schneider was reviewing underlying facts and data when forming his opinion? However, for our purposes, Schneider’s knowledge of the purported sale price when forming his expert opinion of market value does not mean that the purported 2016 sale price of \$3,600,500 was admitted into evidence as substantive evidence of market value. The board of review never admitted this type of evidence prior to or during the hearing and their argument that the Board should consider the 2016 sale price based on Schneider’s testimony was baseless.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant. The appraisal was prepared by a certified appraiser and included adjustments based on his experience and expertise. The appraiser, Schneider, testified credibly, had logical explanations and reasons for why he followed certain methods or wrote his appraisal a certain way, and was never substantially impeach. The board of review did not submit any evidence. The Board finds the subject property had a total market value of \$1,460,000, as of the assessment date at issue. The subject's assessment reflects a market value of \$1,733,308, when using the 25% level of assessment, which is higher than the market value found by the best evidence, therefore a reduction in assessment is warranted. Since market value has been established, the 25% level of assessment as determined by the Cook County Real Property Classification Ordinance shall apply.

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

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: March 18, 2025

Clerk of the Property Tax Appeal Board

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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