



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

APPELLANT: Leanne Bertucci
DOCKET NO.: 20-40869.001-R-1
PARCEL NO.: 09-36-307-049-0000

The parties of record before the Property Tax Appeal Board are Leanne Bertucci, the appellant, by attorney Stephanie Park, of Park & Longstreet, P.C. in Inverness; 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:

LAND: \$5,475
IMPR.: \$31,280
TOTAL: \$36,755

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) challenging the assessment for the 2020 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 94-year-old, two-story, single-family dwelling of frame construction with 1,564 square feet of living area. Features of the home include a full unfinished basement and a one-car garage. The property has a 4,056 square foot site and is located in Chicago, Jefferson Township, Cook County. The subject is classified as a class 2-05 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 eight equity comparables with varying degrees of similarities to the subject. Based on this evidence, the appellant is requesting an assessment amount of \$29,467.

However, the subject property was the subject matter of an appeal before the Property Tax Appeal Board the prior year under Docket Number 2019-47065.001-R-1. In that appeal, prior to a hearing, the appellant reached a settlement with the board of review and stipulated to a total assessment amount of \$36,755. Upon receipt of the stipulation, the Property Tax Appeal Board issued a decision lowering the assessment of the subject property to \$36,755 on the evidence submitted by the parties. The tax years 2019 and 2020 are within the same general assessment period and the appellant disclosed that the subject property is an owner-occupied residence.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$29,536. However, the board of review's decision letter dated, April 26, 2021, shows the total assessment for the subject property is \$37,442. The subject property has an improvement assessment of \$31,967 or \$20.44 per square foot of living area. In support of its contention of the correct assessment the board of review submitted information on four equity comparables, all located within a quarter mile of the subject property, while two are within a block¹.

In written rebuttal, the appellants argued that the board of review should be defaulted for failing to submit evidence for the subject property and has thereby forfeited its right to a hearing. The appellants reaffirmed the request for an assessment reduction.

Conclusion of Law

It is not necessary to consider the appellant's argument that the board of review should be defaulted because it submitted evidence for the wrong property. Under section 16-185 of the Property Tax Code, the subject's 2019 assessment must carry forward to 2020 regardless of whether the board of review is defaulted.

Section 16-185 of the Property Tax Code provides, in relevant part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, *shall* remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (Italics added)

35 ILCS 200/16-185. Additionally, "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

¹ The board of review Notes on Appeal provided information for PIN 13-26-205-035 which is listed as a class 2-11 property in Jefferson Township. All four comparables submitted relate to that PIN. This Board finds the subject property PIN at issue in this appeal is 09-36-307-049. Therefore, this Board gives no weight to the board of review's Notes on Appeal.

this Act by an agency shall be the preponderance of the evidence.” 5 ILCS 100/10-15. The Board takes official notice that it rendered a decision lowering the subject’s assessment for tax year 2019 (86 Ill.Admin.Code §1910.90(i)), and that tax year 2019 and the instant tax year of 2020 are in the same general assessment period for Jefferson Township. The Board further finds that the subject is owner-occupied based on the appellant’s statement in Section II of the appeal form, which states that the subject is owner-occupied. The record contains no evidence indicating that the subject sold in an arm’s-length transaction subsequent to the Board’s decision for the 2019 tax year, or that the Board’s decision for the 2019 tax year was reversed or modified upon review.

For these reasons, the Board finds by a preponderance of the evidence, that the subject’s assessment must be carried forward to the 2020 tax year, pursuant to section 16-185 of the Property Tax Code. Therefore, the appellant is entitled to a reduction.

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: _____

August 20, 2024



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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