

**2018 BOARD OF REVIEW  
VILLAGE OF PLEASANT PRAIRIE  
9915 39th Avenue  
Pleasant Prairie, WI  
July 11, 2018  
9:00 a.m.**

A meeting of the Pleasant Prairie 2018 Board of Review was held on Thursday, July 11, 2018 and called to order at 9:00 a.m. Present were Board members Jill Sikorski, Lena Schlater, William Morris, David Hildreth and Mark Riley. Also present were Rocco Vita, Village Assessor, Ed Judt, Deputy Village Assessor, Beth Baker, Assessor and Jane C. Snell, Village Clerk.

**1. CALL TO ORDER**

Jill Sikorski:

Good morning. This is the 2018 Board of Review for the Village of Pleasant Prairie. I want to make sure the Clerk has the recorder on. Thank you. We will be in session today with three hearings, the first one beginning at 9:30. We have another one at 10:15 and another one at 11. The 11:45 has canceled their hearing. And it is 9:01 a.m. on July 11th. And we'll do roll call.

**2. ROLL CALL**

**3. APPROVE MINUTES OF MEETING -- MAY 17, 2018**

Jane Snell:

The next is we're going to approve minutes of the meeting from May 17th. I'll need to have a motion and a second.

Lena Schlater:

So moved. I make a motion to approve the minutes.

William Morris:

Second.

Jill Sikorski:

All in favor?

Voices:

Aye.

**4. RECEIVE THE ASSESSMENT ROLL AND SWORN STATEMENTS FROM THE CLERK.**

Rocco Vita:

Madam Chairwoman, Rocco Vita, Assessor for the Village. Before you is the 2018 assessment roll for the Village of Pleasant Prairie. I have just signed the affidavit, and the Clerk has just signed the affidavit. And from this point forward all authority to change any value on the 2018 assessment roll for the Village of Pleasant rest with the Village of Pleasant Prairie Board of Review until the end of these proceedings.

Of particular note this year we're all aware that 2018 was a revaluation year for the Village of Pleasant Prairie. So we are having a few cases this year. We have a few contacts with the public. Overall values in the Village increased a total of about just a hair over 17 percent. We were contacted by about 150 property owners. And through the open book process which was a four week process we made adjustments to about 25 to 26 of those property owners. And what you'll be hearing today are those property owners that their information didn't rise to our level or there's just a difference of opinion.

Jill Sikorski:

Thank you.

**5. REVIEW NOTICES OF INTENT TO FILE OBJECTION AND COMPLETE OBJECTION FORMS.**

Rocco Vita:

Well, I will say that we aren't expecting anybody to come in today. There are other people that had asked for forms, and Jane Snell, the Clerk, had sent out packets of information. None are returned, but they do have this morning in the first two hours the opportunity to turn in those forms. I don't expect but you never know, someone may come in. And if they do we'll deal with that on an as needed basis. So I think now you can go off record until [inaudible] or unless the Board has any questions regarding --

Jill Sikorski:

Does anyone have any questions?

Rocco Vita:

-- Proceedings or anything of that nature.

Jill Sikorski:

Okay, we will go off record until our first hearing at 9:30.

[Off The Record]

**6. RESIDENTIAL HEARINGS:**

**9:30 a.m. Steven and Ann Fredriksson**

Jill Sikorski:

Thank you very much. We have a first hearing today, Steven and Ann M. Fredriksson. I'll ask the Clerk if there is a completed form.

Jane Snell:

Yes, there is, and I will read the objection into the record. The property owner is Steven E. and Ann M. Fredriksson. The address of the property is 5207 86th Place. That's in Pleasant Prairie, Wisconsin, 53158. Tax Parcel Number is 92-4-122-142-0335. The 2018 assessment shown on the notice was \$371,300. The opinion of assessed value of the homeowner is \$323,900. The reason for the objection and the basis of the estimate is it's not supported by recent sales data. The basis for the opinion is based on several properties in the immediate area of the homeowner. Other property information how was the property acquired? It was purchased. The acquisition price was \$360,000. Purchase date was November 10th of 2006. Changes that were made to the property since the purchase was a wall was installed in the basement and the closet was built. The changes occurred on January 2, 2007. The cost of the changes were less than \$1,000. The property has not been listed for sale in the last five years. And the property has not been appraised in the last five years. The objection form was signed by Steven E. Fredriksson, and it was dated July 6th of 2018.

Jill Sikorski:

Thank you. And we will ask the Clerk to swear in Mr. Fredriksson and any other witnesses he will have today.

Jane Snell:

Mr. Fredriksson, if you'd please rise. Raise your right hand. State your name for the record please.

Steven E. Fredriksson:

Steven E. Fredriksson.

Jane Snell:

Do you solemnly swear in the matter now in the hearing to tell the truth so help you God?

Steven E. Fredriksson:

I do.

Jane Snell:

Okay [inaudible].

Ed Judt:

Ed Judt [inaudible] for Pleasant Prairie, 9915 39th Avenue.

Elizabeth Baker:

Elizabeth Baker for the Village of Pleasant Prairie, 9915 39th Avenue.

Jane Snell:

Do you solemnly swear in the matter now in the hearing to tell the truth so help you God?

Ed Judt:

I do.

Elizabeth Baker:

I do.

Jane Snell:

Okay, you can be seated.

Jill Sikorski:

Thank you. Mr. Fredriksson, I do want to read a paragraph that is very important for you to be aware of. The Board of Review wants you to understand that under State law the Board of Review is required to uphold the assessor's valuation of your property as being correct unless you by your testimony can show the assessor's valuation to be incorrect. In other words, the burden of proof is upon you as the taxpayer. Do you understand that?

Steven E. Fredriksson:

I do.

Jill Sikorski:

Thank you. All right, the floor is yours.

Steven E. Fredriksson:

Sure, thanks. Okay, so the assessment notification that I received I should be pleased with that number, right? We need to believe that it was -- my house was worth a lot more than it was previously. I do read the *Kenosha News* listings, the Sunday listings of properties that are sold.

Stated pretty simply I just don't know that the sales data supports the increase in the assessed valuation.

The trigger mechanism for this actually was a house that very recently sold that is slightly bigger, and it's a block and half from my house. It was listed for such that I can tell two or three months. It sold for \$322, \$322,000. The assessed valuation on that house, again it's in the same Whittier Heights neighborhood, was \$323 -- I'm sorry, was \$326,300. So I just thought the assessed valuation itself was excessive. So I went back and did some research. Again, just to be as succinct as possible we've got at least one real estate professional here. The properties in Pleasant Prairie, things that are up to, say, \$300,000 sell absolutely just like popcorn. The super high end properties, what I would equate to be like a Meadowdale Farms, those sell with some regularity, but it's in a different price point.

I don't see a lot of sales that are -- that go through the system that are in the \$300,000 to \$400,000 range which is what this assessment would be. So such that I could tell I went back and looked at the previous 13 sales in that price range in Pleasant Prairie itself. Of those 13 sales that I saw four were over what my assessed valuation was. But they typically are newer subdivisions. They've got upscale cabinets, upscale counter tops. One place has a pool. But nine of the houses sold for closer to what my previous assessment would be. The average price of those was \$329, \$329,900. I have -- if you want them read into the record I have the addresses of those sales.

This does not include homes that were not sold at an arm's length transaction. So, for example, a block and a half in the other direction we had a house that was foreclosed upon. It was in pretty shaggy shape. And I believe that title transfer was like \$180,000. That was a distress sale so I don't even count that. And strangely enough I just got a listing from, granted not as big a house but, again, this would be about two blocks from us, a brick ranch, again, smaller house than what I've got, that just came on the market listed for \$235,000. So, again, I've got the supporting materials that are with this.

I understand and I will say for the record that the folks that I've dealt with at Pleasant Prairie, I've been a resident for 21 years, have been nothing but courteous, forthright. They had some questions. They came out and inspected the house. We bought the house 12 years ago. I followed through, got their thoughts. My experience has been positive. That part of it's not an issue. I just don't see where the sales data for homes in that neighborhood were even within a mile or two of my house support a valuation of \$371,000, \$371,300. That's it.

Jill Sikorski:

Okay, does the assessor's office have questions?

Elizabeth Baker:

No. I did have some clarification and one correction. The house [inaudible] 2018 that had some issues, Mr. Fredriksson stated the assessed value was \$326,300. That was the 2016 assessed value. The new assessed value is \$369,500. So it is in line with the value of the rest of the neighborhood. So just to clarify for that it is right [inaudible]. And that sale was at \$323,000. We have not yet been able to get information on it to investigate the details of that. But they did

call to contest that \$369,000 value. So we have not had an opportunity to [inaudible]. We started on the 2018 sale to view those.

You are being handed out the packets that we go through. I did go through Mr. Fredriksson's property [inaudible]. I did want to note that I did have some description changes.

[Inaudible]

Elizabeth Baker:

Oh, yes, that we did not have the rec room prior to the [inaudible] years of the assessment or it would have been different had we known that prior to the first of the year. However, I made an adjustment and we did [inaudible] for this year. So you'll see it in the description, but we did not [inaudible] on that.

So I will go through the description. The subject property is at 5207 86th Place. It is located in Whittier Heights neighborhood. It is a two story construction [inaudible] quality built in 1992. It is in good condition. Has good design and utility. It has 1,516 square feet in the basement, 956 square feet of rec room and average quality. It has 2,011 square feet on the first floor, 1,183 square feet on the second floor for a total of 3,194 square feet. To be noted is the original garage of the home prior to Mr. Fredriksson's purchase had been converted to another bedroom and bathroom and then an additional garage constructed which is why it's one of the larger ones in the neighborhood.

It has four bedrooms, two family rooms, four full baths, one half bath, one whirlpool tub, one fireplace. It has cedar siding. The kitchen is in good condition. The bathrooms are average as they're original and a little bit dated given the time of construction. It has gas forced air heat, central air, four additional plumbing fixtures, 166 square feet of masonry on the front and 924 square foot attached garage. The additional features are it has some kitchen built ins, just the typical ones, and a generator. It has an open masonry porch, a 800 square foot deck and a small shed in the back.

Looking at the comps the first comp is 5301 87th Place about two blocks -- or one block south. It sold in April of 2016. It is also located in the Whittier Heights neighborhood. It is also a two story of B quality construction built in 1994. Also in good condition and good design and utility. It has 1,741 square feet of basement as well as the first floor, and 1,240 square feet of second floor for a total of 2,981 square feet. It does have -- it has no rec room. It does have five bedrooms, one family room, two full baths, one half bath, a whirlpool, a fireplace, cedar siding. It's kitchen and its baths are in very good condition. It has gas forced air, central air, four additional fixtures, no masonry adjustments, a 600 square foot attached garage, the typical kitchen built ins, a small open framed porch and two patios. Oh, taking into account all the adjustments it has an adjusted sale price of \$390,500.

Comp number two sold in September 2017 for \$329,900. It is also located in Whittier Heights. It is also a two story of B minus quality built in 1993. It has good condition in design and utility as well as the subject. It has 1,200 square feet of basement, no rec room, 1,280 square feet on the first floor, 1,120 square feet on the second floor for a total of 2,400 square feet. It has three bedrooms, no family room, two bathrooms, one half bath, no whirlpool tub, a fireplace, aluminum

siding. It's kitchen and baths are also in very good condition. Gas forced air heat and central air. It has three additional plumbing fixtures, 80 square feet of masonry, a 644 square foot attached garage, your typical kitchen built in, open frame porch and a patio. It adjusts out with all the adjustments to \$401,200.

Comparable three sold in May of 2017 for \$385,000. It is located a little bit further away in Mission Hills but a similar neighborhood overall. It is a two story of C plus construction built in 2003. It also has good design and utility and condition. It has 1,185 square feet of basement, and it has 792 square feet of rec room of good quality, 1,185 square feet of first floor, 1,189 square feet of second floor for a total of 2,374 square feet. It has three bedrooms, no family room, three full baths, one half bath, one whirlpool, one fireplace. It also has aluminum siding. It has kitchens and baths are both in good, and it has gas forced air heat and central air. It has six additional plumbing fixtures, 325 square feet of masonry, and an 868 square foot attached garage. It has the typical kitchen built ins, an open masonry porch and a large patio in conjunction with an in ground pool. It adjusts out to \$395,000. With all the adjustments indicated [inaudible] it comes out to \$395,600.

I did also to address Mr. Fredriksson he was talking he was talking about listings. A new listing did come out in the adjoining neighborhood in the Cooper Woods area on 89th Place, 4899. Very similar home. Smaller on the upper, but it does have a finished basement and [inaudible] with an in ground pool, but it's about 2,500 square feet. It just came on the market for \$424,900. But otherwise it's an [inaudible] unit very similar where it has the bathroom and the bedroom like your house, you know, four bedrooms, three and a half baths. So very comparable. And that just came on the market so 07-04 so 4th of July is when it when on the market. So I mean [inaudible] definitely a market for these properties and [inaudible] subject property.

Jill Sikorski:

Any further information from the assessor's office?

Elizabeth Baker:

No.

Jill Sikorski:

Mr. Fredriksson, do you have [inaudible].

Steven E. Fredriksson:

I think just one correction. The addition which is involved the finish off of the previous garage and the new garage that was done prior to when we purchased so just for what it's worth.

Elizabeth Baker:

Yeah, I said prior.

Steven E. Fredriksson:

So that's it.

Jill Sikorski:

This is an opportunity for you to make a summary of your case, then the assessor will make a summary, then we will close that portion of the testimony, and then the Board of Review will have a discussion.

Steven E. Fredriksson:

Understood, I appreciate it. Okay, so again, it's not difficult to choose subject properties that can make a case for a certain valuation. In this case I would respectfully ask that we look at all the sales that took place in Pleasant Prairie in that price lot of \$300,000 to \$400,000. Just to be clear as far as the comparison report it says sales price. Am I assuming that's what it actually sold for? So I see \$340,000, \$329,900. But then as we move down it says adjusted sales price. I assume that simply means the adjustment in the assessment range.

Elizabeth Baker:

No, to the sales price compared to your property.

Steven E. Fredriksson:

Again, just so I'm clear with this, so did these homes, did these comparables sell for these prices?

Elizabeth Baker:

No, basically this is just like an appraisal that you would get where they take your property and compare if they paid X amount for that what would a similar buyer pay for yours given the differences in your property versus some things being better, some things being not as good.

Steven E. Fredriksson:

Understood.

Elizabeth Baker:

That's why you have a downward adjustment for a pool because it's an amenity. And then you have an upward adjustment for size saying, well, if they're going to pay X amount for this square footage, they're going to pay more for more square footage. So that's where the adjustments come in.

Steven E. Fredriksson:

Understood.

Elizabeth Baker:



If they paid X amount for that this is what they would pay for your property given similar buying times.

Steven E. Fredriksson:

Yeah, I would just say consider the comps of what's actually sold versus what we're saying that it's worth. In the big scope of things if the Village is saying that my house is worth \$371,000 and some day if I sell it for that or more I'd be a very happy person. I just don't know necessarily that I've seen the sales that support that. This is not acrimonious, I just want to make sure that it is something that is fair and correct. It's a weird house obviously because I've had three senior citizens, three of the grandparents have lived with me for 12 years. And so it's sort of -- we call it the Fredriksson Home for the Aged which we have a sign. We won't put it out because Jean Werbie would be [inaudible]. But anyway, that's actually the nickname in the neighborhood. So if you guys can make the case which you have, it's my position that I would say the sales price or the assessment is not supported by sales themselves, not just assessments. But whatever you guys determine to do. I'm not moving anytime soon.

Jill Sikorski:

Thank you, Mr. Fredriksson.

Steven E. Fredriksson:

Thank you.

Ed Judt:

And not that this is in any way direct evidence of the current value of this house, but Mr. Fredriksson paid \$360,000 for this house in 2006. And we are at a point now in 2018 where we're for the first time since the recession exceeding the values or the assessments prior to the recession. And so I think the \$371,000 comports well with what he paid in pre-recession 2006.

And I just wanted to set Mr. Fredriksson's mind at ease. We do look at all the sales within the Village, but we further break it out. We don't just say this is the price point that we're going to look at yours. We break it out by not only neighborhoods but neighborhood groups. What kind of homes would you look at if you were looking at Whittier homes? What other neighborhoods would you look in? So, therefore, we're not comparing your assessments to say Meadowdale Estates or to, you know, what's the one down on the south that I'm thinking of, or the southern Kenosha area neighborhoods because those typically wouldn't -- it's, you know, what generally speaking if I were looking in your neighborhood to buy a house what other neighborhoods would I also be looking at.

So we break it out not only just by that, by all the sales that occur in the Village but also by homes that are similar in nature. So they tend to sell for some more amounts just because people tend to look at a certain price line. But we are cognizant of the fact that different neighborhoods appreciate at different levels. And some neighborhoods went up only about eight or nine percent this year, and others went up close to 20 percent based on the sales activity that happened. Mr.

Fredriksson's neighborhood went up on average about fourteen and a half. So right in the average of the whole neighborhood. So that was based on his neighborhood and neighborhood group.

Ed Judt/Elizabeth Baker:

14.6

Elizabeth Baker:

So right in the average of the whole neighborhood. So that was based on his neighborhood and neighborhood group.

Jill Sikorski:

Any further comments?

Steven E. Fredriksson:

Yeah, just again this conversation started with receiving an assessment at the same point of being advised of a house that literally is just around the corner that is virtually the same size, just a little bit bigger, that sold for \$322,000. So whether it was the old assessment or the new assessment and whether there was an objection to that assessment I'm less concerned about what it was assessed at and what it is assessed at than what it sold for. It's roughly 100 square feet more. It is quite literally in the same neighborhood, and I believe it closed in May, and it sold for \$322,000. That was why this whole conversation started. I was aware of this house. I knew it was roughly the same size.

It's not thinking about what some could be or what a value might be. It's what somebody -- what a willing buyer and willing seller actually transacted. Again, I don't know the people so who knows, was it arm's length or not? I don't know. But I have to believe that if it were not an arm's length deal it would not have been listed for the two or three months that it was listed. So it actually transacted for \$322,000. That's all. Not to beat dead horse into glue.

Jill Sikorski:

All right, I am going to close the testimony. The Board of Review will now deliberate on the testimony that was presented in open session.

Thomas Camilli:

Madam Chairperson, just a point of order. I believe there may be two -- before we open up to discussion and vote, it's my understanding there are two Board members who are recusing themselves from discussion and vote. Maybe that should be put on the record.

William Morris:

That is true, I would be recusing myself, William Morris.

David Hildreth:

I would also be recusing myself, David Hildreth.

Jill Sikorski:

Thank you.

Jill Sikorski:

Mr. Fredriksson, it's indicated on your objection form you have not had your home appraised?

Steven E. Fredriksson:

Not recently, no, because I had no reason to.

Jill Sikorski:

And you don't -- you're not aware of any of the circumstances regarding the sale of the home around the corner that you mentioned?

Steven E. Fredriksson:

No, no. I refinanced our house probably seven years ago so the appraisal was done, but it was a different market back then. And I think the question was within five years and the answer is, no, we haven't.

Jill Sikorski:

Mr. Riley, any questions?

Lena Schlater:

I just want to interject a few things in here. I notice first when you bought it in 2006 that was the real top of the market.

Thomas Camilli:

Can I ask you to use your mic?

Lena Schlater:

Oh, sorry, yeah, yeah. I thought I was loud enough. So that was at the top of the market when you purchased it. And I can understand how you would feel that you're sitting there going, okay, this house sold for \$329,000. But the subject property never ends up being adjusted. It's the comps that get adjusted. So once they do their adjustments they can see that that particular one would have come up to 401. That's how they arrive at the actual price on it. So I mean I can see

you looking at that going, well, you know, why am I at \$371,000 and they actually sold for \$329,000 and \$340,000, right? Isn't that kind of what I heard.

Steven E. Fredriksson:

Sure.

Lena Schlater:

Yeah, but again they're adjusting the comp properties not the subject property at that time. And like I said when you purchased it at \$360,000 was it?

Steven E. Fredriksson:

\$360,000 correct.

Lena Schlater:

Yeah, that was the top of the market. Now, I notice that this one here did end up closing, the one for \$329,000 September 17, 2017 instead of 2018 obviously. The other two was April '16, that was 2018 and the last one was May '17. Those are the two closest ones, correct?

Elizabeth Baker:

Yes, April 2016, September 2017 and May of 2017 are the sales that I used. Because the 2018 sale we have not been able to get any information to determine if it an arm's length transaction or to determine if there's descriptive issues with --

Lena Schlater:

Okay, I understand. Okay, all right.

Elizabeth Baker:

-- that would impact the sale.

Lena Schlater:

That's all.

Jill Sikorski:

Any further questions, discussion?

Steven E. Fredriksson:

Just for the address I was speaking of --

Jill Sikorski:

I'm sorry, no, the testimony was closed.

Steven E. Fredriksson:

Oh, sorry, okay.

Jill Sikorski:

That's quite all right. Based on the information presented by Mr. Fredriksson and the Village of Pleasant Prairie assessors, I feel the comparables and the adjustments would uphold the assessor's value of \$371,300. So do I have a motion?

Lena Schlater:

So moved to uphold.

Jill Sikorski:

Second?

Mark Riley:

Second.

Jill Sikorski:

All in favor?

Voices:

Aye.

Jill Sikorski:

Thank you, Mr. Fredriksson. I believe the Clerk -- okay.

Jane Snell:

I will do a roll call vote. Jill Sikorski?

Jill Sikorski:

Aye.

Jane Snell:

Lena Schlater?

Lena Schlater:

Aye.

Jane Snell:

Mark Riley?

Mark Riley:

Aye.

Jane Snell:

And, again, Dave Hildreth and Bill Morris were excused.

Jill Sikorski:

The Clerk will have additional information for you. She will be --

Jane Snell:

Mr. Mr. Fredriksson, I do have a notice of Board of Review determination that I can provide to you right now.

.

Jane Snell:

I'm sorry, Mr. Fredriksson, I do have a notice for you to take with you today. And it does have appeal information on the bottom for you, okay? There you are, sir.

Jill Sikorski:

Thank you. And we will go into recess until 10:15. We will now be off the record.

[Off The Record]

## **BOZARTH CASE**

Jill Sikorski:

I am going to call the session for the 2018 Village of Pleasant Prairie review. Jane, could you please make sure the recorder is on? Thank you. We have our second case of the morning. Sir, if you'd like to have a seat up here. I'll ask the Clerk if we have a completed form.

Jane Snell:

Yes, Madam Chair, we do.

Jill Sikorski:

And could you please read the form in the record.

Jane Snell:

That I will. I received on July 6, 2018 an objection to real estate property assessment from property owner Daniel Bozarth, address 10736 43rd Avenue, Pleasant Prairie, Wisconsin, 53158. Tax Parcel Number 92-4-122-261-0116. Assessment shown on the notice was \$299,100. The assessed value homeowner opinion is \$230,000. The reason for the objection is the assessment is higher than market value. And the basis for the opinion is comparables.

Property was acquired back in 1994 is when I believe they built the property, and it was for \$135,000. And changes made to the property is there was a three season room in approximately 2012 for a cost of \$25,000. During the last five years the property has not been listed for sale, nor has the property had an appraisal done on it. The objection form was signed by owner Daniel Bozarth on July 6, 2018.

Jill Sikorski:

Thank you. All those testifying today please stand. You'll be sworn in. State your name and your address please.

Daniel Bozarth:

Daniel Bozarth at 10736 43rd Avenue in Pleasant Prairie.

Elizabeth Baker:

Elizabeth Baker for the Village of Pleasant Prairie, 9915 39th Avenue.

Ed Judt:

Edward Judt for the Village of Pleasant Prairie, 9915 39th Avenue.

Jill Sikorski:

Do you solemnly swear in the matter now in hearing to tell the truth so help you God?

Elizabeth Baker:

I do.

Ed Judt:

I do.

Jane Snell:

Okay, you may be seated.

Jill Sikorski:

Mr. Bozarth, I want to make a statement to you so it's very clear how these proceedings go about. The Board of Review wants you to understand that under State law the Board of Review is required to uphold the assessor's valuation of your property as being correct unless here by your testimony can show the assessor's valuation to be incorrect. In other words, the burden of proof is upon you as the taxpayer. Do you understand that?

Daniel Bozarth:

I understand.

Jill Sikorski:

Thank you. The floor is yours.

Daniel Bozarth:

Okay, I have comparables here of recently sold properties in my area. Would you like to see them or should I read the address?

Jill Sikorski:

Do you have copies for the Board?

Daniel Bozarth:

No, I just have one copy. I ran out of ink.

Jill Sikorski:

All right. We'll put this as Exhibit 1. You can start at that end. Would you like to describe what it is that [inaudible].

Daniel Bozarth:

They're comparable properties that have sold in our area. There's prices, square footage, the amount of bedrooms, bathrooms. I have mine right here on the front page [inaudible] that one, too.

Jill Sikorski:



Sure. Mr. Bozarth, do you need this information to continue your testimony if this is your only copy?

Daniel Bozarth:

Do I need it?

Jill Sikorski:

Yeah, just to refer to.

Daniel Bozarth:

Not unless I need to refer to some properties that are comparable I don't as long as you guys see them and see what I'm talking about.

Jill Sikorski:

Okay.

Jane Snell:

This is the Clerk, and I am accepting Exhibit Number 1. These are comparables received by Mr. Bozarth, and I will read them into the record. There's property 10010 8th Avenue, four bedroom, two bath, 2,100 square feet, built in 1997, sold May 17, 2017 for \$196,000. Property 9425 8th Avenue, Pleasant Prairie, Wisconsin, four bedrooms, two bath, 2,000 square feet, .2 acres, built in 1999, sold January 25, 2017 for \$239,115. Property located at 1112 97th Street, Pleasant Prairie, Wisconsin, four bedrooms, two and a half bath, 2,100 square feet, 1.22 acres, built in 1980, sold October 16, 2017 for \$266,712. Property located at 12007 39th Avenue, Pleasant Prairie, Wisconsin, four bedrooms, two bath, 2,100 square feet, built in 1991, sold August 9, 2017 for \$199,000.

Property located at 12119 43rd Avenue, Pleasant Prairie, Wisconsin, three bedroom, two and a half bath, 2,200 square feet, .34 acres, built in 1992, sold March 10, 2017 for \$242,000. Property located at 12008 43rd Avenue, Pleasant Prairie, Wisconsin, four bedrooms, three bath, 1,800 square feet, .38 acres, built in 1991, sold January 3, 2017 for \$219,900. Property located at 4206 128th Street, Pleasant Prairie, Wisconsin, four bedrooms, three baths, 2,100 square feet, 1.2 acres, built in 1975, sold August 30, 2017 for \$236,528.

Property at 10860 39th Avenue, Pleasant Prairie, Wisconsin, three bedrooms, two bath, 2,000 square feet, .63 acres, built in 1992, sold April 2 -- excuse me, sold April, 2018, \$183,000. Property located at 3661 109th Street, Pleasant Prairie, Wisconsin, three bedrooms, 2.5 baths, 2,000 square feet, .35 acres, built in 1996, sold April 19, 2018 for \$259,000. Those will be marked Exhibit 1.

Ed Judt:

Can we get copies?

Jane Snell:

Yes.

Ed Judt:

Okay.

Jill Sikorski:

Mr. Bozarth, did you have any further comments?

Daniel Bozarth:

Yeah, a lot of the stuff on the other houses has been updated. Like we need new siding, some new windows. A lot of the stuff hasn't been updated ever since we built the house. One of the bathrooms needs to be remodeled. There just work to be done, and there's no way I think I could get that kind of money on the market for that house.

Jill Sikorski:

Does the assessor's office have any questions for Mr. Bozarth?

Elizabeth Baker:

I'm sorry?

Jill Sikorski:

Do you have any questions for Mr. Bozarth at this time?

Ed Judt:

I want to talk briefly about the appellant's comparables. I'm hesitant to go into a critique of each one of these and then take up that much of your time, but let's talk at least about a couple of them. The issue here is he's giving you comparables with a very brief description. And he's not telling you how these sales relate to his value in any way. So I'm going to ask him. The first comparable he gave you is 10010 8th Avenue. This is a bi-level home rather than a modern two story who like his home he lists it at 2,164 square feet. Does that include any finished area in the basement?

Daniel Bozarth:

Of my house?

Ed Judt:

No, of the comparable.

Daniel Bozarth:

Oh, I have no idea.

Ed Judt:

No idea. And so the 2,164 square feet you don't know if that's all first floor space or that's a combination of first floor space and basement space. We really don't know how big a home we're dealing with here.

Daniel Bozarth:

Is it a raised ranch house?

Ed Judt:

It is, what we would refer to as a bi-level.

Daniel Bozarth:

That should be finished on those. The bottom level is usually finished on those. I don't know if it has a basement [inaudible].

Ed Judt:

It usually is. I'm asking you the specifics of this house.

Daniel Bozarth:

I haven't been in the house. I don't know.

Ed Judt:

Okay, all right. Comparable number two 9425 8th Avenue. Again, the first house was in Carol Beach as is this one. Bi-level again. Lists at 2,011 square feet. Again, you have no sense of where that living area is, is that fair?

Daniel Bozarth:

Yeah, well to my knowledge most of those houses its half basement.

Ed Judt:

So it's a thousand square feet of above grade space is what you think?

Daniel Bozarth:

Yes, that's the amount of square footage it divides off to. But, like I said, in my experience most of those are done when the people move in the house. I don't know if you have experience in the same field or not if that's the case on most of them.

Ed Judt:

Comparable number three you seem to have an affinity for properties in Carol Beach. So comparable number three again -- no, I take it back. Okay, so this takes us out to River Oaks or Oak High. So, again, how does this house -- so it appears to be in River Oaks Subdivision. How does this house relate to your value?

Daniel Bozarth:

Is it a two story or a ranch?

Ed Judt:

It's a two story home. Its 1112 -- no, I'm sorry, it is in -- is that address right?

Elizabeth Baker:

Yes, it is.

Ed Judt:

Okay, I didn't recognize the house. So it's 1112 97th Street. So once again we're in Carol Beach. This time you got a two story. Again, I guess I'm making the point that with one, two, three, four, four lines of description and a sale price I really don't know how the appellant thinks that these sales relate to his assessment. And I guess I would ask that he give us some sense of that. But, again, we're going to show you -- momentarily we're going to show you comparable sales of properties that are in the general vicinity of his house that we think are comparable in terms of age, size and any number of other characteristics. So I'm just going to let Beth go ahead with our part of the presentation. But I wanted to make the point that we really don't know what these sales mean.

Jane Snell:

Before the assessor's office begins I just want to acknowledge the assessor's Exhibit 1 which is the valuation report.

Jill Sikorski:

Excuse me, could you give the appellant --

Elizabeth Baker:

Oh, yes, of course.

Jill Sikorski:

Thank you.

Elizabeth Baker:

The subject property 92-4-122-261-0116 is located at 10736 43rd Avenue. The owners are Daniel and Suzanne Bozarth. Its 2018 assessment is \$64,200 on the land, \$234,900 on the improvements for a total of \$299,100. The subject property is located in the Prairie Lane Heights subdivision. It is a two story construction of a C plus quality. It was built in 1994. It has good condition and typical design and utility. It has 768 square feet of basement square footage, 788 square feet on the first floor, 1,328 square feet on the second floor for a total of 2,116 square feet.

There are three bedrooms, one family room, two full baths, one half bath and one fireplace. It has a wood frame exterior. Its kitchen and bathrooms are rated as good condition. It has gas forced air heat and central air. There's two additional plumbing fixtures. It has an attached garage of 840 square feet, an enclosed frame porch of 700 square feet, a small open masonry porch and a patio.

Comparable one 92-4-122-252-0520 located at 10915 32nd Avenue located in a similar subdivision, Foxmoor developed at the same time. It is also a two story construction, also C plus quality, also built in 1994 and good condition and typical design and utility. It has 1,044 square feet of basement finished and first floor, and 976 square feet of second floor finished for a total of 2,020 square feet.

It has four bedrooms, one family room, two full baths, one half bath, one whirlpool tub and a fireplace. It has vinyl siding. Its kitchen and baths are rated as good condition as well. It has gas forced air heat and central air. Three additional plumbing fixtures. Eighty square feet of masonry on the front of the house, a 460 square foot attached garage, kitchen built ins, an open frame porch, no patio or deck. It sold in September of 2017 for \$299,900. And with all the adjustments made for the differences between the subject in comp one it had an adjusted sale price of \$327,500.

Comparable number two, 92-4-122-264-0447 is located at 11309 42nd Avenue. It is located in a similar neighborhood of Mission Hills. It is also a two story constructed home of C plus quality construction built in 2001. It is in good condition and typical design and utility. It has 1,019 square feet of basement square footage with a rec room of 667 square feet. It has 1,019 square feet on the first floor and 812 square feet on the second floor for a total of 1,831 square feet.

It has three bedrooms, no family room, two full baths, one half bath, one fireplace and aluminum siding. Its kitchen and baths are also rated as good condition. Gas forced air heat and central air. Two additional plumbing fixtures. Attached garage of 630 square feet. Kitchen built ins, small open masonry porch and two patios as well as a pool. It sold in October of 2016 for \$329,900, and its adjusted sale price taking into account all the differences in the subject and comparable two indicate a sales price of \$306,900.

Comparable number three, 92-4-122-252-0436 is located at 10676 32nd Avenue. It is also located in the nearby Foxmoor Subdivision. It is also a two story constructed home of C plus quality. It was built in 1997 of good condition and typical design and utility. It has 1,115 square feet of basement finish with a 591 square foot rec room, 1,137 square feet on the first floor, 1,022 square feet on the second floor for a total of 2,159 square feet total.

It has four bedrooms, one family room, two full baths, one half bath, one whirlpool tub and one fireplace. It has vinyl siding, and its kitchen and baths are rated in good. It's gas forced air heat and central air, four additional plumbing fixtures, a 588 square foot attached garage. Kitchen built in and a small masonry porch, a deck, a patio and a shed. It sold in April of 2017 for \$291,000, and after all adjustments are made between the differences between the subject and comparable three it has an indicated sale price of \$307,500.

Taking all of those into account, taking them together, it has an indicated value for the subject property of \$314,000 which supports our assessed value of \$299,100. And that completes our testimony unless you have any questions.

William Morris:

Could you just clarify as you were reading through each and you are listing specifically the full bath and half bath, and then you come down and say additional plumbing fixtures, could you just tell me, just clarify --

Elizabeth Baker:

And I thought of that. Typical plumbing fixtures the two extra refer to the hot water heater and usually a utility sink. So generally speaking we expect to have two. Three or four, three is typically if the master bathroom has two sinks, and we'll pick up any additional ones just as a descriptive. So a master bath that has a separate tub, shower and two sinks will have five total for the bathroom so two extra.

William Morris:

Ah, thank you.

Elizabeth Baker:

In addition to the two typical.

Jill Sikorski:

Any further information? Mr. Bozarth do you have any questions?

Daniel Bozarth:

Yes, comparable two and comparable three are considerably newer than my house. Because I know was it Mission Hills -- I can't see that without my glasses, I think one of them is in Mission Hills and the other one is in Foxmoor. But those are at least ten years newer than my house.

Elizabeth Baker:

Actually comparable two was built in 2001 so seven years, and three was built in 1997 so three years difference.

Daniel Bozarth:

[Inaudible] they still are newer than my house.

Elizabeth Baker:

And we make adjustments.

Jill Sikorski:

I see where she did make the adjustments for the age on the comparables.

Daniel Bozarth:

I hear her, I can't see that well without my glasses on.

Jill Sikorski:

Comp two there is an adjustment for age as well as comparable three.

Daniel Bozarth:

Okay.

Jill Sikorski:

Any other further questions, Mr. Bozarth for the assessor's office.

Daniel Bozarth:

Ah, no.

Jill Sikorski:

Does the assessor have any questions?

Elizabeth Baker:

No, I'm good, thank you.

Jill Sikorski:

Mr. Bozarth, would you like to provide a final summary in this case?

Daniel Bozarth:

Yes, that the house hasn't been updated since it was new. I have one bathroom that needs to be redone, the siding needs to be replaced on the house. I've got six windows that need to be replaced [inaudible] ten or eleven. So the house isn't in great shape. It's not in sellable shape right now because I would have to do those repairs to make it sellable. I don't see how they could assess it that high. They raised it \$49,000 for one assessments. That's a really hard bump in the assessment, you know, \$49,000 on a \$250,000 house or \$230,000 what I think its worth, I think it's ridiculous.

Jill Sikorski:

Does the assessor's office want to make any final summary comments?

Elizabeth Baker:

No, we're good.

Jill Sikorski:

With that said I'm going to close the testimony, and we will deliberate in open session, the Board of Review. Does anyone have any questions for the property owner or the assessor's office? Yes, Mark?

Mark Riley:

I guess the question first goes to the applicant, and if he can't answer it then to the assessor. Were you given this sheet?

Daniel Bozarth:

Yes.

Mark Riley:

So you've read everything on here?

Daniel Bozarth:

Yeah, I went through it while she was reading it.

Mark Riley:

I guess if they've given to you, do you have any specific items where you feel they're in error. After looking at this and reviewing it do you find that they've made any gross mistakes?



Daniel Bozarth:

No. Just like I said the comparables are newer than my house. Some of them had four bedrooms and I only have three. [Inaudible].

Mark Riley:

But you have not found any gross mistakes in here that you want to bring up?

Daniel Bozarth:

No, not that I'm aware of.

Mark Riley:

Okay, thank you.

Jill Sikorski:

Any other questions or comments from the Board? All right, I will look for a motion to uphold the assessor's value of property in question of \$299,100.

Mark Riley:

I will make that motion.

William Morris:

And I will second it.

Jill Sikorski:

And I believe we need a roll call.

Jane Snell:

Jill Sikorski?

Jill Sikorski:

Aye.

Jane Snell:

Lena Schlater?

Lena Schlater:

Aye.

Jane Snell:

Mark Riley?

Mark Riley:

Aye.

Jane Snell:

Dave Hildreth?

David Hildreth:

Aye.

Jane Snell:

And William Morris?

William Morris:

Aye.

Jill Sikorski:

Mr. Bozarth, the Clerk will be providing you with some further information. She will have some paperwork for you before you leave today.

Daniel Bozarth:

Okay.

Jane Snell:

Mr. Bozarth, I do have a form which is notice of Board of Review determination that you can take with you. And it also has information regarding appealing this decision, okay?

Daniel Bozarth:

Sure [inaudible].

Jane Snell:

Yes, that is correct, okay?

Daniel Bozarth:

Thank you.

Jane Snell:

You're welcome.

**11:00 a.m. PAC-RIM Consulting LLC Objection to Real Estate located at 10512 50<sup>th</sup> Avenue**

Jill Sikorski:

I'm going to open the next session of the 2018 Village of Pleasant Prairie Board of Review. I'll ask the Clerk to make sure she has the recorder on. Thank you. I'll ask the Clerk also do we have a completed form.

Jane Snell:

Yes, we do.

Jill Sikorski:

I'll ask the Clerk to read the form, and then she will swear in all witnesses that will be providing testimony.

Jane Snell:

The Clerk's office received on July 6, 2018 objection to real estate property assessment, property owner PAC-Rim Consulting, LLC, P.O. Box 73918, Fairbanks, Arkansas, 99708. Property address 10512 50th Avenue. Parcel Number 92-14-122-262-0297. Assessment shown on notice \$394,200. Opinion of assessed value \$315,000. Reason for objection, purchased property for \$315,000. Basis for opinion of the assessed value is recent sales price equals assessed value. Property was acquired on January 23, 2017. The purchase price of \$315,000. There were no changes made to this property since purchase. The last five years the property has not been listed for sale except on May 25, 2016 to January 23, 2017. The asking price was \$324,900. List all offers received, owners at \$315,000. Was the property appraised within the last five years and the answer was no. This form was signed by the agent on behalf of PAC-Rim Consulting, LLC, J. Michael McTernan. And that was dated July 2, 2018.

Jill Sikorski:

Thank you. And everyone who will be testifying please rise and state your name and your address.

Michael Zacker:

Michael Zacker, Z-A-C-K-E-R, address 12162 37th Avenue, Pleasant Prairie.

Elizabeth Baker:

Elizabeth Baker for the Village Pleasant Prairie, 9915 39th Avenue.

Ed Judt:

Edward Judt for the Village of Pleasant Prairie, 9915 39th Avenue.

Jane Snell:

Do you solemnly swear in the matter now in hearing to tell the truth so help you God?

Michael Zacker:

I do.

Ed Judt:

I do.

Elizabeth Baker:

I do.

Jane Snell:

Okay, you may be seated.

Jill Sikorski:

I wanted to ask one question. Is it Fairbanks, Arkansas or Alaska?

J. Michael McTernan:

No, I was going to make that correction. You're right, it's Alaska, not Arkansas.

Jill Sikorski:

All right, thank you. I just wanted to make sure we put that on the record. All right, sir, the floor is yours.

J. Michael McTernan:

I'm Attorney J. Michael McTernan, and I represent --

Jill Sikorski:

Excuse me. We have a Board member that would like to recuse themselves.

Lena Schlater:

I didn't see Michael Zacker until he just walked in here. You still work with us in our office, a friend, and I think it would be proper for me to recuse myself.

Jill Sikorski:

Thank you.

J. Michael McTernan:

I have no objection.

Jill Sikorski:

All right, please proceed.

J. Michael McTernan:

And just for the record I am the attorney for PAC-Rim Consulting, LLC. My name is Attorney J. Michael McTernan. I will be providing testimony from the witnesses. But as the attorney did you want me sworn in as well, Mr. Camili? I apologize if I didn't. I'm just the attorney and agent of --

Jill Sikorski:

I would have you sworn in.

J. Michael McTernan:

Okay. Attorney J. Michael McTernan, 6633 Green Bay Road, Kenosha, Wisconsin, 53142, agent and attorney for PAC-Rim Consulting, LLC.

Jill Sikorski:

Thank you.

J. Michael McTernan:

I hereby by sworn testimony and accurately tell you the truth.

Jill Sikorski:

Thank you.

J. Michael McTernan:

The basis for the objection is the property was acquired on January 23, 2017 for the sale price of \$315,000. I'll be presenting Mr. Zacker to provide background on the process by which the property was sold. It was originally listed for sale on May 25, 2016. The form doesn't clearly identify all of the details of the listing price, but I'm going to provide you with copies of the listing history and the MLS sheet that Mr. Zacker prepared. That will be the basis of his testimony today. So I'm going to hand these out.

Jill Sikorski:

I'll ask the Clerk to make this Exhibit 1 please.

Jane Snell:

Let the record show that the Objector's Exhibit 1 is MLS listings and history of 10512 50th Avenue.

J. Michael McTernan:

If you can just because it would be easier to describe them, do you mind if we have the history of the MLS being one separate exhibit, and then the MLS listing being a second exhibit so I can go between the two? So which one did you mark as Exhibit 1 so I can keep the reference?

Jane Snell:

Okay. Objector's Exhibit 1 is the MLS Summaries and Exhibit 2 is the history of the MLS listing.

J. Michael McTernan:

Thank you. Mr. Zacker can you provide -- referring to Exhibit 2 can you please provide the history on when you first became involved in listing the property for sale?

Michael Zacker:

We first listed the property for sale on May 25th of 2016 at a price of \$379,900.

J. Michael McTernan:

That's what -- is that what's listed on Exhibit 2 on page 2 at the bottom where it says May 25, 2016?

Michael Zacker:

Correct, I take that back. The original price was \$389,900.

J. Michael McTernan:

And in order to come up with that listing price did you assemble Exhibit 1 by walking through the property?

Michael Zacker:

We did. We also looked at recent sales in the area of both homes in and around primarily around Pleasant Prairie, Springbrook Meadows, Village Green and the surrounding areas.

J. Michael McTernan:

Just to touch base on that, does this home accurately reflect the values of properties that are sold either in Village Green Heights which would be north of this property or the new subdivision that is directly south of this property?

Michael Zacker:

I think that's where the disconnect is on this house. It does not. The house was built in 1973. It's a multi-level home consisting of four almost stacked partial levels. It was quite a bit more dated than homes we see sell [inaudible] list and show in Village Green, Springbrook Meadows. Albeit at 2,824 square feet and three bedrooms it's just simply not the same type of architecture that we're used to seeing in the more recently built up subdivisions in Pleasant Prairie.

J. Michael McTernan:

And these are subdivisions that are a house or two away from this property?

Michael Zacker:

Correct. I would say three or four houses to the south you enter Springbrook Meadows and about the same number of homes, and then across Highway 165 you enter Village Green Estates.

J. Michael McTernan:

So can you walk through the history of the listing that you have with the property dating back from May 25, 2016? What did you do next?

Michael Zacker:

We listed the home for -- at the times were Chuck and Ann Ray [phonetic] who were looking to downsize and move into something smaller. We started at \$389,900. I remember it was discussed quite a bit that that was a little aggressive. And they were hoping to see how the market would respond.

J. Michael McTernan:

Did you have an open house thereafter?

Michael Zacker:

We did on June 6th.

J. Michael McTernan:

And did people come and visit the house at that time?

Michael Zacker:

We might have had a few but nothing -- there was no offers written and no serious interest until September of '16 when we received our first offer.

J. Michael McTernan:

And did you then reduce the selling price or the list price I should say?

Michael Zacker:

Numerous times, both on the 20th --

J. Michael McTernan:

Of what month?

Michael Zacker:

June and then again on July 1st and then again on July 11th.

J. Michael McTernan:

Why did you keep dropping the list price?

Michael Zacker:

Because we simply were not having any showings or any inquiries on the property.

J. Michael McTernan:

Did you have another open house thereafter?

Michael Zacker:

We did. The second open house was on June 14th of 2016.

J. Michael McTernan:

And did you solicit any offers at that point?



Michael Zacker:

We did not.

J. Michael McTernan:

Did you have anybody -- were people walking through the house at least?

Michael Zacker:

They were not.

J. Michael McTernan:

Did you have any other adjustments to the listing price?

Michael Zacker:

Not until August 29th of 2016.

J. Michael McTernan:

And what did you reduce the price there to?

Michael Zacker:

\$338,900.

J. Michael McTernan:

And did that solicit any offers?

Michael Zacker:

The first offer received on the property was on September 27th of 2016.

J. Michael McTernan:

And how much was the offer that you received at that point?

Michael Zacker:

The offer we received on September 27th of 2016 was in the amount of \$315,000.

J. Michael McTernan:

And who made that offer?

Michael Zacker:

The buyer's last name was Murphy [phonetic]. The agent was a Maureen Baumann with Coldwell Banker Residential Properties.

J. Michael McTernan:

Were they any relation to the current owners?

Michael Zacker:

No.

J. Michael McTernan:

What occurred with that offer?

Michael Zacker:

We counter offered their offer on September 28th in the amount of \$322,500.

J. Michael McTernan:

And what was the response to that counter?

Michael Zacker:

The buyers rejected the counter offer.

J. Michael McTernan:

What did you do after that?

Michael Zacker:

We continued to drop the price again on October 3rd and again on November 3rd.

J. Michael McTernan:

And what prices did you eventually drop it down to at that point?

Michael Zacker:

We eventually after starting at \$389,900 eventually ended up at \$333,900 on November 3rd of 2016.

J. Michael McTernan:

Did you obtain any offers after -- or did you have any additional open houses once you dropped the price down to \$333,900?

Michael Zacker:

We did, we had an open house that weekend.

J. Michael McTernan:

And did you have any people come through the property at that point?

Michael Zacker:

Four.

J. Michael McTernan:

And did anyone make an offer at that time?

Michael Zacker:

No.

J. Michael McTernan:

Did you have any additional open houses thereafter?

Michael Zacker:

None.

J. Michael McTernan:

And did you receive any offers when it's listed at \$333,900?

Michael Zacker:

We did receive an offer from the current owner of the home.

J. Michael McTernan:

And what was that offer?

Michael Zacker:

The offer was for \$315,000.

J. Michael McTernan:

Was the buyer, current owner have any relationship whatsoever to the seller's of the property?

Michael Zacker:

None.

J. Michael McTernan:

Did they know each other in any way?

Michael Zacker:

They never met before.

J. Michael McTernan:

Was there anything in the offer other than the purchase price that was reflected in the contract?

Michael Zacker:

Nothing. It was noncontingent on a home sale. It was pretty standard inspections and contingencies.

J. Michael McTernan:

Had you met the current owner of that property at that time when he walked through the property, the representative of PAC-Rim Consulting, LLC?

Michael Zacker:

Yes, I did.

J. Michael McTernan:

And I know the company is the owner of the company, do you understand the reason it's in that name is because the actual owner is an investigator for a large insurance company for insurance fraud, and he is maintaining this in an LLC to try to keep his identity private?

Michael Zacker:

He made that abundantly clear to me from day one, showing one that everything would be done outside of his personal name because of the nature of his business.

J. Michael McTernan:

And does he use this as a single family residential home?

Michael Zacker:

Yes, he does.

J. Michael McTernan:

Does he live here year 'round?

Michael Zacker:

Yes, he does.

J. Michael McTernan:

He travels, though, for a living around the nation investigating fraud claims, correct?

Michael Zacker:

That was my hesitation is he does use it as his main primary residence, but he travels extensively.

J. Michael McTernan:

He has no other single family residential house that he lives in?

Michael Zacker:

No, he does not.

J. Michael McTernan:

And did he spend time investigating the home before he made the offer?

Michael Zacker:

I would say we walked through it probably two or three times and had a standard home inspection.

J. Michael McTernan:

And did the house eventually sell at the offered price of \$315,000?

Michael Zacker:

It did.

J. Michael McTernan:

Is there any reason -- well, was the seller of the home in any way distressed or required to sell?

Michael Zacker:

No, none whatsoever. There was no financial duress. There was no job relocation. There was no -- part of the reason they started so high was that they really weren't in a rush to sell, didn't have to sell. The previous owners of the property are still local. The male, the husband was employed at Snap-on. The female is employed at Extended Love Daycare Center next to St. Anne's Parish. So it's not as though they were taking a job out of town and had to leave the area or had a certain date they had to be out of the house by.

J. Michael McTernan:

Is it fair to say that the sellers were going to obtain the highest, best price they could for the property or they weren't going to sell it?

Michael Zacker:

I would agree.

J. Michael McTernan:

Were both the buyer and seller typically motivated to enter into this arm's length transaction?

Michael Zacker:

Yes.

J. Michael McTernan:

Were both parties well informed and well advised and acting in what they consider their own best interest as it relates to the value that the buyer was paying and the value the seller was receiving in the sale of this property?

Michael Zacker:

Yes.

J. Michael McTernan:

Was payment made in the form of United States dollars?

Michael Zacker:

Correct.

J. Michael McTernan:

Does the price represent the normal consideration for the property sold unaffected by any special creative financing or any sales concessions granted by anyone associated with the sale?

Michael Zacker:

That is correct.

J. Michael McTernan:

Let's get into your understanding and analysis of the market as it relates to the price of this home. How did you advise the sellers in connection with the selling price that they should entertain in connection with the sale of this property?

Michael Zacker:

The market pretty much had spoken. The house was on the market for 201 days. We had I believe nine price drops, four open houses, and unfortunately they just came to the realization that was the best they were going to do. They had two offers that ironically came in at the same exact sales price. The first one they had countered and lost the buyer. They I believe regretted doing that. And so when the second offer appeared at ironically the same sales price they decided that this is simply the best we're going to do. They had been looking to downsize and it was just time. They didn't want to stay in the home any longer.

J. Michael McTernan:

Did you spend a [inaudible] reasonable amount of time and accurately describe the property that is reflected in Exhibit 1 in your MLS sheet?

Michael Zacker:

Absolutely.

J. Michael McTernan:

Is there anything in the MLS sheet that is incorrect to your knowledge?

Michael Zacker:

None.

J. Michael McTernan:

Did you leave any salient selling terms, conditions or descriptions of the property that would have allowed for a greater sale price in the MLS listing?

Michael Zacker:

Absolutely not.

J. Michael McTernan:

Did you put the home's best foot forward in essence in order to garner the most price you could for your customer who was selling the property?

Michael Zacker:

Yes.

J. Michael McTernan:

And was this information readily available to anyone looking to purchase the property in May of 2016 until the date it sold?

Michael Zacker:

It was.

J. Michael McTernan:

Were the seller or the buyer under any abnormal pressure from the other to sell the property and for the other to buy it?

Michael Zacker:

Not to my knowledge, no. I don't think they actually ever met until the closing. In fact, I know they never met until the closing.

J. Michael McTernan:

Over 200 days of being list on the market is that exposed to an open market for a period of time that is typical for a turnover of this type of property in the marketplace?

Michael Zacker:

No, that's a fairly long period of time in this marketplace.

J. Michael McTernan:

So this was on even longer than what you would typically see for a single family home in the Village of Pleasant Prairie?

Michael Zacker:

Absolutely. And that was due to the original list price. On a side note the seller were acquaintances of ours so I probably let them talk me into pricing a little higher than I normally



would to see if they could find that one buyer in a million that was willing to go that high. Obviously that didn't happen.

J. Michael McTernan:

So you were doing extra work for a seller trying to gain them even more money than they otherwise would have if this would have been a normal customer of yours coming to you asking to put the price on the market.

Michael Zacker:

Correct. If this was someone who just called our office and said I'm interesting in selling this house for this price I probably would not have taken the listing at \$389,900 because it was just -- I think they knew it and I knew it that that was just too much money for the house.

[Inaudible]

Michael Zacker:

Yeah, I said that if this wasn't someone I had known personally, if this was just someone who called our office off of our website or found us online or through referral and said would you list this house for \$389,900 I probably would have said no and not listed the house. Because that was just simply way too much money for that house at that time as the market [inaudible] responded in 201 days without an offer.

J. Michael McTernan:

Were both buyer and seller knowledgeable about the real estate market and the prices of homes at that time?

Michael Zacker:

Yes. The buyer had viewed other homes. This wasn't the only house he saw and just came and bought.

J. Michael McTernan:

Did the buyer hire you to prepare the offer for the purchase of this property?

Michael Zacker:

He did.

J. Michael McTernan:

So there were no other brokers involved?

Michael Zacker:

Correct.

J. Michael McTernan:

And how many other homes had you shown this buyer if you recall?

Michael Zacker:

I would say approximately between six to ten.

J. Michael McTernan:

And were the buyer and seller both knowledgeable about the use and present potential of this property as a single family home?

Michael Zacker:

Yes.

J. Michael McTernan:

And as you stated this was a ready, willing and able buyer and a ready, willing and able seller, and neither party was compelled to sell the property, and neither party was compelled to buy the property?

Michael Zacker:

Correct.

J. Michael McTernan:

Did the sale price include all the rights, privileges and benefits of the real estate?

Michael Zacker:

Yes.

J. Michael McTernan:

Examining the assessed value of the property as noted by the Village Assessor, they've assessed the property as of January 1 of 2018 for \$394,200. Do you agree with that assessment?

Michael Zacker:

No, I don't. I'm not an expert on assessments, but I can tell you in the real world there's just no way that house would sell for close to that price?

J. Michael McTernan:

Would they even sell for that price in July of 2018?

Michael Zacker:

No.

J. Michael McTernan:

Do you believe that the value of the house at \$315,000 that the buyer paid and the seller sold on January 23rd of 2017 was the value of the home approximately 11 months later on January 1 of 2018?

Michael Zacker:

I would say yes. It may be a slight increase, but that's just kind of what -- again, that's such a tough house to compare or run comparables for. Since we've sold the property I've sold a number of houses in Springbrook Meadows and Village Green, and never once has this house been used as a comparable in our analysis of selling other homes because it's just such an older dated property.

J. Michael McTernan:

I bring to the Board's attention the case of Lloyd versus the Board of Review of the City of Stoughton, 179 Wis 2d 33, 505 N.W. 2d 465. As noted in the case there's nothing -- an arm's length sale of a property in the year of the assessment is conclusive as to the value of the property. This property sold for \$315,000 within the year of the assessed value, 11 months and change. And it's conclusive absent any other factors that this property shouldn't be assessed at no more than \$315,000. The property sold for \$315,000, and there's nothing to justify in the market after being on the market for over 200 days to qualify this property should be valued at \$394,200 for assessment purposes.

[Inaudible] purchased the property, it's been on the market for an excessive period of time. It was exposed to the market for what Mr. Zacker testified to is in excess of a normal real estate transaction. And the market dictated what the value of the home would be. I think as the law states you have conclusive evidence that the sales price should be the assessed value when it's done within a year of the assessed value. Nothing before -- nothing is available that indicates that that wasn't a arm's length fair value price, and the assessed value should be \$315,000. I have nothing further.

Jill Sikorski:

Does the assessor's office have any questions?

Ed Judt:

So you stated that you would not have asked the \$389,000 initially had you been dealing with someone you were acquainted with?

Michael Zacker:

Correct.

Ed Judt:

Can you briefly describe what kind of analysis you go through when you list a home in terms of determining an initial asking price?

Michael Zacker:

There's a number of components. As an example, last night I showed two homes in Village Green. So all day, every day I'm walking through houses in Pleasant Prairie with different buyers. So you get a feel for what's out there, what people are asking for their homes. We write offers on homes sometimes, we get the deal or we actually go to closing and then we have a comparable, an actual true value for a sale. Other times like in this market now we'll write an offer, maybe be one of six offers on a home and we don't get the house. Someone outbid us. And then we'll kind of just wait and see where it closed at. So part of it is just I guess being the field, walking through the homes with buyers, understanding what the market's doing, and that's kind of the art of it.

The science of it is when we sit down we can pull up recent sales and pull up everything from dollar per square foot, year built, quality of finishes. We can see what has been selling. So in May of 2016, May 25, 2016 there's no way in the world in a normal set of circumstances I would have listed that house for \$289,900.

Ed Judt:

So, but do you do a specific analysis?

Michael Zacker:

Yes, we do.

Ed Judt:

Okay, so did you do that analysis in this case?

Michael Zacker:

Yes, I did.

Ed Judt:

And can you produce that analysis?

Michael Zacker:

I don't have it with me.

Ed Judt:

Okay.

Michael Zacker:

I remember the husband and I specifically talking. He wanted to start it closer to \$350,000, and she wanted to start it closer to \$390,000.

Ed Judt:

Okay.

Michael Zacker:

And, again, these were folks that we've known. I mean it's a small town, you run into people, and I was kind of I guess I don't want to say doing them a favor. But I said, sure, if you guys want to try to go higher we'll go higher for a while, and if it doesn't work we can bring the price down which is exactly what we did.

Ed Judt:

You said that it took you longer to sell this house than what's typical at the time in Pleasant Prairie.

Michael Zacker:

Correct.

Ed Judt:

What was typical at the time in Pleasant Prairie?

Michael Zacker:

I'd have to look, but I would guess 90 days. I mean we sold the house next door to this house probably in less than 30 days.

Ed Judt:

In the spring of 2016?

Michael Zacker:

I don't exactly recall the date.

Ed Judt:

Okay. Were you involved in any transactions involving the seller of this house?

Michael Zacker:

Yes.

Ed Judt:

Can you talk about that?

Michael Zacker:

They have been looking off and on, quote unquote, a smaller ranch house. They wanted to downsize. Their children, their adult children are kind of grown and gone. They didn't need 2,824 square feet and the lot. They kind of wanted to spend their weekends doing more social. They bought a Harley. I remember they wanted to go riding around their Harley-Davidson on weekends and not cut the grass and trim trees. So, you know, sporadically during this 201 days a house would pop up for sale, we'd go walk through it. We weren't seriously looking. We didn't write any offers until after we got the offer on September 27th that was ultimately rejected. And then they found -- they ultimately ended up buying a house in Racine County. It's basically on 22nd Avenue just north of KR they found a small three bedroom ranch house that they currently occupy.

Ed Judt:

So we've talked a lot about the listing history here. I want you to take a look at that for a second and tell me if you think that's accurate relative to the listing history that you provided to the Board.

Michael Zacker:

That appears to be accurate.

Ed Judt:

Okay. So it appears that you reduced the price on this house ten times over approximately a five month period.

Michael Zacker:

The five months you're referring to are June through August?

Ed Judt:

Well, June through November.

Michael Zacker:

Okay.

Ed Judt:

Give or take.

Michael Zacker:

Yes.

Ed Judt:

Okay, so on average you were reducing this thing a couple of times a month.

Michael Zacker:

Correct. The reason we do that also that you guys might not be aware of is whenever we do a price reduction it sends the listing back through the system to the MLS. It appears again on a thing called the hot sheet so the realtors see it. And then it's also emailed out to any buyers, that any realtor in Kenosha or Racine or Illinois for that matter has looking for a property like this in the price range. So some people might question why in the world do we keep dropping it \$1,000, from \$339,000 to \$334,000, \$333,000. Every time we did that it gets refreshed in the system. If I have a buyer looking for a three bedroom house in Pleasant Prairie priced between \$300,000 and \$350,000 they would have gotten an email on July 11th, August 18th, August 29th, September 8th, September 19th, October 3rd and November 3rd. So we're trying to basically pepper potential buyers with these emails. So that's the rationale behind the I guess what might appear to be an excessive amount of price reductions.

Ed Judt:

Okay. Would you agree that this kind of pricing history is not typical for the market?

Michael Zacker:

Yes.

Ed Judt:

Okay. And would you agree that this seems to indicate at least a bit of impatience on the part of the seller?

Michael Zacker:

I'm sorry, could you repeat the question?

Ed Judt:

Would you agree that this, again, this history of reducing prices this quickly in succession indicates some impatience on the part of the seller?

Michael Zacker:

In this case absolutely not. They had the mind set that if it sells, if it doesn't, it doesn't. They were in no rush which, quite frankly, for realtors it's a little frustrating because we're spending time and money and doing open houses and tying up time and resources. And if you don't really have a motivated seller at the beginning or a seller who's trying to get more than it's probably worth it ends up taking -- am I allowed to ask questions?

Ed Judt:

No.

Michael Zacker:

Sorry.

Ed Judt:

Okay, if I understand you correctly so on August 18th, on August 29th, on September 8th, on September 19th, on October 3rd you went to the seller and said let's lower the price again?

Michael Zacker:

Correct. We were simply trying to, again, pepper buyers who were receiving emails and realtors who are looking for homes to sell just trying to keep this on everyone's radar front and center. If someone saw this house -- if they got an email again on all those dates after a while you almost I don't want to say wear them down, but they're almost all, you know, this house keeps coming up, keeps coming up, maybe we should go take a look at it. They're getting the price down into where maybe it should be. Maybe at \$359,000 they weren't interested but at \$337,000 let's at least go take a look at it. And then, again, the only two offers we got for each for \$315,000.

Ed Judt:

Okay. That's all I have in terms of questions for the witness.

J. Michael McTernan:

May I follow up with some rebuttal?

Jill Sikorski:



Actually we're going to hear the assessor's case.

J. Michael McTernan:

At the close of his cross-examination of the witness I'd like an opportunity to rebut, too, rehabilitate the witness in relation to simply those topics he crossed on on his cross-examination if that's appropriate. Just a few clarifications. You identified, and I see on the string there, Mr. Zacker from August 18th at \$339,900 through October 3 or November 3, 2016 it's just showing a thousand dollar reduction. Can you explain was that part of the rationale just simply to try and drive the market harder so you could get more exposure to the marketplace when you did that?

Michael Zacker:

Yes.

J. Michael McTernan:

And you've also testified that the \$389,900 was not a price that you would have listed it for, but bringing the property back down to the \$330,000 range is that more a fair listing price that you would have preferred to have listed it at had a buyer you did not -- or seller you did not know come to you to ask to list the property for sale?

Michael Zacker:

Yeah, I'm positive that our original list price was going to be in the \$340,000's. I'm looking for notes of that conversation. But I do specifically remember that's where the comps were, that's what we had talked about. But then kind of right at the end Mrs. Seller had kind of shocked me and quite frankly upset her husband by wanting to try and get more money for the house. Because he was the one who really was looking to take it out. He was the one that was tired of the yard and wanted to go.

J. Michael McTernan:

Just analyzing on how you come to a purchase price, how many homes do you sell a year, Mr. Zacker?

Michael Zacker:

I would say anywhere between 60 and 100.

J. Michael McTernan:

How many homes do you list per year?

Michael Zacker:

Probably between 40 and 75.

J. Michael McTernan:

What is the average price of a home that you list through your brokerage firm?

Michael Zacker:

The average sale price this year to date is \$328,000 for me personally.

J. Michael McTernan:

So is this home right in the ballpark of the type of homes that you're listing and selling on a regular basis in Kenosha County?

Michael Zacker:

Correct.

J. Michael McTernan:

And did you use comparable sales in order to support bringing the price listing down to \$333,900?

Michael Zacker:

We were watching the market. So there would be a number of times I do this. I just did it this week for another client who has a house for sale on 8744 Lakeshore Drive in the Village here. He was curious to see what has sold since he listed 50 days ago. And so I ran a little analysis to see what had sold on Lakeshore Drive in the past 50 days. And so when other homes are selling in the area or other homes are selling in this price range, we'll go ahead and email those to our clients so they can see what has been selling while their house is sitting idle.

Jill Sikorski:

Mr. Zacker, can you refresh my memory when you first started your testimony that the seller wanted to just see if they could sell the opportunity. They really weren't concerned how quickly it sold?

Michael Zacker:

Yes.

Jill Sikorski:

Okay.

Michael Zacker:

We get that a lot. What's put on the market [inaudible].

Jill Sikorski:

So basically throwing out a fishing line seeing if they can get a fish?

Michael Zacker:

Perfect analogy, yup.

Jill Sikorski:

Okay.

Michael Zacker:

You never know. You find someone moving up here from Chicago who is getting a new job, and \$389,900 to them is going to be peanuts.

Jill Sikorski:

With that said I'm curious as to when the seller made an offer on the home in Racine. And the point I'm trying to make is the sales price drop is much less substan -- is more substantial early on, and then I see that you're starting to drop it a thousand to circulate it. So I guess my question is --

Michael Zacker:

They bought -- yeah.

Jill Sikorski:

-- are they becoming more motivated?

Michael Zacker:

No. I follow you and that was not the case at all. They bought very late in this process. And they did not have to sell this house to buy the other house. If memory serves they bought the house very, very, very late in this. So it's not as though they were moving into the house in June of '06 and were now carrying two mortgages and feeling the pressure, the financial constraints of any of that.

Jill Sikorski:

Thank you.

J. Michael McTernan:

No further questions. Thank you.

Jill Sikorski:

All right, I'll turn it over to the assessor now.

Ed Judt:

Do you have one for him? Do you have one of these? Did you pass them out?

Ed Judt:

I passed them. I'm not sure if they're included.

Ed Judt:

Oh, I am.

Jane Snell:

I would like the record to show that the Assessor's Exhibit 1 is the valuation report.

Ed Judt:

I want to start with a quick legal primer. And obviously we're at a bit of a disadvantage here because we don't have a lawyer present unlike the appellant, but I'm going to give it a shot anyway. And what you see up on the screen is Chapter 70 of the Wisconsin Statutes which dictates assessment law in Wisconsin. And this portion of it is really sort of the holy grail of assessment law in Wisconsin. It has been quoted widely in court cases over the years most prominently in a case back in 1970 involving a guy name Markarian and the City of Cudahy. And since that time assessors, lawyers, the Wisconsin Department of Revenue, everybody refers to this as the Markarian hierarchy. And essentially what it does is it establishes the rules of evidence for purposes of determining value for assessment purposes in Wisconsin.

Mike has suggested to you that their sale price, the sale price should be the assessment, done. We disagree. And I'm going to show you why. Just for purposes of the record I'm just going to start reading. Real estate how valued (1): Real property shall be valued by the assessor in the manner specified in the Wisconsin property assessment manual provided under s. 73.03 (2a) from actual view, and we're going to talk about that momentarily, from actual view or from the best information that the assessor can practicably obtain, at the full value which could ordinarily be obtained therefore at private sale.

And then the next part goes into that hierarchy. In Wisconsin we generally refer to three tiers of evidence, and the three are described here. So in determining the value, the assessor shall consider, and this would be the first tier, recent arm's length sales of the property to be assessed if according to professionally acceptable appraisal practices those sales conform to recent arm's length sales of reasonably comparable property. And so that's tier one. Again, it is the sale price of the subject, but only if it comports with sales of reasonably comparable property. So it's not just the sale price in and of itself.

Then we go to the second tier, and that is lacking a sale of the subject, recent arm's-length sales of reasonably comparable property. If there aren't any sales of comparable property then we go to what we refer to as the third tier, and that's essentially everything else. And so momentarily I'm going to have Beth share with you some of the sales that we think are reasonably comparable to the subject property. And we derive an assessment from those sales.

Mike seemed to suggest that we were using sales in Springbrook Meadows, a newer subdivision that is immediately adjacent to this property as well as sales in Village Green Heights which is just north of this property on the north side of Highway 165. I can categorically state that we used sales in neither of those neighborhoods to arrive at this value. So we placed this property in a neighborhood group that we refer to as rural character subdivisions. These would be subs that would have developed anywhere from the -- essentially in the post war period up to about the early 1990s maybe. And so we're drawing sales from those kinds of places, not from Springbrook Meadows and not from Village Green Heights.

You've got a couple of other handouts in your packet there. And I want you to turn to the last page of each of them. You've got one titled 2017 Modern Two Story Sales All, and one 2017 modern Two Story Sales Similar Neighborhoods Only. What you see there is all of the sales. So in the case of the first handout labeled All you've got 97 sales. In the case of the second one where we drilled down to what we consider to be similar neighborhoods you've got 66 sales. These are all the sales of two story homes that occurred in 2017. And we've set them against the old assessment, that is the assessment that was in place for 2016 and 2017.

And the point I want to make here is that in the case of all of the two story sales generally we were at about -- the assessments were at about 87 percent on average of the sale prices. And similarly in the case of just the similar neighborhoods the assessments were at about 88 percent of the sale prices. What I want you to see here, and we've highlighted the subject property sale, in the case of all the two story sales there are only two other sales in the entire community that had a percentage higher than this particular property as it relates to the assessment in place at the time. In the case of similar neighborhoods there was only one house that sold at a higher percentage. So I think it's fair to say that this sale is an outlier by any measure.

Those other statistics you see there that last one is the coefficient of dispersion. And I'm not going to go into how that's calculated. But the Department of Revenue considers anything under ten to be not just adequate but excellent. That's the descriptor they use. And so generally speaking our assessments are more than acceptable relative to the sales prices that were occurring. And, indeed, when you look at the aggregate change in 2018 for single family homes it was about 13, 14 percent as it should have been relative to those averages of 87 and 88 percent that you see on those reports. So, again, just making the point that this sale was clearly an outlier. It was not representative of what was typically taking place here in the market. I don't think I have anything else for now. I'm just going to let Beth go ahead and walk you through the comparable sales -- some of the comparable sales that we used.

Elizabeth Baker:

The subject property is 92-4-122-262-0297, owner is PAC-Rim Consulting located at 10512 50th Avenue. Land is assessed at \$61,300, improvements at \$332,900 for a total of \$394,200. The property is located in a neighborhood we call Section 26-2 which basically is indicative of its

rural nature. It's not in a formal subdivision which is why we break it out that way. It is a two story construction B minus quality. It was built in 1973 but had some work and additions giving it an effective age of 1980. It is in very good condition and good typical design and utility. It has 576 square feet of basement. It has 1,846 square feet of first floor, 978 square feet of second floor for a total of 2,824 square feet.

It has three bedrooms, one family room, one full, one half bath, no whirlpools, a fireplace. It has aluminum siding. It's kitchen and baths are rated as very good condition. It has gas forced air heat and central air, two additional plumbing fixtures, masonry adjustment of 650 square feet. It has a 1,864 square foot attached garage. It has kitchen built ins, an enclosed masonry porch, an enclosed frame porch and a patio and an in-ground pool.

Comparable one is 92-4-122-252-0605 located at 10600 32nd Avenue. It is located in the Electric Station Subdivision, a similarly constructed neighborhood. It is a two story also a B minus construction. It was built in 1994, but with updating has an effective age of 1998. It has good condition and good design and utility. Basement square footage 1,232 square feet and a 798 square foot rec room. It has 1,246 square feet on the first floor, 1,598 square feet on the second floor for a total of 2,844 square feet.

It has four bedrooms, one family room, four full baths, one half bath, one whirlpool tub, one fireplace. It has vinyl siding. Its kitchen is rated as excellent, and its bath is very good. It has gas forced air heat and central air, six additional plumbing fixtures, no masonry. An 870 square foot attached garage. Kitchen built ins, open masonry porch, no patio or deck or pool. It sold in December of 2016 for \$368,000, and making adjustments to all the differences between the subject and comparable one indicates a sale price for the subject property of \$399,400.

Comparable number two is 92-4-122-361-0203 located at 11720 26th Avenue. It is located in LakeView Farms. It is also a two story constructed C plus quality home built in 1993. Its condition is good, and it has a good design and utility. It has 1,291 square feet of basement square footage as well as on the first floor, 1,144 square feet on the second floor for a total of 2,435 square feet.

It has four bedrooms, no family room, two full baths, one half bath, no whirlpool, one fireplace, and it is also sided in aluminum. Its kitchen and baths are also rated very good. It has gas forced air heat and central air. Two additional fixtures, no masonry, a 526 square foot attached garage and no additional features. It sold in August of 2017 for \$304,900, and making adjustments for the differences between the subject and comp two indicates a sales price of \$414,300.

Comparable number three is 91-4-122-071-1710 located at 10740 80th Street. It is located in Chateau Eau Plaines. It is also a two story B minus constructed home built in 1993. It has good condition and good design and utility. Basement square footage is 1,255 square feet with a rec room of 936 square feet. The first floor as 1,395 square feet, the second floor 1,208 square feet for a total of 2,603 square feet.

There are four bedrooms, one family room, three full baths, one half bath, one whirlpool, one fireplace, a wood exterior frame. The kitchen is rated as excellent, and the baths are rated as very good. Gas forced air heat and central air. Additional plumbing fixtures of two and a masonry adjustment of 160 square feet. It has a 604 square foot attached garage, kitchen built ins, an open masonry porch and a deck but no pool. It sold in August of 2017 for \$340,000, and making

adjustments between the subject and comparable number three indicates a sales value of \$398,000. Taking all three into account indicates a sales value of \$403,900 which supports the assessment of \$394,200.

Ed Judt:

I want to make you aware of one more thing, and that is that is the last time we saw the house or saw the interior of this house was back in 1988. We've made requests to see the house periodically over the years, and we made a request again this year in February to which we got no response. When Mike called us the week before or last week, we again requested an opportunity to see the inside of the house, and to this point we've been refused.

Elizabeth Baker:

That is all we have.

Jill Sikorski:

Do you have any questions for the assessor?

J. Michael McTernan:

I do. As you point out, and this is for Mr. Judt, he raises the case of the Markarian case which is the hallmark case in Wisconsin dealing with how property values are supposed to be assessed. And I guess I'd like you to explain to me in the opinion drafted by the court in that case it says we address the landowner's challenge in the City of Cudahy assessment of his property value, and we interpret Wisconsin Statute 70.32, which is the statute he quotes, to set forth a hierarchically valuation methodology for single property appraisals. Are you familiar with that case?

Ed Judt:

Not particularly.

J. Michael McTernan:

Okay, do you disagree that the text of the statute as stated by the court in that case states the information as in a specific order with the court in the Markarian clarifying this order is indicative of quality of the information each source provides, this methodology has been further described in courts as provided there are three tiers of analysis. Do you agree that that is the analysis the court has set forth?

Ed Judt:

I think I described those three tiers.

J. Michael McTernan:

And do you disagree that the court ruled the best information of a property's fair market value is an arm's length transaction sale of the subject property. I quote Markarian, 45 Wis 2d at 686, 173 N.W. 2d at 627. Examination of a recent arm's length sale is known as the tier one analysis? Do you agree that that's what the court has issued as your authoritative analysis that you must do?

Ed Judt:

I can't address that case specifically.

J. Michael McTernan:

Well, then it goes on, if there are no recent sales of the subject property, the appraiser then and only then moves to tier two. You've ignored tier one. You've provided no testimony have you as to what you have challenged in connection with the subject property sale that occurred in the year in question.

Ed Judt:

To the contrary. I think we've provided ample evidence as to why we rejected that sale price as being an indication of the property's value.

J. Michael McTernan:

What have you identified in the listing agreement, in the MLS and in the transactions that doesn't indicate that the six factors in determining an arm's length transaction as set forth by the statute is incorrect?

Ed Judt:

Well, we don't know that. I mean you asked your witness question as to the buyer and seller's motivations, as to whether either of them was experiencing any distress. But neither one of them is here to talk about that so we don't know. We don't even know the name of the homeowner at this point.

J. Michael McTernan:

What does that matter?

Ed Judt:

Mr. PAC-Rim.

J. Michael McTernan:

What does that matter?

Ed Judt:



So we don't know what the motivations were. We don't know if there was any duress. We don't know if, you know, the seller felt like he had to do -- had to move on this house quickly because of the other transaction he was involved in. We don't know any of those things because they're not here to tell us about that.

J. Michael McTernan:

But you have an agent who has provided sworn testimony that the information obtained is directly related to the arm's length transaction and the history of the property. There's no information you presented to this court, to this Board that indicates any analysis of the arm's length transaction that would counter the fact the value of the property sold to a ready, willing and able buyer from a ready, willing and able seller, and that that isn't the market value. And as dictated by the statute and by the courts how is that not indicative of its assessed value?

Ed Judt:

I'll read you the tier one, what we refer to as the tier one language again. And that is the assessor shall consider recent arm's length sales of the property to be assessed. Now, remember, it doesn't say the assessor must accept that sale price. It says the assessor shall consider that sale price if according to professionally acceptable appraisal practices those sales conform to recent arm's length sales of reasonably comparable property. And we've shown you both statistically in terms of that long laundry list of sales, the two laundry lists of sales that we gave you, and in terms of three specific comparable properties that we've shared with you that we don't think that this sale price comports with sales of comparable property. I don't know how I can make that more clear.

J. Michael McTernan:

And I just am directly asking that the value -- the law is the law and you haven't addressed it. And I just was curious if I missed anything. I don't have any further questions on that issue. The question I do have is it relates to your analysis fails to indicate or discuss the sale of a 3,790 square foot property directly next door that sold for \$350,000 as I'm looking at the county website, tax parcel 92-4-122-262-0300, address 10506 50th Avenue, facing the property would be north of that property. It sold according to the county's website it sold for \$350,000 on February of 2016. How come that property wasn't used in your analysis to compar values?

Ed Judt:

I don't know.

[Inaudible]

Ed Judt:

Is it?

[Inaudible]

J. Michael McTernan:

It's a split level and --

Ed Judt:

So we're describing this as a split level, essentially a one and a half story split level rather than a two story home.

J. Michael McTernan:

And isn't the MLS sheet and the testimony that this is also a split level home, listed as a multi-level split level home as testified by the agent?

Elizabeth Baker:

It is classified as a two story in our system. Whether that is different I cannot testify to because I have not been allowed to see the house, so their description changes will not -- there will be no description changes. I can't --

Jill Sikorski:

How many times has the assessor's office requested to look at the inside --

Elizabeth Baker:

This year?

Jill Sikorski:

-- of this property with --

Elizabeth Baker:

Twice this year.

Jill Sikorski:

Twice. Were you aware of that Mr. McTernan?

J. Michael McTernan:

I received a phone call from Mr. Judt last week, and my client is tied up in a fraudulent investigation, and I had no access to the property. I do know the Supreme Court has recently issued rules that there's no requirement of a homeowner providing any owner the access to the property in order to determine an assessed value.

Jill Sikorski:

That's correct.

J. Michael McTernan:

Moreover I have provided sworn testimony and an MLS sheet that was open in the market for over 200 days which countless people have viewed.

Jill Sikorski:

And he has no one else to let him into the property, no family member lives there with him that --

J. Michael McTernan:

No, he's a single, he's a single person with no one in the property. And he had no way of -- he didn't give him the keys to go ahead and show the property. But I counter that with you had over 200 days on the market with countless people that have looked at the home and determine what the value is by examining it and making a purchase alone based on that.

Jill Sikorski:

Mr. Zacker, what would you say are the most robust months of the year for real estate sales if you could?

Michael Zacker:

I would say April through July.

Jill Sikorski:

And this home was put on the market in May?

Michael Zacker:

Correct.

Jill Sikorski:

So it was all through the summer, all through the fall, through the winter?

Michael Zacker:

Yes, ma'am.

J. Michael McTernan:

I have no further questions of the witnesses, Your Honor. I have no further questions for the witnesses. Thank you.

Jill Sikorski:

Thank you. Does the assessor's office have any more questions or comments?

Ed Judt:

Ah, I don't think so.

Jill Sikorski:

Okay, would you like to provide any further summary?

J. Michael McTernan:

I think the court, and I'm happy to share with you the court's records that are outstanding, and I'm sure Mr. Camili as an attorney in the real estate profession will tell you that the Markarian case is that it tells you that the first tier has to be examined, and you have to examine that first tier before you can move to any other tier. You can't ignore an arm's length transaction. And there's nothing of the record that that arm's length transaction wasn't between a ready, willing and able buyer and a ready, willing and able seller. They weren't motivated to sell, they weren't motivated to buy. There wasn't anything inherently untoward that took place between those parties, and it's out of the market which is the greatest indication of value is when then it sold after having countless open houses. And sadly only two offers that were made ironically for the exact same sale price that it ended up closing at.

But I think that the Board has to look at that sale in the analysis as set forth in the statute and as supported by case law that that is where you end. You can't get to comparables. You can't even get to the valuation report looking at comparable sales until and unless you somehow attack and defeat that arm's length transaction. This happened 11 months prior to the assessment date, nothing more. This didn't happen years prior. It happened within striking distance of this assessment value. So for those reasons I believe the court, this Board has no other option other than to take the sale price as its assessed value. That is what the evidence is, and that is what I contend the value the assessment should be. Thank you.

Jill Sikorski:

Thank you.

Ed Judt:

I guess I would just say going, again, to this notion of tier one evidence, there's another recent case, the Metropolitan case that went at least to the Appellate Court level, maybe the Supreme Court level, I don't know, that dealt with the notion of mass appraisal versus single property appraisal. Now, obviously when we go about putting a value on 6,900 some single family dwellings in the Village of Pleasant Prairie we do it using a statistical process that builds a valuation model. We then drill down to neighborhood, to housing types, to other factors to try to get to a value. But we don't sit down and prepare a comp sheet with three sales on it, right? And the Metropolitan court said that that's an appropriate way to assess property as long as you're

willing to look at the property on a single property basis once there's an appeal. And we were certainly willing to do that.

But the first step in that practice as you can see the most important element of our process is the description of the property. And we certainly would have been willing to do that had we been given the ability to see the interior of the property but we weren't. And so we stand by our initial assessment because that represents the best information that we presently have. And it's not that we've ignored the sale price of the property or that we've ignored the court's directive in stopping after tier one evidence. But tier one evidence clearly -- the tier one level clearly says that that sale has to comport with sales of similar property. This sale price clearly does not.

Jill Sikorski:

Thank you. I will close the testimony now and open it up for discussion with the Board members.

William Morris:

So I just have a couple of questions. Mr. Zacker, if I understood your exhibit that was on the screen here previously and what you kind of explained to us, while you had discussions with the sellers and the wife I guess on this \$390,000, oh, thank you very much, thank you, and so while you're saying you certainly had discussions there your statement was that this house probably if you had had this just as a cold call, somebody coming in, if I understood what you said you would have put this house in the 340's?

Michael Zacker:

Correct, somewhere between \$340 and [inaudible].

William Morris:

And that basically would have been in 2016?

Michael Zacker:

Correct, that would have been in May of 2016.

William Morris:

So over two years ago?

Michael Zacker:

Correct.

William Morris:

Okay.

Mark Riley:

I guess this is to the property owner or the attorney of the property owner. I just want to clear up a couple things as far as you educating me. Can you hear me now?

[Inaudible]

Mark Riley:

As I look at the price dropped, I mean those were rapid price drops. You're talking about a week and two weeks apart until you get -- they don't really slow down dropping the price. So I'm having a rough time thinking that this wasn't a quick sale to drop prices that fast. If I'm just throwing out my line to catch a fish and I've got all the time in the world, I'm not sure I'd drop my price or change my lure every week or every two weeks. And I'm just making that as a comment. That's an observation that that -- and I don't know if it's relevant or not, but that price did drop rapidly for a seller who's not in a hurry. That's a point.

Mark Riley:

Understood.

Mark Riley:

My next question is I've heard 120 -- the MLS says that the property sold in 120 days. I've heard 200 days. And I read from I'd say seven months is what it appears -- or six months is what it appears to be which is like 180 days. So nothing is adding up here as far as the time of the listing unless I see that wrong. That chart would tell me it's 180 days. The MLS is 120, and I believe Attorney McTernan is listing 200 something days. I'd like to bring all those together to some conclusion. And, again, I'm not sure it makes a huge amount of difference, but it should be consistent. That's a pretty big space of time of listing.

J. Michael McTernan:

Would you like that explained, the numbers?

Mark Riley:

Yeah. Just I think we should know how long it was listed for because we're going to be looking at is that a reasonable time or not as far as whether it was an arm's length or not.

Michael Zacker:

Yeah, there was actually two listing technically in this period. It was 201 consecutive days on the market from start to finish. On May 25th of 2016 this is when it was a new listing at 1:55 p.m. They expired it on August 16th. And we started it -- I'm sorry, expired it on August 18th, and they also restarted it on August 18th at 2016. We probably reshot some photos. Those photos were getting stale and they wanted to maybe take some new photos. So they actually expired one

listing, started the next listing basically the same day. It would have a new MLS number. So there may be a break in the two. So 85 days and 117 days are the [inaudible] 201 –

Mark Riley:

It had to be listed prior to May 25th to get that many days.

Michael Zacker:

Yeah, from May 25th of 2016 to August 17th of 2016 is 85 days. And from August 18th of 2016 to January 23rd of 2017 is 117 days for a consecutive days on the market which is what this CDOM stands for on top of Exhibit 2.

Mark Riley:

So roughly 200 days is the correct --

Michael Zacker:

Yeah. So here on Exhibit 2 I believe --

J. Michael McTernan:

Yeah, Exhibit 2.

Michael Zacker:

You'll see an 85 days on the market here and then 117 up on top. And then when it adds it together the CDOM is consecutive days on the market of 201.

Mark Riley:

Okay, roughly 200 days is the correct number.

Michael Zacker:

Correct.

Mark Riley:

I guess this question goes to Mr. McTernan since he made the statement that the value -- he feels the value of the property is -- well, before I get to that, are we in a hot market or are we in a flat market?

Michael Zacker:

Now or in 2016? I mean now it's definitely a hotter market --

Mark Riley:

Since the time that property was sold are we in a flat market or a hot market?

Michael Zacker:

Since the time the property was sold the market has definitely become a hotter market.

Mark Riley:

Okay. I guess to help make up my mind or get my head straight if that property sold for \$315,000, and let's just call it the first of 2017, and their valuation is one year later, you made the statement that there's no increase in that property in one year.

J. Michael McTernan:

I didn't say that. I said that the court under the state -- under the case of Lloyd versus Board of Review arm's length sales in the year of one year of the assessment is conclusive as to the value of the property. Now, that can be countered, someone could provide evidence that from January 23, 2017 and 11 months and nine days, eight days later that the market has increased, some could provide evidence as to that. I haven't presented any evidence, and no one has presented any evidence that it has increase from \$315,000 on January 23, 2017 until the date of assessment in question is January 1 of 2018, not post Foxconn announcement of February of 2018 to present day. That is not the analysis.

So I agree with you that I have not made any reference to or any opinion as to the change of value from January 23rd of 2017 to January 1 of 2018, and that's the date in question, not what has happened in the past seven months. That's not indicative of value, and that's not what this property is looking at. You can't -- I've got to look at present days sales as of right now in order to determine value. I do know per Mr. Zacker's testimony that he would never be able to sell it for \$394,000 even right now on today's market even though it's better today than it was in January of 2017. But I haven't provided any testimony or any evidence as to that increase in 11 months.

Mark Riley:

Okay. I guess I'm looking at what -- on the appeal your opinion of assessed value, and I don't now if this is yours or someone else's, was \$315,000.

J. Michael McTernan:

Correct.

Mark Riley:

So you are stating that you feel as of January 1st of 2018 that property had no increase in value in a year in a hot market. Can I make that stretch?

J. Michael McTernan:



I don't content that the market was hot from January 17th until January of 2018. I do not contend that the market was hot in the winter of 2018 -- in the winter of 2017 up to January 1 of 2018. I'm very active in the real estate market, and there was nothing selling during Christmas of 2017. Nothing. It was quiet. That has changed in the last seven months. But we're talking as to the value based on the arm's length transaction. And if Mr. Zacker wants to provide some testimony to you to clarify of things going up since then he can, I can't and I haven't.

Mark Riley:

Okay, I just wanted to --

J. Michael McTernan:

And I contend that the statute says and the law says you look at the sales price unless someone wants to counter that, and I don't have any evidence of anything countering that value.

Mark Riley:

All right, I want to --

J. Michael McTernan:

But 30 percent increase that's huge. That's what the assessor's done. Taken a value and said it's gone up by 30 percent. That's massive.

Mark Riley:

Let's move over to the assessor's office. Again, I want to educate myself a little bit. When you get to the bottom of these sheets you have a net adjustment. And above that we have -- well, we have the net adjustment dollars and the net adjustment percentage. I'm assuming the net -- I don't have a calculator in front of me, but I think I can safely assume that the net percentage is putting the net adjustment over the sale price? Going down to gross adjustment, I'm going to make the -- I am making the assumption, and I want a clarification, that I would take the absolute value of all the adjustments and put that over the sale price. Is that a correct -- that's the gross adjustment?

[Inaudible]

Mark Riley:

I've moved past the net. I'm on the gross adjustment, and I'm assuming that's the absolute value of all the adjustments over the sale price, is that a correct assumption?

[Inaudible]

Mark Riley:

Okay. So then I start making some assumptions. When I get to the gross adjustments and I look at -- I'm going to the comparable three, I'm going to call it 60 percent, that's easy, it's 59.9. That to me says that as a comparison, as an exact comparison would be zero percent. This one tells me that 60 percent of that house was not comparable exactly, adjustments had to be made, and only 40 percent of that house was comparable. Is that a correct statement?

Ed Judt:

No, I wouldn't. I would suggest that 100 percent [inaudible] that's the whole point of doing a comparable analysis is that every single family home is entirely unique in our opinion. And so you have to set it against these various characteristics, these descriptive items [inaudible] sales and adjust for those differences. But there's nothing, there's nothing homogenous about single family real estate. When you took that econ 101 class in college and the professor started to talk about imperfect markets this is the epitome of that. There is nothing -- there's nothing -- single family real estate is not [inaudible]. And so I wouldn't characterize it in the way you just did.

Mark Riley:

All right, let me ask it a different way. If what you just said is that nothing is comparable then there should be an adjustment in every one of these columns. Is that a fair statement?

[Inaudible]

Ed Judt:

I guess so. Yeah, we made adjustments for the differences between the properties. I guess what I was [inaudible] is there is no perfect comparable.

[Inaudible]

Elizabeth Baker:

[Inaudible] when you go shopping for a house you have a want list or a need list, a shopping list. But you know you're not going to get everything on your list typically. Three bedrooms might be a hard one, two bathrooms that kind of thing. But when you go looking into a market you may look at four bedroom, you may look at two bedroom and a den because there is so much out there and so much available in your price range. So when we look at comps we have to kind of look at what are the typical similar styles, quality of construction, those are the kinds of things. But there are minor differences that do [inaudible] but it's the same even when you go shopping for a house depending on where you're at, the size of the home, porches, decks, pools, a 1,900 square foot garage [inaudible]. All of those get added in and weighed by both buyers and by our system.

Mark Riley:

Okay. Now looking at some of these bigger items, one that really catches my attention is the swing of the neighborhood from adding 20,000 to deducting 20,000 from one property to the next. How do you guys come up with that? I mean isn't that neighborhood that I want to live in

the eye of the beholder? I mean you ever go shopping and see a shirt and you say to yourself who would buy that, and the next guy comes and buys it?

[Inaudible]

Elizabeth Baker:

[Inaudible] LakeView Farms is very similar so it had actually a slight upwards adjustment. And those are basically differences in the [inaudible].

Mark Riley:

LakeView Farms had no adjustment for the neighborhood.

Elizabeth Baker:

No, but [inaudible].

Mark Riley:

But Chateau Eau Plaines had added 20,000.

Elizabeth Baker:

[Inaudible] both land and building values because we have to assess both land and building values. So we come up with land values and then building values. So a neighborhood --

[Inaudible]

Ed Judt:

Building value is residual based on our overall analysis. So the differences in those neighborhoods generally goes to the fact that [inaudible]. And if the lots are valued less and the houses are selling for the same amount of money, then those houses are going to get an upward adjustment relative to other neighborhoods. Conversely these houses are selling [inaudible] you're going to see those houses valued [inaudible] on a unit basis. So it has to do with the overall selling price of homes in those neighborhoods relative to their underlying land value.

Mark Riley:

And then lastly I want to look at the attached garage. Is that garage really that big?

[Inaudible]

Mark Riley:

I mean it's an 18,000 square foot garage.

Jill Sikorski:

There is a photo.

J. Michael McTernan:

There's photos of it.

J. Michael McTernan:

It's attached.

Mark Riley:

Is it that big?

J. Michael McTernan:

It's big.

J. Michael McTernan:

It was pretty big, yeah.

[Inaudible]

Mark Riley:

I mean you're talking about almost a 2,000 square foot garage. That's huge. It doesn't show up in the pictures. It just shows up as a two car garage in the pictures.

Jill Sikorski:

If you look at one of the pages in the --

J. Michael McTernan:

The upper left corner of the photo of the MLS.

[Inaudible]

Mark Riley:

The garage alone [inaudible] to that. What are you guys complaining about?

William Morris:

We're salivating.

[Inaudible]

Mark Riley:

It's all hidden back there, holy smokes. I guess it is that big. Thank you. I just wanted to make sure there wasn't a mistake because I looked at the front if it --

J. Michael McTernan:

We agree.

Mark Riley:

-- and it looked like a simple two car garage. Ah, let's see here. I guess really the last question I have is, Ed, why didn't you guys use the -- I think you answered it, you said it didn't show up, the house next door. Why didn't you guys use the house next door that sold as a comparable?

Ed Judt:

Again, because our analysis goes to the style of the house. So when we're valuing two stories we're exclusively using sales of two stories to the extent that we can. And so we don't use split levels, bi-levels, other ranches for purposes of valuing a two story like this. Because in our experience using the same style home results in better comparability, a value that we're more confident in.

Mark Riley:

I think I'm right, but I know --

Ed Judt:

Now, mind you, we have not looked at that description of that house. I mean I'm not conceding that that's evidence that the value on this house should be lower. I have no idea at this point.

Mark Riley:

Earlier I think one of our earlier appellants did look -- we did look at different type of house so it has been done.

[Inaudible]

Mark Riley:

Oh, that was him?

Jill Sikorski:

Yeah.

Mark Riley:

Okay, thank you for that clarification. I would say that's it.

Jill Sikorski:

Further discussion? Do we have a motion?

William Morris:

Well, I'm going to make the motion that I believe that the assessor's value should be upheld. I think in reviewing the time frame that has transpired, the testimony made by the realtor in his presentation and this chart and the questions that I asked and certainly the followup by our Mr. Riley, I believe that the assessment should be held as stated by the assessor's office.

Jill Sikorski:

I'll second. Roll call?

Jane Snell:

Jill Sikorski?

Jill Sikorski:

Aye.

Jane Snell:

Mark Riley?

Mark Riley:

No.

Jane Snell:

Dave Hildreth?

David Hildreth:

I would have to say no.

Jane Snell:

William Morris?

William Morris:

Yes.

Jane Snell:

And Lena Schlater is recused.

Thomas A. Camilli, Jr.:

My microphone wasn't on. In the event of a tie vote the assessor's valuation is upheld.

Jill Sikorski:

Thank you very much. Appreciate it.

Jill Sikorski:

The Clerk will have some information for you and some paperwork.

Jane Snell:

For the record I do have the Notice of Board of Review Determination that you can pick up with the appeals information on it as well.

J. Michael McTernan:

All right, thank you so much. Appreciate it.

Jill Sikorski:

Thank you.

Rocco Vita:

This afternoon we're going to present the Board, and actually we have about six subpoenas. We have a couple of commercial properties looking to appeal their assessed values. One of them would be Prime Outlets which consists of eight properties. Another potential appellant object is the Shoppes at Prairie Ridge, they're appealing on two properties. And another potential is two properties from CenterPoint. We've asked -- they've filed an appeal. We're asking for further information through subpoenas. And based on the information we receive from the subpoenas then the Board will be directed either to have a hearing or to waive them directly into Circuit Court. Some of them have asked to be waived directly to Circuit Court. We're asking and we're telling the Board to hold off on these until we can serve the subpoenas and get information from these property owners regarding income and expense, property appraisals, that sort of thing.

And so what we're looking for the Board to do is to agree to serve these six subpoenas, and the Chairman can come back this afternoon, and we'll have these five plus another one here to sign.

And then the subpoenas will be sent. And then we'll come back. At that point I think we can set -- can we set a date to come back at that point, or do we need to set a date to reconvene right now do you think?

Jill Sikorski:

We should probably have a date set before we adjourn today.

Rocco Vita:

Okay. Then let's look at our calendars. And I think some of these have a deadline of July 23rd. So why don't we set a date to come back in early August. Once the subpoenas come in we'll have an opportunity to look at and review the information and propose any adjustments if necessary to the current value, recommend any changes to the current value perhaps. And then it would just be a matter of either property owners dropping or waiving them on to Circuit Court.

Jill Sikorski:

So maybe Wednesday, August 8th?

Rocco Vita:

I think Wednesday August 8th would be okay.

Rocco Vita:

Wednesday, August 8th.

Jill Sikorski:

In the afternoon.

Jill Sikorski:

What time are you available, Jane, in the afternoon?

Rocco Vita:

We'll pick a time that's convenient for everybody. We can reconvene at one o'clock in the afternoon. I guess we do have to set a date, right, today. So any questions on that regarding that, the process? Okay.

Rocco Vita:

All these people may not end up appealing their value. We're very close on a number of them. So we're kind of hopeful the subpoena process forces them to recognize what they're asking.

Rocco Vita:



Right, right. You're not addressing waivers today, nor are you addressing an appeal. Those will be decided on August 8th.

Jill Sikorski:

Anything further?

Rocco Vita:

That's it.

Jill Sikorski:

All right, we will conclude this session of the 2018 Village of Pleasant Prairie Board of Review.

**7. ADJOURN AT 12:30 P.M.**

Jill Sikorski:

No, I'm coming back.

Lena Schlater:

Oh, just you.

Jill Sikorski:

Just me.

Rocco Vita:

This afternoon, this afternoon, right.

Lena Schlater:

We're not coming back.

Rocco Vita:

No, it's not necessary to have a quorum for the Chairman to sign the subpoenas.

Jill Sikorski:

So we need a motion.

Lena Schlater:

Motion to adjourn.

Rocco Vita:

If anybody is interested in asking the attorney [inaudible] questions about the process you're more than welcome.

Jill Sikorski:

So Lena did a motion.

William Morris:

Second.

**8. RECONVENE AT 2:00 P.M. FOR SOLE PURPOSE OF SIGNING SUBPOENAS.**

Jill Sikorski, Chairperson Signed subpoenas on behalf of the 2018 Board of Review

**9. ADJOURN.**