

**In The Matter Of:**  
*LIVINGSTON COUNTY ZONING BOARD OF APPEALS*

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*May 7, 2015*

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**Min-U-Script® with Word Index**

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1 LIVINGSTON COUNTY ZONING BOARD OF APPEALS  
 2 CASE SU-7-14  
 3 PLEASANT RIDGE WIND ENERGY PROJECT  
 4 May 7, 2015  
 5 6:30 PM  
 6 Livingston County Historic Courthouse  
 7 112 West Madison Street  
 8 Pontiac, Illinois

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 11 John Vitzthum  
 12 Richard Kiefer  
 13 Diana Iverson  
 14 Joan Huisman  
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1 (Commencing at 7:01 p.m.)  
 2 **CHAIRMAN CORNALE:** All right, we'll go  
 3 ahead and get going this evening. Chuck, roll call  
 4 please.  
 5 **MR. SCHOPP:** Okay, this is the May 7th,  
 6 2015, continuation hearing of Livingston County  
 7 Zoning Board of Appeals review of Livingston County  
 8 Zoning Case SU-7-14, Pleasant Ridge Energy, LLC,  
 9 Pleasant Ridge Wind Energy Project. Michael  
 10 Cornale.  
 11 **CHAIRMAN CORNALE:** Here.  
 12 **MR. SCHOPP:** John Vitzthum.  
 13 **MR. VITZTHUM:** Here.  
 14 **MR. SCHOPP:** Richard Kiefer.  
 15 **MR. KIEFER:** Here.  
 16 **MR. SCHOPP:** Diana Iverson.  
 17 **MS. IVERSON:** Here.  
 18 **MR. SCHOPP:** Howard Zimmerman. Joan  
 19 Huisman.  
 20 **MS. HUISMAN:** Here.  
 21 **MR. SCHOPP:** A note, Gibs Nielsen is  
 22 present tonight but not as chairman. He's here to  
 23 observe because we had our earlier meeting here, but  
 24 he is in the building.

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1 **CHAIRMAN CORNALE:** All right, I'll take  
 2 this opportunity to welcome everybody here for our  
 3 31st evening together. June has let me know we have  
 4 over 4,000 pages of testimony in this hearing so  
 5 far, so I guess we'll just keep looking for more.  
 6 I understand that, Chuck, you have a few  
 7 things that you'd like to go ahead and present to us  
 8 at this time. Why don't you go ahead and do that.  
 9 **MR. SCHOPP:** Okay. Three things I'm going  
 10 to hand out. One of them Tom did give to the  
 11 attorneys. The first one is going to be Livingston  
 12 County Exhibit 12, which is a copy of a document  
 13 from the commissioner for the Belle Prairie Drainage  
 14 District addressed to the Livingston County  
 15 government concerning the zoning development of our  
 16 county, and the topic is it's on the follow-up on  
 17 our thoughts and Invenergy's reply to our earlier  
 18 communication. This is an issue that has been  
 19 ongoing for the last several months. So I'm going  
 20 to go ahead and we'll pass that out in just a  
 21 moment.  
 22 And on top of that, we have two different  
 23 exhibits that are compiling the reports from our  
 24 consulting engineer, Patrick Engineering, the first

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1 one being Livingston County Exhibit No. 13 and the  
 2 second one will be Livingston County Exhibit 14.  
 3 Exhibit 13 is the Patrick review of the application.  
 4 As you go through it, there's some different  
 5 documents with different dates, starts in November  
 6 and ends with the last document dated on May 6th of  
 7 this year. And so it has different documents in  
 8 there, but they all review the application and the  
 9 sound study, et cetera. And then Exhibit 14 for  
 10 Livingston County is their review of the  
 11 decommissioning costs for the Pleasant Ridge Wind  
 12 Energy Project.  
 13 We're going to put them up on our website  
 14 sometime tomorrow, I'll have them up on the website  
 15 for you to look at sometime tomorrow, so will be  
 16 ready for you to see tomorrow.  
 17 **CHAIRMAN CORNALE:** All right. Mr.  
 18 Blakeman, I believe you have some response to or  
 19 some comment about that.  
 20 **MR. BLAKEMAN:** When the county does its  
 21 presentation after rebuttal and surrebuttal, there  
 22 will be a presentation by a representative of  
 23 Patrick who will then be available for questioning  
 24 by the ZBA and other interested parties. The

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1 initial report is dated November 3rd of 2014 but has  
 2 been updated and amended as new information has  
 3 become available. There are special reports  
 4 concerning decommissioning and noise, but the last  
 5 update is dated May 6, 2015, which is why the  
 6 reports were not released sooner. As Chuck  
 7 mentioned, they will be put up on the county website  
 8 tomorrow.  
 9 Mr. Luetkehans, you have submitted a  
 10 motion to allow questioning of Patrick Engineering,  
 11 Inc., representatives. My understanding is that  
 12 you're going to withdraw that motion?  
 13 **MR. LUETKEHANS:** Based on your  
 14 representation that we will be able to ask  
 15 questions, that is correct.  
 16 **MR. BLAKEMAN:** Thank you.  
 17 **CHAIRMAN CORNALE:** All right, just so that  
 18 we're -- everybody understands, this will be  
 19 available on the website. The understanding is  
 20 hopefully by tomorrow morning these three reports  
 21 will be up. So with that, we'll go ahead and turn  
 22 it over to Mr. Blazer.  
 23 **MR. BLAZER:** Thank you, Mr. Chairman.  
 24 I'll call Michael MaRous.

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1 **CHAIRMAN CORNALE:** Mr. MaRous, just as a  
 2 quick reminder, you still are under oath from your  
 3 previous testimony in this hearing, so we don't need  
 4 to go through that process again.  
 5 **MR. MaROUS:** I understand.  
 6 (Michael MaRous called as a rebuttal  
 7 witness.)  
 8 **QUESTIONS BY**  
 9 **MR. BLAZER:**  
 10 Q. Mr. MaRous, you've reviewed Mr. McCann's  
 11 report and presentation; is that correct?  
 12 **A. I have.**  
 13 Q. And do you have Pleasant Ridge Exhibit 311  
 14 up there, your appraisal review report?  
 15 **A. Yes, I do.**  
 16 Q. Could you describe for us in the context  
 17 of the Uniform Standards of Professional Appraisal  
 18 Practice, what is an appraisal, a formal appraisal  
 19 review?  
 20 **A. The Uniform Standards of Professional**  
 21 **Appraisal Practice are basically the national**  
 22 **appraisal rules, and under the rules, there's a**  
 23 **specific standard for reviewing an appraisal report.**  
 24 **And my report, which is 50 plus pages, actually**

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1 **conforms to that standard.**  
 2 Q. And could you describe for us, please,  
 3 what you did with respect to your review and what  
 4 your results were?  
 5 **A. Simply, I read Mr. McCann's report. I was**  
 6 **here for his first evening of testimony and observed**  
 7 **his testimony. I obviously took notes. I was not**  
 8 **here for his second night. I reviewed the**  
 9 **transcript. I also reviewed information where he**  
 10 **was involved in a webinar for the Appraisal**  
 11 **Institute.**  
 12 **As we did the review, we started basically**  
 13 **checking the facts and assumptions that were made in**  
 14 **his report, and I'm not going to bore all of you**  
 15 **with my 51 page document here tonight, but basically**  
 16 **we went through his various counties where he had**  
 17 **done report, his various assumptions, and basically**  
 18 **drilled down to look at the comps, the support for**  
 19 **the analysis, and the basis of the conclusions.**  
 20 **And in the report provided here, we have**  
 21 **gone through and actually checked virtually every**  
 22 **one of his target and control comparisons. We also**  
 23 **looked at the published studies that he referred to.**  
 24 **And in our report or my report on page 3, I provide**

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1 a summary of the conclusions and provide 13 bullet  
 2 points and then kind of walk through them in the  
 3 report. And if it's okay with you, I'd like to kind  
 4 of quickly and efficiently go through and give you  
 5 the conclusions and am obviously available for  
 6 questions. And I'm not going to go through all 13  
 7 because some are what I would say not as important  
 8 as others. But when it all comes down to it, the  
 9 conclusions, in my opinion, were not adequately  
 10 supported, are not reliable and are misleading.

11 The first point I make is there was not  
 12 really an analysis of market conditions in  
 13 Livingston County, which obviously might impact  
 14 property values, particularly in the period 2008  
 15 through 2013 when virtually all residential  
 16 properties were affected negatively by market  
 17 conditions. There were many judgments concerning  
 18 the effect of wind turbines that are not supported  
 19 and that require expertise outside of those as an  
 20 appraiser. Mr. McCann is not an acoustical  
 21 engineer, he's not an engineer, he's not a lawyer.  
 22 Some of the statements and opinions really go beyond  
 23 his analysis.

24 And then I go first to Livingston County.

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1 The matched pair analysis is poor constructed and  
 2 misleading and there really was inadequate  
 3 adjustments and support for the 50 matched pairs  
 4 used in the study. Many of the significant factors  
 5 influencing values are not considered in the  
 6 analysis. I'll go through that as I go through this  
 7 a little deeper.

8 A similar conclusion was made for his  
 9 analysis of Lee and DeKalb Counties where 13 matched  
 10 pairs were provided. And they generally utilized  
 11 match pairs that did not have -- are directly  
 12 comparable to the target sales, including vacant  
 13 land sales that were compared to single family  
 14 houses.

15 The scope of the market value impact does  
 16 not include reviewing the work of other appraisers.  
 17 In my opinion, his report did not conform to the  
 18 Uniform Standards of Professional Appraisal  
 19 Practice. The conclusions from the Lansink cited in  
 20 the report are based on analysis of matched pairs  
 21 that are poorly constructed and developed, are  
 22 misleading and unreliable.

23 The report also includes a study and graph  
 24 and a table from the MPAC study, the Municipal

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1 Property Assessment Corporation. However, the data  
 2 in the charts provided were actually altered which  
 3 we -- which are presented in the report, which  
 4 obviously was misleading. And finally, in the  
 5 bullet points, some of these points and conclusions  
 6 provided in his PowerPoint in my opinion were not  
 7 supported, unreliable and misleading.

8 So I won't go through the scope of the  
 9 report. You heard his testimony over two nights, so  
 10 I believe you know what he did. I went through my  
 11 general comments. Again, I think a big factor goes  
 12 to market conditions which was probably the biggest  
 13 negative factor on values during the majority of the  
 14 time period.

15 Zoning, in my opinion, was misleading. He  
 16 discussed the loss of aesthetic values having an  
 17 impact, which he can have that opinion, but there's  
 18 no sources developed or supplied and nothing that  
 19 reflects he has the technical expertise to make  
 20 those conclusions.

21 The paragraph titled Types of Impact,  
 22 which we've heard a lot, alleges sleep disturbance,  
 23 health impacts, shadow flicker and aesthetic  
 24 character, proximity to wind turbines. Again, no

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1 expert testimony to back that up. And I already  
 2 discussed acoustics.

3 And then in the conclusion, there really  
 4 was no consideration or comparison of other large  
 5 scale agricultural facilities in the area, which  
 6 generally could be considered an industrial use.  
 7 And he also cites the easements and lease agreements  
 8 with some landowners as support for this position,  
 9 and there was really no clarity or explanation as to  
 10 that basis.

11 Highest and best use I'm going to go  
 12 through. Most of the land in this area is  
 13 agricultural or rural residential. Again, I touch  
 14 on some of the other possible uses, such as grain  
 15 storage and confined animal feeding as other  
 16 possibilities.

17 And then there were some discussions on  
 18 developing single family and the suggestion of  
 19 profit margins for single family development of 15  
 20 to 25 percent. Having done several thousand  
 21 residential pieces, all developers would like 100  
 22 percent profit and many take less than 10 percent.  
 23 So 15 to 25 in a weak economy and weak market is  
 24 really unsupported.

1 Then on page 7, I go into Livingston  
2 County, and again I discuss market conditions, his  
3 analysis and discussion of foreclosures, and then go  
4 into some of the things that he really didn't  
5 discuss.

6 On page 9, local market conditions,  
7 distance to and quality of the schools, locational  
8 amenities, such as wooded areas, rivers and/or  
9 lakes, tax rates, zoning, total number of rooms and  
10 number of bedrooms. Obviously in appraisal speak  
11 there's something called functional obsolescence, so  
12 generally a three or four bedroom house is what the  
13 market desires. If you've got a ten bedroom house  
14 or a one bedroom house maybe with only single  
15 plumbing, that could be obsolescence. That wasn't  
16 discussed.

17 Quality of construction, hardwood floors  
18 versus linoleum, face brick versus frame, modular  
19 construction. Architectural features, layouts.  
20 Utilities, do we have electric, do we have propane  
21 or do we have natural gas? Obviously it's a  
22 significant impact. Air conditioning, central air.  
23 Type and size of the garage. Type and size of  
24 outbuildings. Gravel or paved drives. Paddocks and

1 was really the conditional issues rather than the  
2 impact of the turbines. And that's outlined in my  
3 report on page 13.

4 As we go through 13 and going through 17  
5 of his examples, in each one I provide indications  
6 of information that was incorrect or lacking, and I  
7 have brought backup data here, but I provided a  
8 pretty detailed summary for each one. And what we  
9 found were considerable inconsistencies that did not  
10 -- they supported diminution in value but not to the  
11 existence of a wind farm.

12 So really in conclusion there wasn't  
13 support for his allegation of diminution in  
14 Livingston County. Page 25 I provide some different  
15 information. Page 26 I provide a detailed analysis  
16 of Lee and DeKalb Counties. And page 28 is  
17 interesting. In Lee County, where his pair number  
18 one target sale on Lee Road was a house constructed  
19 in 19 -- or 1886, subsequent to the sale, the house  
20 was demolished. It was a land sale and it was  
21 considered as an improved property. And in my  
22 opinion, it should not be compared with an updated  
23 remodelled farmhouse.

24 Then -- and I'm moving along. DeKalb,

1 other site improvements. Electric fences and/or  
2 regular fences and no fences.

3 So I go through and basically analyze each  
4 of the matched pairs. I also discuss on page 11 an  
5 issue of marketing time with the -- alleging that  
6 the marketing time for the areas within the wind  
7 farm footprint are higher than outside, and on page  
8 11, it kind of shows the flaws in that information,  
9 that it's inconsistent, it's up some years and it's  
10 down others.

11 So again, page 12, I go into the  
12 Livingston County analysis with the matched pairs.  
13 Probably on page 13 there's a good example and it's  
14 in Flanagan, which was on East Road in Flanagan.  
15 This property was alleged impacted by turbines, and  
16 it turns out as I go through the whole analysis that  
17 I actually have a letter from Joan Bullard of Joan  
18 Bullard Realty who handled the transaction and  
19 stated that the buyer that had paid \$143,000 had  
20 financial difficulties, there was trouble and there  
21 were financial issues. And when the property went  
22 on the market, when the inspection was done, the  
23 basement was flooded, there was a mattress floating  
24 in the basement, there was evidence of mold, and it

1 similar conclusions and again provided insignificant  
2 detail.

3 Page 36 I go into the literature review  
4 that he cited. Some were labeled independent, some  
5 were wind industry funded. Some were funded  
6 privately, some were funded publicly. The -- you  
7 know, there's reference to various appraisers, and  
8 again, I've provided some comments and conclusions  
9 there, particularly the Lansink study on page 37.

10 38 is the MPAC study. And when he did his  
11 chart on page 53 of his report, he apparently  
12 appeared to pull it out of page 18 of the MPAC  
13 study, except where the MPAC study used information  
14 that are median assessed values, which that means  
15 the assessor's opinion and then it was so stated as  
16 median sales, they're two totally different data  
17 sets, and that basically contaminated the whole  
18 analysis. There's more information on here in  
19 regard to his use of that study.

20 PowerPoint presentation. Again, pretty  
21 much summarized what I have gone through. Then he  
22 also had a Lee County sale or a Lee County study,  
23 that's on page 40 of my report, and he basically  
24 lumps in sales from 2003, 2004 and early 2005.

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1 **Actually the market was going up at that time. And**  
 2 **then there was issues between small lot subdivisions**  
 3 **and acreage pieces, and some of the comparables had**  
 4 **significant site amenities, such as ponds and river,**  
 5 **and these were not taken into consideration in his**  
 6 **analysis. I go through again on page 41 discussing**  
 7 **the issues with house age and size.**  
 8 **I then touch on, page 42, an analysis of**  
 9 **the Van Wert County, Ohio, study. Again, no data**  
 10 **were provided, local economic conditions. I went**  
 11 **into the Falmouth value diminution and provided**  
 12 **conclusions there. And then really on page 45 and**  
 13 **46 I provide my bullet point conclusions and what I**  
 14 **found.**  
 15 Q. Just one quick follow-up. You mentioned  
 16 the house in Flanagan on East Road. Do you recall  
 17 that Mr. McCann testified and also indicated in his  
 18 report and his presentation that the third sale --  
 19 you remember he was talking about three sales of  
 20 that house in about a two and a half year period?  
 21 **A. Yes.**  
 22 Q. All right. And you recall that he  
 23 indicated that the third sale, which occurred in  
 24 February of 2012, also the value went down from the

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1 second sale, and he attributed that exclusively to  
 2 the presence of the Minonk Wind Farm. Do you recall  
 3 that?  
 4 **A. Yes.**  
 5 Q. And was the Minonk Wind Farm, in fact, in  
 6 existence in February of 2012?  
 7 **A. No, it was not.**  
 8 Q. All right. When did that project begin  
 9 construction?  
 10 **A. Several months later.**  
 11 Q. Okay. Moving from that report then,  
 12 you're aware, I think you mentioned earlier, that  
 13 Mr. McCann spoke about what he called a seminar that  
 14 he presented to the Appraisal Institute?  
 15 **A. Yes.**  
 16 Q. And Mr. McCann said that the Appraisal  
 17 Institute had peer-reviewed his presentation. Do  
 18 you recall that?  
 19 **A. Yes, I do.**  
 20 Q. And does the Appraisal Institute, in fact,  
 21 peer-review presentations like that?  
 22 **A. They do not, and I further contacted**  
 23 **Barton DeLacy, D-E-L-A-C-Y, MAI, Council of Real**  
 24 **Estate, who was the co-presenter, and he said that**

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1 **they did not peer-review that seminar.**  
 2 Q. Did the Appraisal Institute do anything in  
 3 reaction to Mr. McCann's presentation?  
 4 **A. Yes. There was some negative reaction as**  
 5 **to bias, and they actually put on another wind farm**  
 6 **seminar called Wind Turbine Effects on Value in**  
 7 **March of 2015.**  
 8 Q. Mr. MaRous, I've handed you what's been  
 9 marked Pleasant Ridge Exhibit 333. Is this the  
 10 description of the webinar that was put on on March  
 11 5 of this year?  
 12 **A. Yes, it is.**  
 13 Q. And it indicates that the presenters are  
 14 Thomas Jackson and Ben Hoen?  
 15 **A. Correct.**  
 16 Q. And you're aware that they are two of the  
 17 authors of the 2013 Lawrence Berkeley real estate  
 18 study?  
 19 **A. Yes, I am. I did also watch the seminar,**  
 20 **the webinar.**  
 21 Q. All right, let's turn for a moment to the  
 22 topic of transmission lines which was a topic of  
 23 testimony in this hearing in January. Have you  
 24 personally done work in the area of determining

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1 impacts on property values from transmission lines?  
 2 **A. Yes. In the last five years, I've been**  
 3 **involved in at least five major condemnation cases**  
 4 **working for property owners whose properties were**  
 5 **either being taken or impacted by major transmission**  
 6 **lines. One was in Bloomington-Normal for a 500-unit**  
 7 **manufactured home community that cut through**  
 8 **actually part of their land. Another was outside of**  
 9 **Milwaukee that went through a \$20 million office**  
 10 **complex and cut through their storm water**  
 11 **management. And three others were in Huntley,**  
 12 **Illinois, that were all three farms in the 100 to**  
 13 **150 acre size range. One, the Comm Ed proposed**  
 14 **right-of-way was going to go along the whole side of**  
 15 **an elevation and then cut across the frontage. The**  
 16 **other two, the Comm Ed right-of-way was going to cut**  
 17 **across the frontage.**  
 18 Q. So these were all cases where you were  
 19 representing property owners who were concerned that  
 20 their property values would be impacted by the  
 21 transmission lines?  
 22 **A. Yes, and one has gone through a jury**  
 23 **trial, three of them have had depositions, and the**  
 24 **other two settled at a multiple -- a multiple**

1 significantly above the offer by the utility  
2 company.

3 Q. All right. And what has -- what have you  
4 concluded with respect to transmission line impacts  
5 based on your work in that area?

6 A. The bottom line is proximity shows a  
7 negative impact on value, and it depends how it  
8 affects the property, but it -- doing research,  
9 there's a significant amount of power companies,  
10 Comm Ed and others, that have funded research that  
11 show no diminution in value. There's about the same  
12 that showed diminution in value. It seems that  
13 clearly the higher the value of the home, 400,000  
14 plus, it's a bigger impact. What seems to be clear  
15 is the width of the right-of-way, number one, and  
16 Comm Ed in Illinois has generally only been taking a  
17 60 foot right-of-way for a pole that can be 60 to 90  
18 feet high, which in my opinion is just not wide  
19 enough, and the other is the distance from the  
20 property.

21 And the conclusion that I found is that  
22 within 2 to 300 feet, that first 200 to 300 feet of  
23 land adjoining that right-of-way has a negative  
24 impact on value. After that point, it seems to be

1 Q. So if you're over 300 feet away from -- if  
2 the transmission line is over 300 feet away from the  
3 residence, in your opinion and based on your study,  
4 does that impact dissipate or disappear?

5 A. It doesn't impact because there's power  
6 lines all over and it's just a naturally -- and in  
7 Illinois most are aboveground just because they're a  
8 lot less expensive to install. But over 2 to 300  
9 feet, in my opinion, there's nothing supportable  
10 that reflects an impact on value.

11 Q. Let's turn now to material Mr. Steidinger  
12 produced and his opinion that the Cayuga Ridge Wind  
13 Farm and the Deer Run Wind Farm have negatively  
14 impacted property values in that area of Livingston  
15 County. First, are you aware that he used  
16 information from the county assessor?

17 A. Yes.

18 Q. And is there an accepted methodology for  
19 using assessment information or assessor information  
20 for a mass appraisal?

21 A. Yes, the -- there's a Standard on Mass  
22 Appraisal by the International Association of  
23 Assessing Officers, which I think is Exhibit 184.

24 Q. Thank you.

1 de minimis. It's clearly a bigger issue with higher  
2 valued assets, and if you get into more density,  
3 there's a classic example on the Northwest Tollway  
4 in Hoffman Estates where they've got a power  
5 transmission station and they've got lines going on  
6 one side of it and on the other and they're on the  
7 tollway. And because it's a convenient location,  
8 the houses sold, but the houses adjoining, mainly  
9 adjoining within 200 feet, they generally got a  
10 bigger buffer. Rather than give them a discount,  
11 instead of a 125 foot backyard, they give them a 200  
12 foot backyard. And, you know, it gave -- and in  
13 each situation, Comm Ed would always make the point  
14 that there's no damages, but in my opinion there are  
15 if you're close.

16 So the first 2 to 300 feet, my opinions  
17 were generally the value was half. So if you've got  
18 a \$10,000 per acre property, in the first 300 feet  
19 it's probably worth 5,000 an acre. And it was  
20 fought, it was argued, but the one jury trial pretty  
21 much upheld my opinion. And the other obviously  
22 significant support was provided by the utility  
23 company because they provided damages in those  
24 conclusions.

1 MR. BLAZER: And just for the record, Mr.  
2 Cornale, that was an exhibit that was distributed  
3 quite a while -- I think during my cross-exam of Mr.  
4 Steidinger quite some time ago.

5 BY MR. BLAZER:

6 Q. Based on your review of what Mr.  
7 Steidinger did, including his testimony, did he  
8 follow any of the requirements in the appraisal or  
9 assessors association standard?

10 A. No. I think he did research, but as far  
11 as completely following the research, he did not.  
12 He's not a licensed appraiser, he's not an assessor,  
13 he did not follow the Standard on Mass Appraisal.

14 Q. Are there other deficiencies in Mr.  
15 Steidinger's report besides that?

16 A. You know, very briefly, on page 3 in the  
17 top paragraph, there's a reference -- or the  
18 grouping of data together by geography does not  
19 always mean the data is applicable to similar  
20 locations. I mean this is location, location,  
21 location when you're valuing real estate. And, you  
22 know, again, you can have disparities or significant  
23 differences in value between two adjoining  
24 communities based on the quality of their schools,

1 the quality of their economic vitality, their jobs,  
2 their tax base, their infrastructure, their city  
3 services.

4 And then there is basically the averaging,  
5 and where that becomes problematic, you know, again  
6 you have two houses, one sells for 135, one sells  
7 for 155, the average is 145. However, you can also  
8 have a \$95,000 house and a \$195,000, and bingo, you  
9 got \$145,000. And probably the buyer of the  
10 house -- \$95,000 buyer is probably not going to buy  
11 the \$195,000 house.

12 Then, again, there doesn't seem to be any  
13 impact or discussion of the issues or the economic  
14 conditions that transpired again between 2008 and  
15 2013. And those were generally my comments on that.

16 Some of the sources, I didn't know where  
17 he was coming from, but I think he was attempting to  
18 provide some conclusions based on information where  
19 he did research. And I realize he is a broker  
20 active in the community.

21 Q. And do you have an opinion regarding the  
22 validity of his conclusions?

23 A. I think they're valid as personal opinions  
24 but not as professional opinions.

1 manufacturing plant and the assessor said I never  
2 look at anything like this. He had to bring in  
3 somebody else. So there's certain things they're  
4 good at; there's certain others they may not have  
5 experience at.

6 Q. Okay. Could you summarize your study in  
7 Exhibit -- or Pleasant Ridge Exhibit 312 please?

8 A. Yes, basically we did research and found  
9 that in the state of Illinois there are 18 counties  
10 where there are wind farms. We got the name of all  
11 18 assessors and were -- went about with basically  
12 standardized general interviews to understand their  
13 opinions, and it was really quite enlightening.

14 We were able to physically talk to 17 of  
15 the 18, and the 18th was a deputy assessor. So we  
16 got an opinion there. And actually after the report  
17 was done, the assessor in Vermilion County returned  
18 our call and actually wrote a letter. So as I'm  
19 standing here today, we actually physically talked  
20 to 18.

21 Of these 18, we were looking at did they  
22 have personal experience, did they live in the  
23 footprint of a wind farm, what had been their  
24 professional experience with these, what was the

1 Q. Now, you're aware that when he testified  
2 Mr. Steidinger talked about what he believed was the  
3 potential impact of wind farms in other counties?

4 A. Yes.

5 Q. Let's turn to another report that you  
6 prepared and that's Pleasant Ridge Exhibit 312. Do  
7 you have that there?

8 A. The assessed valuation study?

9 Q. Yes.

10 A. Yes.

11 Q. And you're aware also that Mr. McCann said  
12 that -- he testified to this in February, that  
13 interviews of assessors aren't useful in determining  
14 impacts on property values. Do you recall that  
15 testimony?

16 A. Yes.

17 Q. Do you agree with that statement?

18 A. I do not, and actually his co-presenter,  
19 Bart DeLacy, in his webinar strongly disagreed, so  
20 they had differences of opinions. I think I could  
21 agree if he relies on one assessor and there's  
22 question as to the strength and knowledge. I mean  
23 some assessors are fabulous for doing single family  
24 and land. And I was in Iowa Monday on a major

1 input they were getting, what was happening with  
2 complaints, what was happening with value  
3 diminutions?

4 Q. And just to interrupt for a moment, one of  
5 those 18 was the Livingston County assessor; is that  
6 correct?

7 A. That's correct.

8 Q. All right. If you could continue please.

9 A. So in my report I provide the name, the  
10 county, the phone number of who we contacted. I  
11 have again another subfile with specifics, more  
12 detail on the information. And a couple had lived  
13 within the wind farm areas; some had recreational  
14 activities.

15 Of these 18 -- and I think there's 1500  
16 turbines between this group and probably well over a  
17 million properties -- there's been one appeal.  
18 There's been a lot of complaining verbally and  
19 people make comments but only one appeal, and that  
20 is in Vermilion and that has not been ruled on. So  
21 there's not been one value reduction provided for  
22 all these counties.

23 As the wind farms were announced, as they  
24 came into the counties, the assessors were obviously



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1 called by county board members, by mayors, by  
 2 trustees, and as is shown in my report, many of them  
 3 did research and they couldn't find any studies or  
 4 anything in their county that reflected diminution  
 5 in value. And again, hence, so far through the date  
 6 of this report, there's been no complaints.  
 7 **And some did their own research which is**  
 8 **provided in here. Page 4 in the bottom, and there's**  
 9 **a color picture which is interesting. In regard to**  
 10 **a wind farm -- not a wind farm, just one turbine by**  
 11 **Heartland Community College within 1900 feet of**  
 12 **established high quality single family, no**  
 13 **complaints there. But probably the most compelling**  
 14 **is page 6, which is in McLean County, where after**  
 15 **the wind farm was developed, a new 4821 square foot**  
 16 **house was built that is 1113 feet from one turbine**  
 17 **and I believe under 1800 feet from a second turbine,**  
 18 **and the building permit on this house, the house**  
 19 **itself was \$878,000. On the picture on page 6, at**  
 20 **the top is the house, the bottom shows the house on**  
 21 **the right and the two turbines on the left.**  
 22 **And then after that page, it just shows**  
 23 **the counties and it shows the numbers in the order**  
 24 **that we did the interview. And then page 8 just**

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1 shows the wind projects and the wind resources, and  
 2 then after that, qualifications of another MAI in my  
 3 office that worked on this.  
 4 Q. Mr. MaRous, based on all the work that  
 5 you've done, the materials you've reviewed, do you  
 6 have an opinion as to whether the Pleasant Ridge  
 7 project, if it is permitted and built, will not be  
 8 injurious to the use and enjoyment of other property  
 9 in the immediate vicinity for the uses already  
 10 permitted --  
 11 **A. Based on --**  
 12 Q. -- or substantially reduce the value of  
 13 neighboring property?  
 14 **MR. LUETKEHANS:** Objection, foundation.  
 15 We have heard no evidence, no testimony, no research  
 16 he's done, no appraisal report he's done with this  
 17 conclusion. All we're now is getting a conclusion  
 18 based upon I don't know what.  
 19 **CHAIRMAN CORNALE:** All right, Mr. MaRous,  
 20 if you can give us your opinion, your professional  
 21 opinion to that question.  
 22 **A. Yes, in my professional opinion, the**  
 23 **proposed project, based on all the studies and**  
 24 **findings, will not have a negative impact on value.**

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1 Q. On the same basis, do you have an opinion  
 2 as to whether the Pleasant Ridge project, if it is  
 3 permitted and built, will not impede orderly growth,  
 4 development and improvement of surrounding  
 5 properties for those uses permitted in the zoning  
 6 district?  
 7 **MR. LUETKEHANS:** Objection again. Not  
 8 only does he have no basis for this, it is beyond  
 9 his expertise. He's not a land planner; he is an  
 10 appraiser.  
 11 **CHAIRMAN CORNALE:** All right, to that  
 12 objection, we will agree with Mr. Luetkehans on  
 13 that. Your capacity is not as a land planner but  
 14 rather as an appraiser. So to speak to that would  
 15 be -- you don't have the experience with regard to  
 16 that, so --  
 17 **MR. BLAZER:** All right, that's all I have.  
 18 **CHAIRMAN CORNALE:** All right. ZBA, do we  
 19 have any questions of Mr. MaRous at this time?  
 20 **MS. HUISMAN:** I have one.  
 21 **CHAIRMAN CORNALE:** All right.  
 22 **QUESTIONS BY**  
 23 **MS. HUISMAN:**  
 24 Q. Mr. MaRous, I don't have your report, the

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1 first one that you spoke about that was about 50  
 2 pages long, so I don't have that in front of me.  
 3 You were discussing or I guess you were speaking of  
 4 the matched pairs that Mr. McCann presented in his  
 5 report. Were you able to and did you put in Exhibit  
 6 311 more comparable matched pairs --  
 7 **A. No.**  
 8 Q. -- that would give us different results?  
 9 **A. No, I did not.**  
 10 Q. Okay. So you're just basically pointing  
 11 out that all the properties included in that, that  
 12 were matched saying they were similar and used the  
 13 values that the property sold at, were actually not  
 14 comparable?  
 15 **A. What I am saying, based on the**  
 16 **inconsistencies and some what I would say incomplete**  
 17 **analysis, the information didn't reflect diminution**  
 18 **in value. The data wasn't good enough to come to**  
 19 **that conclusion.**  
 20 Q. So the matched pairs were actually  
 21 comparable pairs? I thought I understood you to say  
 22 that they were not --  
 23 **A. Well, they had --**  
 24 Q. -- comparable.

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1 **A. They had some degrees of comparability.**  
 2 **He was generally taking, you know, a house in the**  
 3 **target area and a house in the control area and**  
 4 **provided some similarities, but then when you went**  
 5 **down and did further analysis and again looked at**  
 6 **quality of construction, the size, the value of the**  
 7 **outbuildings, then they really -- they really didn't**  
 8 **prove his conclusion of the significant diminution**  
 9 **of value that he came to.**  
 10 Q. And when you're preparing an appraisal,  
 11 what's the time frame that a property has to sell  
 12 within in order to be considered a comparable sale?  
 13 Isn't there a time limit?  
 14 **A. It's called basically a marketing time and**  
 15 **the answer is yes. It depends on market conditions.**  
 16 **For single family, it's generally preferably 30 days**  
 17 **to 120 days. If you've got something that's more**  
 18 **unique, that's larger, that's got some different**  
 19 **characteristics or let's say the market may be**  
 20 **topped out at 200,000 and this is a \$400,000**  
 21 **property, maybe the marketing time is extended.**  
 22 **Generally never more than a year.**  
 23 Q. Okay.  
 24 **MS. HUISMAN:** Thank you.

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1 **CHAIRMAN CORNALE:** All right, I just had a  
 2 few questions.  
 3 **QUESTIONS BY**  
 4 **CHAIRMAN CORNALE:**  
 5 Q. As I look at Pleasant Ridge Exhibit 333,  
 6 that webinar thing that you handed out, was that --  
 7 I would imagine that they went through the hedonic  
 8 model again and used that as their entire basis for  
 9 this webinar.  
 10 **A. They went through the hedonic. They also**  
 11 **went through other studies. They also looked at**  
 12 **impacts of amenities and disamenities, landfills,**  
 13 **electric transmission lines, highways, prisons,**  
 14 **major roads, open space in part of the**  
 15 **consideration. So -- and they looked, you know, at**  
 16 **other published data to come to their conclusion**  
 17 **that there basically was not anything that was out**  
 18 **there that supported in a quality project that there**  
 19 **was a diminution in value.**  
 20 Q. Okay. It also states in here there's been  
 21 some recent court cases that have -- have they  
 22 upheld this, the no diminution of value? Has there  
 23 been -- has there been court cases decided both ways  
 24 or -- you had mentioned that you did, in fact, watch

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1 this webinar and I just thought you might have some  
 2 additional information with regard to that.  
 3 **A. I don't recall anything definitive around**  
 4 **court cases that impacted either way positive or**  
 5 **negative.**  
 6 Q. Okay. All right. You made mention --  
 7 **A. I do have a copy of the -- basically the**  
 8 **webinar.**  
 9 Q. All right. When we were talking about  
 10 power transmission lines, you said you felt that  
 11 after 2 or 300 feet there was no loss of value.  
 12 Would that be 2 or 300 feet from property line or  
 13 from actual residence?  
 14 **A. Property line.**  
 15 Q. From property line, okay. All right.  
 16 **A. Because with a property line, you may not**  
 17 **have something built within the allowable side yard,**  
 18 **but that doesn't mean you can't build out at a**  
 19 **future date. So if you've got a 25 foot side yard**  
 20 **that's not built along that area, that doesn't mean**  
 21 **the property owner or the future property owner**  
 22 **can't build along it. Once you put an electric**  
 23 **transmission line, it's probably going to be there**  
 24 **forever.**

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1 Q. That makes sense. 312, your second  
 2 report, you actually noted that our Livingston  
 3 County supervisor had lived -- had lived within the  
 4 wind farm footprint. Did he have any indication why  
 5 he had, in fact, left that location?  
 6 **A. Just normal family and personal reasons.**  
 7 Q. Okay.  
 8 **A. You know, different need for housing. Not**  
 9 **because of the wind farm as I understand it.**  
 10 Q. Okay. All right. That new home down near  
 11 Bloomington, you said \$878,000 they invested on it.  
 12 Did you have any indication or find any information  
 13 as far as maybe how long the property owner had  
 14 owned that parcel previous to actually putting the  
 15 home up on that location or was the home put there  
 16 because perhaps they owned the property for 20 years  
 17 previous to it?  
 18 **A. I don't know. I don't know how long they**  
 19 **owned it, but what I do know is they built after the**  
 20 **wind farm was built. But I don't know.**  
 21 Q. Okay. All right.  
 22 **CHAIRMAN CORNALE:** All right, that's all I  
 23 have for now. Do you guys have any questions now at  
 24 this point?

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1       **MR. VITZTHUM:** I guess that's -- the one  
2 you were just talking about, did they just own the  
3 property that the house was on or did they own the  
4 property the windmills were on also?  
5       **A. No, just the house, just the property**  
6 **around the house, but they're not part of the wind**  
7 **farm.**  
8       **MR. VITZTHUM:** Okay.  
9       **A. Interesting question. That's good.**  
10       **CHAIRMAN CORNALE:** Anybody else with  
11 questions at this point? We're good? All right,  
12 units of local government, school districts, anybody  
13 with questions? Mr. Luetkehans?  
14       **MR. LUETKEHANS:** Yes, sir.  
15       **CHAIRMAN CORNALE:** All right.  
16       **QUESTIONS BY**  
17       **MR. LUETKEHANS:**  
18       Q. Mike, on a number of occasions throughout  
19 this hearing, Mr. Blazer keeps referring to the fact  
20 that you and I have done a number of projects before  
21 and you've testified on behalf of a number of my  
22 clients over the years. I don't think either you or  
23 I would dispute that, correct?  
24       **A. That's correct.**

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1       Q. Let me ask this. This is the second time  
2 in the past approximately 18 months that you have  
3 testified on behalf of Mr. Blazer's clients in cases  
4 that I've been involved in, correct? This one and a  
5 group transfer hearing, Round Lake Park?  
6       **A. Correct.**  
7       Q. And I was the hearing officer in the Round  
8 Lake properties, correct?  
9       **A. Correct.**  
10       **MR. BLAZER:** Objection, beyond the scope  
11 of rebuttal. I didn't bring up anything on Mr.  
12 MaRous's prior relationships with Mr. Luetkehans.  
13       **MR. LUETKEHANS:** It's just something you  
14 mention every time you --  
15       **MR. BLAZER:** Yeah, I didn't. First of  
16 all, it's not true, and second of all, clearly it  
17 wasn't part of the rebuttal presentation.  
18       **MR. LUETKEHANS:** I'll withdraw that  
19 question on the hearing officer. I don't need it.  
20 It doesn't matter.  
21       **BY MR. LUETKEHANS:**  
22       Q. In neither of these cases were you asked  
23 by Mr. Blazer to actually do your own target/control  
24 analysis, correct?

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1       **A. That's --**  
2       **MR. BLAZER:** Objection. There were no  
3 questions in my rebuttal regarding any prior  
4 proceedings that Mr. MaRous was involved in in Round  
5 Lake Park or anywhere else.  
6       **MR. LUETKEHANS:** This goes directly to  
7 what he did or didn't do in this study, and the  
8 point is that he did not do a target/control --  
9       **MR. BLAZER:** Objection.  
10       **MR. LUETKEHANS:** -- analysis. Can I  
11 finish my statement please, Mr. Blazer? He did not  
12 do that, he did not do a full appraisal, and this is  
13 what Mr. Blazer asked him to do previously as well.  
14       **MR. BLAZER:** As to whatever he may or may  
15 not have done previously, that was not a subject of  
16 rebuttal, and according to the rules of rebuttal  
17 that this board has implemented, both the question  
18 and Mr. Luetkehans's statements are improper and I  
19 would ask that they be stricken.  
20       **CHAIRMAN CORNALE:** All right, Mr.  
21 Luetkehans, we'll ask that you ask questions for  
22 things that he did for this case and not what he may  
23 have done previous or not done.  
24       Q. Okay. In this case you spent about 50

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1 pages critiquing Mr. McCann's report, correct?  
2       **A. Yes.**  
3       Q. Even though you have and are clearly  
4 capable of doing your own independent analysis of  
5 the effect of wind turbines on property values,  
6 correct?  
7       **A. Correct.**  
8       Q. You were never, however, asked to do that  
9 in this matter either at the beginning of this  
10 project or the four plus months after you originally  
11 testified, correct?  
12       **A. Correct.**  
13       Q. Even after the point was brought up on  
14 cross-examination the first time, you were still not  
15 asked by Mr. Blazer to provide your own independent  
16 analysis, correct?  
17       **A. Correct.**  
18       Q. Let me ask you this. Have you ever been  
19 -- you've never been hired by my firm, have you,  
20 where you were only asked to critique another  
21 appraiser's opinion and not provide your own  
22 independent analysis or value of the effect of a  
23 project, correct?  
24       **MR. BLAZER:** Objection, beyond the scope.

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1           **CHAIRMAN CORNALE:** All right, that is  
2 irrelevant to this case. Just go on, Mr.  
3 Luetkehans.  
4       Q. Okay, let's go to Pleasant Ridge Exhibit  
5 311. On page 5 of Pleasant Ridge Exhibit 311 you  
6 cite four instances where in your opinion Mr. McCann  
7 fails to cite the most recent edition of USPAP,  
8 correct?  
9       **A. Yes.**  
10       Q. I do not see anywhere in your report that  
11 you show that the older edition has any  
12 significantly different language than the more  
13 recent editions of USPAP as it relates to this  
14 issue. Is that a fair reading of your report?  
15       **A. It does not say that, no.**  
16       Q. Okay, so there's no actual substantive  
17 issue here; you just felt it necessary to point it  
18 out, correct?  
19       **A. That's correct.**  
20       Q. You also state he cites to the wrong  
21 edition of the Dictionary of Real Estate Appraisal.  
22 Again, I see no point in your report that you advise  
23 us of any different language in the edition cited  
24 versus the current edition; is that correct?

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1       **A. Correct.**  
2       Q. There are things you do in your -- and  
3 opinions of your own when doing an appraisal that  
4 are not set forth in your reports, correct? You  
5 can't put everything you know about a piece of  
6 property or about an analysis in one report,  
7 correct?  
8       **A. Generally not.**  
9       Q. Okay. If I go to the bottom of page 11,  
10 Pleasant Ridge Exhibit 311, you talk about the  
11 marketing time set forth by Mr. McCann for both his  
12 target and control sales. Do you see that?  
13       **A. Yes.**  
14       Q. And your conclusion at the end of this is  
15 that his opinion has, quote, not been developed as a  
16 definitive statement regarding the impact of  
17 proximity to wind turbines on marketing times,  
18 correct?  
19       **A. Correct.**  
20       Q. You also point out things he should have  
21 looked at such as, quote, prior listings of the  
22 properties, unquote, correct?  
23       **A. Yes, as -- as possibility if there were**  
24 **concern and if he was further developing it.**

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1       Q. I'm sorry, I couldn't hear that, I  
2 apologize.  
3       **A. As some additional steps he could have**  
4 **taken if he was attempting to provide more specific**  
5 **clarification where he had a strong conclusion as he**  
6 **did.**  
7       Q. Okay, so what we don't know is whether he  
8 actually looked at them. We just say -- you just  
9 say it's, quote, not clear, end quote, if these  
10 marketing times include these types of things,  
11 correct?  
12       **A. That is correct.**  
13       Q. Okay. You also state that his marketing  
14 sales, quote, averages are developed without regard  
15 to sale date or market conditions. Do you see that?  
16       **A. Yes.**  
17       Q. You then go on to say there's no analysis  
18 of market conditions contained in the report,  
19 correct?  
20       **A. Yes.**  
21       Q. As an appraiser, you always take market  
22 condition into consideration when you provide an  
23 opinion, correct?  
24       **A. I do.**

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1       Q. However, we do not know as we sit here  
2 whether he took market conditions into consideration  
3 in his opinion and just didn't put it in his report,  
4 correct?  
5       **A. I would also have to go to his testimony,**  
6 **and I didn't hear or see any evidence that he did.**  
7 **So the answer is, based on an extensive report and**  
8 **extensive testimony, it wasn't indicated that he**  
9 **did.**  
10       Q. Okay. And it wasn't indicated in the  
11 cross-examination of him by Mr. Blazer that he  
12 didn't either, correct?  
13       **A. I don't recall.**  
14       Q. Okay. Even after your criticism of Mr.  
15 McCann's report, I do not see anywhere in here where  
16 you have analyzed and provided your own opinion as  
17 to marketing times, can I?  
18       **A. That's correct.**  
19       Q. So you cannot testify with any reasonable  
20 degree of certainty as to whether Mr. McCann's  
21 opinion in relation to marketing times is correct or  
22 incorrect because you weren't asked to do that  
23 analysis; is that correct?  
24       **A. Based on the information provided, I**

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1 **couldn't rely on his marketing times, but I did not**  
 2 **do my own analysis and report of marketing time.**  
 3 **But as far as the extensive time and effort and**  
 4 **research, probably with a little more effort that**  
 5 **could be done.**  
 6 Q. Okay, but it's not something you did,  
 7 correct?  
 8 **A. That is correct.**  
 9 Q. Okay. Let's go to page 12 of Pleasant  
 10 Ridge Exhibit 311. And to save some time, we'll  
 11 just take one of your criticisms on this page which  
 12 is bathrooms, correct?  
 13 **A. Yes.**  
 14 Q. You say a couple of things. One is that  
 15 there's no support for the \$3,000 adjustment for  
 16 full bath versus \$1500 for full -- for half baths,  
 17 correct?  
 18 **A. Correct.**  
 19 Q. You also say that this kind of blanket  
 20 adjustment does not account for differences between  
 21 bathrooms with specialty fixtures, correct?  
 22 **A. Correct.**  
 23 Q. I think we all probably would agree with  
 24 that. Isn't it true that you often use comps when

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1 doing appraisals where you've not been inside the  
 2 bathroom of that comparable sale, correct?  
 3 **A. Many times.**  
 4 Q. And you were here -- were you here for  
 5 Professor Thayer's testimony?  
 6 **A. Professor who?**  
 7 Q. Thayer, San Diego State, hedonic approach.  
 8 **A. I was here for part of his testimony.**  
 9 Q. Okay. From your report, however, it's  
 10 obvious you've read at least a portion of the LBNL  
 11 study Professor Thayer has relied upon for his  
 12 opinion, correct?  
 13 **A. Yes.**  
 14 Q. And isn't it true that Professor Thayer  
 15 stated that, depending on the region, his study  
 16 makes adjustment for certain amenities across the  
 17 board based upon the area of the country. Do you  
 18 recall that?  
 19 **A. Yes.**  
 20 Q. In fact, one of the things he does is he  
 21 says pools in -- all pools in California are worth  
 22 \$45,000. Do you recall that?  
 23 **A. I don't recall the number --**  
 24 Q. Okay.

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1 **A. -- but I recall that there is value in**  
 2 **that market primarily because of the economics and**  
 3 **the climate.**  
 4 Q. But he did not -- to your knowledge, did  
 5 you ever hear him distinguish between any particular  
 6 type of pool, whether it be a \$100,000 installation  
 7 or a \$20,000 installation.  
 8 **A. I don't recall a differentiation.**  
 9 Q. Okay, thanks. On page 13 you discuss a  
 10 letter from Joan Bullard. Did you have a  
 11 conversation with her yourself?  
 12 **A. No, Anita Rifkind, R-I-F-K-I-N-D, from my**  
 13 **office did. And then Ms. Bullard then sent us a**  
 14 **letter in regard to her opinions --**  
 15 Q. Okay. Well --  
 16 **A. -- which I have.**  
 17 Q. Yeah, I've seen it. Bullard said the  
 18 original purchaser overpaid, correct?  
 19 **A. Yes.**  
 20 Q. However, I do not see anything in your  
 21 report or her letter that says it was not an arm's  
 22 length transaction by a willing buyer and a willing  
 23 seller, correct?  
 24 **A. That's correct.**

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1 Q. I also see you talk that there's this -- a  
 2 discussion about a shed. Do you know if it was a  
 3 new shed or an old shed?  
 4 **A. I didn't have details on the shed.**  
 5 Q. Okay. It's not in your report, so I'm  
 6 just asking the question. We know that the property  
 7 was at least partially fixed up between the second  
 8 and third transaction, correct?  
 9 **A. Yes.**  
 10 Q. We also know that between the first and  
 11 third transaction the purchase price, according to  
 12 the assessor's office, dropped from \$143,000 in 2009  
 13 to 110,000 in 2012, correct?  
 14 **A. That is correct. Back to the --**  
 15 Q. And the 20 -- I'm sorry, I didn't --  
 16 **A. Back to the shed issue, she conveyed to us**  
 17 **it was of nominal value, but I don't have the sizes,**  
 18 **the specs. It was just a Miron shed, whatever that**  
 19 **might be.**  
 20 Q. Okay, so we don't really know what it was  
 21 because by this time it's about thirdhand or  
 22 fourthhand.  
 23 **A. There's no question that it's trickling**  
 24 **down the line, but from the person that was involved**

Page 3999

1 **in the deal indicated the shed had nominal value.**  
 2 Q. Okay. Even saying that -- so we have a 23  
 3 percent drop from 2009 to 2012 in sales price,  
 4 correct?  
 5 **A. Depending what we do with the \$17,000**  
 6 **personal credit, yes.**  
 7 Q. Okay. Even if we include the \$17,000  
 8 personal credit and say it was improperly  
 9 calculated, we still have a drop of \$16,000 in those  
 10 three years, correct?  
 11 **A. That's correct.**  
 12 Q. And that's an 11 percent drop -- actually  
 13 it's two and a half years, correct? August of 2009  
 14 to February of 2012.  
 15 **A. Approximately, yeah.**  
 16 Q. Okay. So we have an 11 percent drop in  
 17 those three years, correct?  
 18 **A. Without me getting out my calculator which**  
 19 **I have, I'll --**  
 20 Q. I can promise you I'm not lying about the  
 21 percentage.  
 22 **A. Good.**  
 23 Q. I might be off a point because I can't do  
 24 it right, but --

Page 4000

1 **A. That's fine.**  
 2 Q. And both of those were to your  
 3 knowledge -- as we said, the first one was an arm's  
 4 length transaction and the last one was also an  
 5 arm's length transaction to your knowledge, correct?  
 6 **A. That's my understanding.**  
 7 Q. Okay, and this property was .58 miles from  
 8 a wind turbine, correct?  
 9 **A. As I recall, yes.**  
 10 Q. Okay. And so that would be about 3,062  
 11 feet, correct?  
 12 **A. I'll take your word for it.**  
 13 Q. Thanks.  
 14 **A. .58 I mean --**  
 15 Q. Give or take.  
 16 **A. That's fine.**  
 17 Q. Are you aware that the setback here for  
 18 the wind turbine is actually much less than 3,000  
 19 feet?  
 20 **A. Yes.**  
 21 Q. Okay.  
 22 **A. I am.**  
 23 Q. And have you ever appraised residential  
 24 property in Livingston County before?

Page 4001

1 **A. Yes, I've done -- I think I might have**  
 2 **done -- well, I've done land, probably not single**  
 3 **family.**  
 4 Q. Okay. And pages 13 through 24 of your  
 5 report primarily deal with errors -- you might have  
 6 said misleading statements, whatever -- you believe  
 7 you have found in Mr. McCann's paired sales  
 8 analysis, correct?  
 9 **A. Correct.**  
 10 Q. The purpose of pointing out these errors  
 11 would be that it makes one question Mr. McCann's  
 12 conclusions. Is that your point?  
 13 **A. Well, I think the point is that the data**  
 14 **is not good enough and it's not good enough --**  
 15 Q. Mike, you know what, I apologize. Someone  
 16 coughed and I didn't hear you, I'm sorry.  
 17 **A. Oh. It really isn't so much to be**  
 18 **critical of Mr. McCann, but it's really showing even**  
 19 **with the effort that he put into it, the data is not**  
 20 **good enough or perfect enough to make the**  
 21 **adjustments to come to a conclusion. So then in the**  
 22 **conclusion, yes, I think what he's provided, when we**  
 23 **take apart the transactions and analyze them, they**  
 24 **don't support the significant diminution in value of**

Page 4002

1 **opinion that he has.**  
 2 Q. Okay. You said, I think, that your pages  
 3 13 to I don't know how far, we'll talk about it as  
 4 we go on, found inconsistent info or lack of data on  
 5 each sale. So that's, however, focussed on -- I'm  
 6 going to focus on Livingston County. The board at  
 7 one time said that that's the important county and I  
 8 think they're absolutely correct.  
 9 And let's start with going through some of  
 10 these sales. Let's start with target T1 as you  
 11 label it, which is the sale at 18687 North 100 East  
 12 Road in Flanagan.  
 13 **A. Yes.**  
 14 Q. Okay. You claim that because of the  
 15 condition of the property, flooded basement and  
 16 unappealing decorating, quote, it is impossible to  
 17 find a similar property with which to compare this  
 18 house, end quote, correct?  
 19 **A. That's correct.**  
 20 Q. You would agree with me that it's always  
 21 possible to make adjustments to sales for that kind  
 22 of thing though, correct?  
 23 **A. Adjustments can be attempted, but when you**  
 24 **have mold, which is really an environmental issue,**

Page 4003

1 as I think you and I both know, it makes it  
 2 extremely difficult to quantify. So I think in  
 3 certain situations it's very difficult for the  
 4 appraiser to adequately quantify, but they can  
 5 attempt to make adjustments.  
 6 Q. Okay. And where in your report does it  
 7 mention the word mold because I missed it if it  
 8 does.  
 9 A. On page 13 under T1, the third paragraph,  
 10 the second sentence, "On the day of the contractor's  
 11 inspection, the basement had flooded, there was a  
 12 mattress floating in the water, and there was  
 13 evidence of mold from prior flooding on the walls."  
 14 Q. Okay, so this is the -- this is the second  
 15 sale, correct?  
 16 A. Yes.  
 17 Q. Okay. So there's -- you have no  
 18 information that there was mold at the time of the  
 19 first sale, do you?  
 20 A. That's correct.  
 21 Q. And you have no information that there was  
 22 mold at the time of the third sale, correct?  
 23 A. That's correct.  
 24 Q. And that's the one we've talked about that

Page 4004

1 has a, depending on how you look at it, either a  
 2 \$33,000 drop or \$16,000 drop in those two and a half  
 3 years, correct?  
 4 A. Between one and three. It actually  
 5 increased between two and three.  
 6 Q. Okay, but between -- well, between two and  
 7 -- one and three where there was no evidence of  
 8 mold, we have a decrease of those two amounts I just  
 9 mentioned, correct?  
 10 A. No, it's not correct because during one  
 11 and three mold came up.  
 12 Q. Okay.  
 13 A. And if it was known, it would have to be  
 14 disclosed. Whether it was corrected, I don't know.  
 15 Q. Okay, at the time of sale one -- we just  
 16 discussed we don't know if there was mold at the  
 17 time of sale one, correct?  
 18 A. That's correct.  
 19 Q. We also don't know if the mold was fixed  
 20 by the time of sale three, correct?  
 21 A. All we know is there had been mold. We  
 22 don't know if it was remediated, correct.  
 23 Q. And we know that a contractor owned it  
 24 between two and three.

Page 4005

1 A. Correct.  
 2 Q. Decorating taste is subjective, correct?  
 3 A. You're not going to let my wife read this,  
 4 are you? Yes, it is subjective.  
 5 Q. Even if the decor is bad and the house is  
 6 bad, an adjustment can be made for that as well,  
 7 correct?  
 8 A. Within reason, yes.  
 9 Q. The study does not -- or excuse me, you've  
 10 read and reviewed the LBNL study we talked about.  
 11 Regarding T1, you also criticized McCann's use of  
 12 the property at 13665 East 3000 North Road in  
 13 Blackstone because the property -- because, quote,  
 14 this property has commercial use on the site and the  
 15 ability of the property to allow such a use is not  
 16 considered, end quote, correct?  
 17 A. That's correct.  
 18 Q. Okay.  
 19 CHAIRMAN CORNALE: All right, this is a  
 20 good opportunity for us to take a ten minute break.  
 21 Why don't we take ten minutes. I've got 8:10, so  
 22 let's get going again at 8:20, all right?  
 23 (Recess at 8:10 p.m. to 8:23 p.m.)  
 24 CHAIRMAN CORNALE: We've been looking at

Page 4006

1 some scheduling issues, so I can throw this out  
 2 there for everybody. Our next meeting will be  
 3 Tuesday the 12th at 6:30 at this location. Tuesday  
 4 the 12th at 6:30. That's probably going to be the  
 5 only meeting next week. There's some other  
 6 conflicts and such. So Tuesday the 12th at 6:30.  
 7 With that, Mr. Luetkehans.  
 8 MR. LUETKEHANS: Thank you, Mr. Chairman.  
 9 BY MR. LUETKEHANS:  
 10 Q. Okay, let's go back to where we were and  
 11 I'll just kind of restate the prior question so we  
 12 know what we're talking about. You criticized Mr.  
 13 McCann's opinion on the 3000 North Road in  
 14 Blackstone property because you said the property  
 15 has commercial use on the site, correct?  
 16 A. I didn't criticize; I just commented.  
 17 Q. Okay. And you say such use is not  
 18 considered.  
 19 A. Correct.  
 20 Q. Okay. Showing you what has been marked as  
 21 UCLC Exhibit 160, this is the assessor's report for  
 22 this property, correct?  
 23 A. Correct.  
 24 Q. And if you look on the first page, about

Page 4007

1 the third line down on the left it says rural  
 2 residential, correct?  
 3 **A. Yes.**  
 4 Q. Does it say anywhere on here about any  
 5 commercial use for this property?  
 6 **A. Not on the assessor's, but actually on the**  
 7 **third page it reflects two outbuildings that contain**  
 8 **over 5,000 square feet.**  
 9 Q. Okay, but it doesn't say there's any  
 10 possible commercial use for the property, correct?  
 11 **A. On the assessor's page, no.**  
 12 Q. How about on UCLC Exhibit 161? This is  
 13 the MLS sheet for that same property, correct?  
 14 **A. I don't see any mention on the MLS sheet.**  
 15 Q. Okay, thank you. You also mention --  
 16 let's go to the property C2 under T1 which is the  
 17 9210 East 1700 North Road property in Graymont.  
 18 **A. Yes.**  
 19 Q. It's the second control sale, correct?  
 20 **A. Correct.**  
 21 Q. You also suggest that McCann omitted that  
 22 C2 has a guesthouse, correct?  
 23 **A. Correct.**  
 24 Q. Showing you what has been marked as UCLC

Page 4008

1 Exhibit 162, that's the assessor's data regarding  
 2 the property, correct?  
 3 **A. Correct.**  
 4 Q. The assessor's data does not show a  
 5 guesthouse being on the property, does it?  
 6 **A. I don't see it on here.**  
 7 Q. Okay. Now, let's go to UCLC Exhibit 163.  
 8 That's the MLS data for that same property, correct?  
 9 **A. Correct.**  
 10 Q. Again, the MLS data does not show a  
 11 guesthouse, does it?  
 12 **A. I have to review.**  
 13 Q. Take your time.  
 14 **A. I don't see it on here.**  
 15 Q. Okay, thanks. Let's go to T2, which is  
 16 the bottom of page 14 when we start talking about  
 17 Target 2 sale. You also talked about the deficiency  
 18 of using the sale or adjustments at 20558 East 100  
 19 North Road which is Control Sale 1, correct? And it  
 20 says it's not adjusted for having more bedrooms than  
 21 the target sale, correct?  
 22 **A. Correct.**  
 23 Q. How many bedrooms does the target sale  
 24 have?

Page 4009

1 **A. I would have to go back and --**  
 2 Q. It has four, correct?  
 3 **A. I'll take your word for it.**  
 4 Q. Okay. Let's go to UCLC Exhibit 164.  
 5 Again, that's the MLS data for that same property.  
 6 How many bedrooms does that show?  
 7 **A. It lists four bedrooms, but it also has a**  
 8 **den that, as my understanding, I thought could have**  
 9 **been used for a bedroom.**  
 10 Q. Your understanding is you thought it could  
 11 be a fifth bedroom, is that what you said?  
 12 **A. Yes.**  
 13 Q. McCann stated he adjusted for the square  
 14 footage of C1, this property, compared to the Target  
 15 1, correct?  
 16 **A. You're still talking about the same**  
 17 **property?**  
 18 Q. Yeah.  
 19 **A. I believe he did, yes.**  
 20 Q. Okay. And the square footage of Control  
 21 1, the property we're talking about, remains the  
 22 same whether it has four bedrooms or five bedrooms,  
 23 correct?  
 24 **A. That is correct.**

Page 4010

1 Q. Okay. Let's go to the next property you  
 2 talk about under T2 which is the second control sale  
 3 at 4667 East 1600 North Road, Flanagan.  
 4 **A. Yes.**  
 5 Q. And again, that's used to compare to T2.  
 6 You state that, quote, there appear to be more  
 7 outbuildings on this property than included on page  
 8 32 of McCann's report, including grain silos, end  
 9 quote, correct?  
 10 **A. Yes.**  
 11 Q. Okay. Let's go to -- did you know that  
 12 this parcel was once part of a larger parcel with  
 13 the outbuildings and silos, but it was sold  
 14 separately?  
 15 **A. I don't recall.**  
 16 Q. Okay. Do you know that the assessor's  
 17 record shows that the parcel with the house is a  
 18 separate lot with its own PIN?  
 19 **A. Do I know or is it a fact?**  
 20 Q. Well, let's go to -- you can look at UCLC  
 21 Exhibit 162 -- or 166, I'm sorry.  
 22 **A. Okay.**  
 23 Q. Okay, that's the assessor's data for this  
 24 sale and that shows the PIN number is 13-13-26-400,



Page 4011

1 correct?  
 2 **A. Correct.**  
 3 Q. Okay. Now, let's go to the UCLC Exhibit  
 4 167. That's the MLS data for this same sale,  
 5 correct, the same property, correct?  
 6 **A. Yes.**  
 7 Q. Okay. And that's the same PIN number we  
 8 just talked about, the 13-13-26-400, correct?  
 9 **A. Correct.**  
 10 Q. Okay. And go to Exhibit 168 if you will.  
 11 UCLC Exhibit 168, I'm sorry. And that's the  
 12 assessor's aerial photograph showing the boundaries  
 13 of the property of that PIN. Do you see that?  
 14 **A. Yes.**  
 15 Q. Okay. And you can tell that the parcel  
 16 with the house is a different parcel from the  
 17 outbuildings and silos, correct?  
 18 **A. Correct.**  
 19 Q. Let's go to --  
 20 **A. Well, let me --**  
 21 Q. Let's go to C5, which is the 12 -- 12610  
 22 North 1900 East Road in Fairbury on that --  
 23 comparing it still to the T2, okay? It's on page  
 24 15. It's the second full paragraph.

Page 4012

1 **A. Yes.**  
 2 Q. You state that, quote, it appears that  
 3 this property may have been assembled with an  
 4 adjoining property because the Livingston County  
 5 assessor indicates the property has 10.02 acres not  
 6 5.01 acres, correct?  
 7 **A. Yes.**  
 8 Q. Okay. Look at UCLC Exhibit 169. That's  
 9 the assessor's website for this sale, correct?  
 10 **A. Yes.**  
 11 Q. And that's got acreage of 5.01 acres,  
 12 correct?  
 13 **A. Correct.**  
 14 Q. Not 10.02, correct?  
 15 **A. Not on this exhibit that you have.**  
 16 Q. Okay. Well, let's go to the MLS listing  
 17 which is the next exhibit, UCLC Exhibit 169 -- or  
 18 excuse me, 170, the next one, correct. Again, this  
 19 shows the property is 5.01 acres, correct?  
 20 **A. It does.**  
 21 Q. So both documents show the same 5.01 acres  
 22 that Mr. McCann used, correct?  
 23 **A. They do.**  
 24 Q. Okay. Let's go to C6, again the sixth

Page 4013

1 sale on this same page regarding T2, and it's  
 2 located at 19570 East 260 North Road, Fairbury.  
 3 **A. Yes.**  
 4 Q. Okay. You state, quote, there is no  
 5 adjustment for the location of this property  
 6 indicated as being close to town and in proximity to  
 7 the Indian Creek wooded area, correct?  
 8 **A. Correct.**  
 9 Q. Okay. Look at UCLC Exhibit 171. That's  
 10 an aerial photograph showing C6's proximity to the  
 11 town of Fairbury. Is that the closeness you're  
 12 talking about?  
 13 **A. Yes.**  
 14 Q. So just in my own math, the populated part  
 15 of Fairbury, you take that -- the distance between  
 16 the populated part of Fairbury and the property is  
 17 about four or five times the size of Fairbury,  
 18 correct?  
 19 **A. I wouldn't say that much, but it's --**  
 20 Q. At least three.  
 21 **A. Could be.**  
 22 Q. Okay. And showing you Exhibit 172, again  
 23 this is an aerial photograph of the same property  
 24 that you say was in proximity to the Indian Creek

Page 4014

1 wooded area, correct?  
 2 **A. Correct.**  
 3 Q. It's not -- it's not next to the Indian  
 4 Creek wooded area, is it?  
 5 **A. I didn't say that. I say proximity.**  
 6 Q. Okay, proximity. And Exhibit 172 shows  
 7 that proximity, correct?  
 8 **A. Yes, it does.**  
 9 Q. The creek is across -- the creek and the  
 10 wooded area are across the street, correct?  
 11 **A. That's correct.**  
 12 Q. And there's a property in between them as  
 13 well?  
 14 **A. Directly, but there are other intervening**  
 15 **areas to provide access.**  
 16 Q. Okay, but there's no direct access to  
 17 either the woods or the river from there, correct?  
 18 **A. Not -- not adjoining the property, which I**  
 19 **did not say, that's correct.**  
 20 Q. Okay. You also state on page 15 on the  
 21 same sale that there's no adjustment for a newly  
 22 remodelled kitchen. Do you see that?  
 23 **A. Correct.**  
 24 Q. You have -- do you have McCann's report up

Page 4015

1 there, UCLC Exhibit 70?  
 2 **A. I have it with me.**  
 3 Q. Okay. And when you get to it, Mike, if  
 4 you'd go to page 36.  
 5 **A. Yes.**  
 6 Q. If you look at that same sale on page 36,  
 7 you will note, will you not, that the property --  
 8 that Mr. McCann notes that the property has been  
 9 remodelled, correct?  
 10 **A. It says remodelled average to good.**  
 11 Q. Okay. Let's go to Target 6. Keep moving.  
 12 Otherwise, we'll be here all night. This target --  
 13 regarding this property, you say that the MLS sheet,  
 14 it's on page 17, second -- first full paragraph.  
 15 State the MLS sheet says the building has a crawl  
 16 space. The assessor says it is constructed on a  
 17 slab, correct?  
 18 **A. Yes.**  
 19 Q. And so you had a concern about which was  
 20 correct.  
 21 **A. I just brought it out as a point.**  
 22 Q. Okay. You don't have any idea whether Mr.  
 23 McCann actually knew that it was a slab or a crawl  
 24 space, correct?

Page 4016

1 **A. I do not.**  
 2 Q. Okay. Showing you -- look at Exhibit 1 --  
 3 UCLC Exhibit 176 if you would. It's a few back. I  
 4 skipped a few.  
 5 **A. Yes.**  
 6 Q. In fact, the assessor's data regarding the  
 7 property in UCLC Exhibit 176 says it has a crawl  
 8 space, correct? Bottom left side, just to keep it  
 9 moving.  
 10 **A. Crawl.**  
 11 Q. Okay. And if you look at UCLC Exhibit  
 12 177, which is the MLS sheet, that also shows the  
 13 property as having a crawl space, correct?  
 14 **A. It does.**  
 15 Q. Okay. And if you go to UCLC Exhibits 178  
 16 and 179, particularly -- just go to 179. It's a  
 17 little clearer there.  
 18 **A. All right.**  
 19 Q. On the right-hand side of that house or  
 20 the side of the house, you can see that crawl --  
 21 that vents are in the foundation, correct?  
 22 **A. Yes.**  
 23 Q. So we know -- we know there was a crawl  
 24 space there, correct?

Page 4017

1 **A. It would appear to be so.**  
 2 Q. Okay. And that's what McCann said. He  
 3 listed it as having a crawl space, correct?  
 4 **A. I believe so.**  
 5 Q. Okay. Let's go to C4 under Target 6.  
 6 Again, this is the sale at 305 -- the fourth control  
 7 sale, page 17, 30596 North 700 East Road, Danville.  
 8 You state that the property is not adjusted for  
 9 being near a golf course, correct?  
 10 **A. Correct.**  
 11 Q. We would agree it's not adjacent to the  
 12 golf course, correct?  
 13 **A. That's correct.**  
 14 Q. And, in fact, there are other parcels and  
 15 a wooded area between this property and the golf  
 16 course, correct?  
 17 **A. I know it was proximate. I don't recall**  
 18 **the intervening property.**  
 19 Q. Okay. Well, why don't you look at UCLC  
 20 180 then?  
 21 **A. 180 what?**  
 22 Q. 180 straight up.  
 23 **A. Okay.**  
 24 Q. Okay, the parcel we're talking about is

Page 4018

1 the middle parcel between -- we have three parcels,  
 2 three that look like residential parcels in a row,  
 3 correct --  
 4 **A. Correct.**  
 5 Q. -- right in the middle of the page? And  
 6 the parcel we're talking about is 02-17-100-019.  
 7 Looking at that, could you tell that there are other  
 8 parcels and a wooded area between this property and  
 9 the golf course, correct?  
 10 **A. Several small lots, but --**  
 11 Q. Okay, so we can't even be certain from  
 12 this aerial whether this property has a view of the  
 13 golf course, can we?  
 14 **A. Depending on the elevation of the height**  
 15 **and the view, it's not possible to ascertain. It**  
 16 **would appear that probably out the back, angling**  
 17 **out, you'd be able to see it.**  
 18 Q. Looking through the wooded area.  
 19 **A. Yes.**  
 20 Q. Okay. You often use assessor's square  
 21 footage numbers when doing an appraisal, correct?  
 22 **A. Yes.**  
 23 Q. And these are normally based upon approved  
 24 building plans. Is that a fair statement?

Page 4019

1 **A. Many times. Many times physical**  
 2 **inspection and measurement.**  
 3 Q. Okay. And square footage in MLS listing  
 4 sheets are often done by a broker who measured the  
 5 rooms, correct?  
 6 **A. Correct.**  
 7 Q. Let's go to T7. You state on the top of  
 8 page 18 there is no adjustment to the site for the  
 9 presence of a 2.5 acre unusable area, correct?  
 10 **A. Yes.**  
 11 Q. The 2.5 acres unusable area, as you  
 12 mentioned, is a pond, correct?  
 13 **A. I believe so.**  
 14 Q. Okay. In a commercial setting, we would  
 15 all agree that's unusable land, right? It's not  
 16 really much of a benefit in a commercial setting.  
 17 And I'm not saying this is a commercial setting.  
 18 **A. Oh, I thought we were --**  
 19 Q. I'm not trying to trick you, Mike.  
 20 **A. It provides storm water, it provides open**  
 21 **space, but it's generally much more desirable with**  
 22 **residential.**  
 23 Q. Okay. And as you said, ponds are often  
 24 considered to be desirable to a single family

Page 4020

1 residence, correct?  
 2 **A. They are.**  
 3 Q. Okay. Let's go to T8 and this is the  
 4 property sold in November of 2011 for -- which is  
 5 the property, I'm sorry, at 24458 North 2500 East  
 6 Road in Odell. And this property sold in November  
 7 of 2011 for \$186,000 according to your report,  
 8 correct?  
 9 **A. Yes.**  
 10 Q. Okay. If you could go to UCLC Exhibit  
 11 181, that's the assessor's data for this same  
 12 property, correct?  
 13 **A. Yes.**  
 14 Q. In fact, in November of 2011, the property  
 15 actually sold not for \$186,000 but for \$159,000,  
 16 correct? The 186,000 actually happened a couple  
 17 years later.  
 18 **A. Yes, so what was your --**  
 19 Q. My question is November 2011 the house  
 20 sale is not for 186,000 but for actually 159,000,  
 21 correct?  
 22 **A. 186 appears to be 2013. '11 was the 159.**  
 23 Q. So --  
 24 **A. There's a subsequent sale of --**

Page 4021

1 Q. Okay, but the 2011 sale you would agree is  
 2 not the 186,000, correct?  
 3 **A. No.**  
 4 Q. Okay, so you just made a mistake, correct?  
 5 **A. That's correct.**  
 6 Q. Okay. You also state that there's a  
 7 significant discrepancy between the size of the  
 8 house provided by the MLS of 2,078 square feet and  
 9 by the assessor of 1946 square feet, correct? First  
 10 full paragraph on page 19, Mike.  
 11 **A. Yes.**  
 12 Q. Okay. McCann used the assessor's number  
 13 of 1946 square feet, correct?  
 14 **A. I believe he did.**  
 15 Q. And we can figure that out just by doing  
 16 the math. 159,000 divided by the square foot --  
 17 divided by the square foot price and you come up  
 18 with the square feet, correct?  
 19 **A. Yes.**  
 20 Q. Okay. Let's go to T9 on page 19 which is  
 21 the property at 329 -- 32900 North 2000 Road,  
 22 Dwight. Sorry, I'm not real good with all these  
 23 long numbers on properties. We're used to 14 and 13  
 24 and things up where we live.

Page 4022

1 You state the report indicates that the  
 2 house has been remodelled. However, there is no  
 3 information in that regard on the listing sheet.  
 4 That's what you state on page 19, correct?  
 5 **A. Correct.**  
 6 Q. Showing you -- if you could look at  
 7 Exhibit 182, that's the MLS data sheet for the  
 8 property, correct?  
 9 **A. Yes.**  
 10 Q. Next to age on the sheet, it says 91 to  
 11 100 years, comma, recent rehab, correct?  
 12 **A. Yes.**  
 13 Q. Okay. So the MLS sheet does actually  
 14 contain information that the property has been  
 15 recently remodelled, correct?  
 16 **A. Yes.**  
 17 Q. Let's go to T13. And let's talk about the  
 18 second sale under there which is at 11757 North 1900  
 19 East Road in Fairbury.  
 20 **A. Yes.**  
 21 Q. You state that the adjustment does not  
 22 really reflect the size of C2 because of the  
 23 discrepancy in the target sale, correct?  
 24 **A. That's correct.**

Page 4023

1 Q. Okay. However, McCann used the assessor's  
 2 square footage for -- shown for T13, correct?  
 3 **A. There were -- yes, he did, but the**  
 4 **assessor was 2296 and the MLS was 1896.**  
 5 Q. Okay. And we've talked about the assessor  
 6 is either relying on building plans or actually  
 7 viewing the site on most occasions, correct?  
 8 **A. On most occasions.**  
 9 Q. Okay. Okay, let's go to Target 15 that  
 10 you have problems with. That's at 29227 North 2300  
 11 East Road in Odell. Starts on the bottom of page  
 12 22. You state that the assessor's website has both  
 13 a 5 acre site size and a 3.5 acre site size. I was  
 14 unable to determine the correct size of this.  
 15 Correct?  
 16 **A. Yes.**  
 17 Q. However, Mr. McCann used the 5 acres in  
 18 his analysis, correct?  
 19 **A. I believe he did.**  
 20 Q. Okay. Let's go to exhibit -- UCLC Exhibit  
 21 184. That's the assessor's data for the target  
 22 property, correct, for T15?  
 23 **A. Yes. I think this is the one, though,**  
 24 **they show two different sizes. This may not be --**

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1 **it's called property record cards, but I think there**  
 2 **may be two sets on this one.**  
 3 Q. Okay, but let's -- so right now if we're  
 4 looking at UCLC Exhibit 184, which we agree is the  
 5 assessor's property --  
 6 **A. Correct.**  
 7 Q. -- we see the grand total of 5.00 acres  
 8 according to the assessor, correct?  
 9 **A. Yes.**  
 10 Q. And they have the number of 3.45 acres,  
 11 but it's -- it's part of the 5.00, at least in their  
 12 opinion, correct, in the sheet?  
 13 **A. It's called -- it's called ag land, yes.**  
 14 Q. Okay. But it's part of the total 5 acres.  
 15 It's not above and beyond according to this.  
 16 **A. Correct.**  
 17 Q. Okay. And then let's go to Exhibit 185.  
 18 Again, this is the MLS data for the same property.  
 19 And that analysis shows or that also shows the  
 20 property to be 5 acres, correct?  
 21 **A. Yes.**  
 22 Q. And again, Mike McCann used 5 acres in his  
 23 analysis for this, correct?  
 24 **A. Correct.**

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1 Q. Okay, let's go to C2 under target -- under  
 2 T15. That's the property located at 10725 East 1700  
 3 North Road in Pontiac?  
 4 **A. Yes.**  
 5 Q. Okay. You say the assessor indicates a  
 6 site size of 2.69 acres. The report uses 5.64  
 7 acres. I was unable to reconcile this discrepancy.  
 8 Do you recall saying that or do you see saying that?  
 9 **A. I said it in the report, yes.**  
 10 Q. Okay. And showing you Exhibits 186 and  
 11 187 together, those are assessor's data sheets for  
 12 two parcels, correct? Those are two different  
 13 parcels, correct?  
 14 **A. Yes, on different blocks.**  
 15 Q. Okay. And one is -- Exhibit 186 shows  
 16 2.69 acres on one lot, correct?  
 17 **A. Yes.**  
 18 Q. And you see that Exhibit 186 shows that  
 19 the lot is improved with a single family home,  
 20 correct?  
 21 **A. Yes.**  
 22 Q. And then if we look at 187 it shows 2.95  
 23 acres, but it contains no information regarding  
 24 improvements, correct?

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1 **A. Correct.**  
 2 Q. It also has no address, correct?  
 3 **A. That's correct.**  
 4 Q. And you see that the sales of both lots  
 5 both in 2014 and 2009 were at the exact same time,  
 6 correct? Or within a couple days actually of each  
 7 one.  
 8 **A. They weren't exact, but they were close.**  
 9 Q. Okay. At least the 2009 sale was exact,  
 10 correct? They were both sold on December 22nd,  
 11 2009.  
 12 **A. Yes.**  
 13 Q. And then the other one was two days apart.  
 14 That would suggest to me that the sales of both lots  
 15 were at the same time, correct? Excuse me, let me  
 16 strike that. That would suggest to me that the  
 17 adjacent -- that these two adjacent lots sold  
 18 together, correct?  
 19 **A. Possible.**  
 20 Q. Okay. And showing you Exhibit 188, UCLC  
 21 Exhibit 188, that's the tax records for the 2.95  
 22 acre lot, correct?  
 23 **A. Yes.**  
 24 Q. And that confirms that the 2.95 acre lot

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1 is classified as vacant residential, correct?  
 2 **A. Yes.**  
 3 Q. Okay. And then if we go to UCLC Exhibit  
 4 189, that's the MLS data for that exact same  
 5 property, correct? Actually for both those lots  
 6 combined, correct?  
 7 **A. Yes.**  
 8 Q. And 2.69 which is the first, which is UCLC  
 9 Exhibit 186, and 2.95 which is UCLC Exhibit 187, you  
 10 add those up and you get 5.64 acres, correct?  
 11 **A. Yes.**  
 12 Q. And 5.64 acres is the actual acreage Mr.  
 13 McCann used, correct?  
 14 **A. Yes.**  
 15 Q. Okay. Let's go to T17. We're at the last  
 16 one of these target sales. Regarding Control 1,  
 17 which is 18375 East 2500 North Road in Odell, you  
 18 state that the reason the report adjusted sale for  
 19 -- you state that the reason the report adjusted the  
 20 sale for having fewer bathrooms than the target sale  
 21 is not clear, correct?  
 22 **A. That's what I said.**  
 23 Q. You state that the target property is one  
 24 and a half bathrooms, correct?

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1 **A. Yes.**  
 2 Q. Okay. Look at Exhibit 190 if you would,  
 3 UCLC Exhibit 190. That's the assessor's data for  
 4 control -- for this same property on North -- 2500  
 5 North Road in Odell, correct?  
 6 **A. Yes.**  
 7 Q. Okay. The assessor's data shows that this  
 8 sale has only one bathroom, correct?  
 9 **A. That's what it reflects.**  
 10 Q. Okay. And if I go to UCLC Exhibit 191,  
 11 which is the MLS data for this property, that also  
 12 reflects only one bathroom, correct?  
 13 **A. That's what I see.**  
 14 Q. Okay. And, in fact, this same property is  
 15 also Control 3 under T16 on page 23, correct?  
 16 Actually page 23 and 24, sorry. It's the same  
 17 property on the prior page.  
 18 **A. Correct.**  
 19 Q. Okay. Here you say that the property only  
 20 has one bathroom, correct?  
 21 **A. Yes.**  
 22 Q. But then on the next page you say the  
 23 exact same property has 1.5 bathrooms.  
 24 **A. Yes, the one bathroom is the correct**

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1 **number.**  
 2 Q. Okay, so having an adjustment made for  
 3 having fewer bathrooms on Control 1 rather than the  
 4 Target 1.5 bathrooms, that's an appropriate  
 5 adjustment, correct?  
 6 **A. I would retract that comment.**  
 7 Q. Okay, thanks. MLS data is typically used  
 8 by appraisers, correct?  
 9 **A. Yes.**  
 10 Q. As is data from the county or township  
 11 assessor's office, correct?  
 12 **A. Yes.**  
 13 Q. And as we sit here, it's hard for us to  
 14 say globally whether one is more accurate or  
 15 reliable than the other, correct?  
 16 **A. It depends upon the quality of the broker.**  
 17 **Many brokers will have blueprints and they're**  
 18 **physically invited into the property and really have**  
 19 **better access than the assessor. And if we're**  
 20 **talking about a new subdivision, the assessor will**  
 21 **have accurate plans. But when we're talking 30 to**  
 22 **50 year old properties, there are changes,**  
 23 **additions. Sometimes they're not picked up or**  
 24 **sometimes there are errors as time goes on in the**

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1 **assessor's file. So it really depends which one is**  
 2 **more accurate. The most accurate is a platted**  
 3 **survey and a plat -- plans that show everything, and**  
 4 **both the assessor and the brokers don't always get**  
 5 **that.**  
 6 Q. Okay, so we don't know definitively which  
 7 one is always correct or not, is that correct --  
 8 **A. That is correct.**  
 9 Q. -- as an appraiser?  
 10 **A. I would agree.**  
 11 Q. Okay. Let's go to page 26 of Pleasant  
 12 Ridge Exhibit 311 which is your first report we  
 13 talked about today again. One of the things you  
 14 talked about is that you're discussing the property  
 15 at 24487 North 2150 East Road in Odell, correct?  
 16 **A. Yes.**  
 17 Q. And you state that there -- you talk about  
 18 an increase or \$35,000 in value from August of 2008  
 19 to March of 2010, correct?  
 20 **A. Yes.**  
 21 Q. And you state that there was significant  
 22 upgrades to the property, such as repaired well,  
 23 rewired the electrical, remodelled the kitchen,  
 24 added a second bathroom with a shower and remodelled

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1 other areas of the house, correct?  
 2 **A. That's correct.**  
 3 Q. Okay. I do not see in your report that  
 4 you list the actual amounts expended on those  
 5 repairs so we can see how much the person put into  
 6 the house, can we?  
 7 **A. I did not have that exact number.**  
 8 Q. Okay. Depending on the amount put into  
 9 this, remodelling costs could have been more or less  
 10 than \$35,000, correct?  
 11 **A. It's possible.**  
 12 Q. And you've seen remodelled kitchens alone  
 13 that cost over \$30,000, correct?  
 14 **A. Yes.**  
 15 Q. And, in fact, that was probably your  
 16 wife's, but I'll leave that alone. Just for the  
 17 record, this home at 24487 North 2150 East Road,  
 18 Odell, is approximately 1.5 miles away from the  
 19 nearest wind turbine, correct?  
 20 **A. Yes.**  
 21 Q. And it's one wind turbine, correct?  
 22 **A. Yes.**  
 23 Q. Okay. Let's go to page 36 of your report.  
 24 You say that McCann's criticism that it fails to

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1 consider individual property characteristics is  
 2 wrong. Well, I'm sorry, let's set this up a little  
 3 better. This is talking about the LBNL study,  
 4 correct?  
 5 **A. Yes.**  
 6 Q. Okay. And you say that McCann's  
 7 criticism, and I'm going to -- so you don't have to  
 8 search for it, is wrong and I think -- yeah, it's  
 9 the fourth paragraph. You say it's wrong because it  
 10 fails to consider -- because he said that it fails  
 11 to consider individual property characteristics is  
 12 wrong, his opinion is, because every property in the  
 13 report was visited by a researcher.  
 14 Okay. While I may disagree with that  
 15 conclusion, the fact is, just like your analysis of  
 16 McCann's report, there's no statement in the record,  
 17 the LBNL report, the researchers ever went inside  
 18 any of the homes, correct?  
 19 **A. That's correct.**  
 20 Q. Okay. And you say that McCann is doing a  
 21 review report of the LBNL study. Again, while I may  
 22 disagree with that characterization -- and you also  
 23 stated that under USPAP McCann must meet specific  
 24 USPAP criteria and that those criteria are not

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1 addressed in his report, correct?  
 2 **A. Correct.**  
 3 Q. McCann never states in his report that he  
 4 is doing a review appraisal under USPAP, does he?  
 5 **A. No, he does not.**  
 6 Q. In fact, the LBNL report does not even  
 7 comply or attempt to comply with USPAP according to  
 8 to Professor Thayer, correct? That's what you said.  
 9 **A. That is correct.**  
 10 Q. You discuss Mr. McCann's reliance on the  
 11 Lansink study on page 37 and stated there's no  
 12 discussion of the impact the recession had on  
 13 residential values in Canada, that there was no  
 14 discussion, correct?  
 15 **A. Yes.**  
 16 Q. Again, you don't know if it was considered  
 17 or not; just not -- you just know that he didn't  
 18 mention it, correct?  
 19 **A. That's correct.**  
 20 Q. And you go on to state that the resales  
 21 required the purchaser to quote -- or to waive,  
 22 excuse me, quote, all rights to sue the developer  
 23 for any issues related to the operation of the wind  
 24 turbines in the area; is that correct?

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1 **A. Yes.**  
 2 Q. So the wind turbine company recognized the  
 3 possibility of people suing them for damages and  
 4 were trying to protect themselves from that,  
 5 correct?  
 6 **A. It's really a legal question. Obviously**  
 7 **major companies attempt to mitigate litigation and**  
 8 **protect themselves, so that that's what they did.**  
 9 Q. Okay. And one thing I do not see you have  
 10 an opinion on in your 46 page report is McCann's  
 11 analysis of the LBNL study which relies on the  
 12 International Association of -- the IAAA association  
 13 we talked about earlier. You don't say that the  
 14 LBNL study as it relates to the reliability or R2  
 15 factor is improper, do you?  
 16 **A. I do not.**  
 17 Q. In fact, your opinion is heavily based on  
 18 the fact that, quote, without the raw data on which  
 19 the information is based, it is not possible to  
 20 examine the conclusions in significant detail,  
 21 correct?  
 22 **A. That's correct.**  
 23 Q. To your knowledge, the raw data put into  
 24 Professor Thayer's black box from the LBNL study has

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1 never been provided in this hearing or ever  
 2 published in any journal, has it?  
 3 **A. Not aware of it.**  
 4 Q. Okay. Let's go to the Falmouth, Virginia,  
 5 study. One of your complaints about Mr. McCann  
 6 relying on this study is that, quote, without  
 7 additional explanation of adjustments, this matched  
 8 pair analysis does not support a determination that  
 9 proximity to a wind turbine negatively affects  
 10 residential property values; is that correct?  
 11 **A. What page are you on?**  
 12 Q. The Falmouth study -- I'm sorry, I didn't  
 13 get a page number in front of me.  
 14 **A. 43?**  
 15 Q. It starts on 43.  
 16 **A. Yeah, okay.**  
 17 Q. Okay. That was one of your criticisms,  
 18 correct?  
 19 **A. Yes.**  
 20 Q. However, as you sit here today, we do not  
 21 know what other information Mr. McCann may or may  
 22 not have had regarding this study, correct?  
 23 **A. Again, that was for him to provide and**  
 24 **explain to the reader so the reader would adequately**

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1 **know.**  
 2 Q. And it was also for -- Mr. Blazer could  
 3 have asked him during cross-examination, correct?  
 4 **MR. BLAZER:** Objection.  
 5 **CHAIRMAN CORNALE:** All right, we'll strike  
 6 that question. Improper question at this time.  
 7 Q. You sat here for Mr. Blazer's cross of Mr.  
 8 McCann, correct?  
 9 **A. No, I did not. I read the transcript. I**  
 10 **was here for night one.**  
 11 Q. Okay, so you read the transcript.  
 12 **A. And I saw parts of the cross, but I didn't**  
 13 **see all of it.**  
 14 Q. Okay, and you said you read the  
 15 transcript. In that transcript did you ever see Mr.  
 16 Blazer ask him what additional information he may  
 17 have had on this study?  
 18 **MR. BLAZER:** Object to the relevance and  
 19 beyond the scope.  
 20 **MR. LUETKEHANS:** I don't know how it's  
 21 beyond the scope.  
 22 **CHAIRMAN CORNALE:** All right, we'll allow  
 23 his objection. It's not relevant as far as what  
 24 questions he asked him.

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1 Q. Let's talk about -- do you have McCann's  
 2 PowerPoint there in front of you or can you have it  
 3 handed, UCLC 71? I think you talked about it  
 4 earlier.  
 5 **A. I don't know what exhibit. I have my own**  
 6 **file called McCann overhead, so --**  
 7 Q. Okay, it's the one that talks about  
 8 Falmouth, Massachusetts, value diminution. It's  
 9 about two-thirds of the way through, maybe page 30.  
 10 It's got a label on it.  
 11 **A. Yes.**  
 12 Q. Okay. And in there you talk -- one of  
 13 your criticisms is that he is using an average  
 14 there, correct?  
 15 **A. Yes.**  
 16 Q. His analysis, however, was not based on  
 17 the average, was it? He just used it in the  
 18 heading.  
 19 **A. As presented in the PowerPoint, that was**  
 20 **to me an indication of what he was doing.**  
 21 Q. Okay, but the --  
 22 **A. In the presentation, I mean that's what he**  
 23 **did. He had the average.**  
 24 Q. Okay, but if you go down in the

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1 paragraphs, it says "Comparison reveals that the 833  
 2 Falmouth Highway property located in proximity to  
 3 the Wind 1, 2 and Webb turbines has sold for a  
 4 discount or below market price," and then he goes on  
 5 to indicate that the difference is 32 percent,  
 6 correct?  
 7 **A. Yes.**  
 8 Q. You used averages in your first report,  
 9 correct, in this case?  
 10 **A. I did.**  
 11 Q. UCLC Exhibit 41.  
 12 **A. I did.**  
 13 Q. And you criticized Mr. Steidinger for  
 14 using averages, correct, as well as Mr. McCann right  
 15 now.  
 16 **A. I did.**  
 17 Q. Okay. Let's go to Pleasant Ridge Exhibit  
 18 312 which is your second report, correct?  
 19 **A. The assessor's study?**  
 20 Q. Yes.  
 21 **A. Okay.**  
 22 Q. And I see Allyson Hastings's,  
 23 A-L-L-Y-S-O-N, H-A-S-T-I-N-G-S, name on this report  
 24 as well as yours, correct?

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1 **A. That's correct.**  
 2 Q. I'm assuming Allyson made these phone  
 3 calls, correct?  
 4 **A. Correct.**  
 5 Q. To your knowledge, assessors do not keep  
 6 records on how long it takes a property to sell,  
 7 correct?  
 8 **A. Some do. They all don't.**  
 9 Q. Okay. Did you ask these 18 assessors  
 10 whether they had those records? Or did Allyson ask  
 11 I should say?  
 12 **A. I have a backup file, so -- there wasn't a**  
 13 **marketing time question asked.**  
 14 Q. Okay. There was not?  
 15 **A. No.**  
 16 Q. Okay. I apologize, I'm dying of heat over  
 17 here, sorry. Have you ever done a study before  
 18 where all you did was call a number at the  
 19 assessor's office and ask for information and then  
 20 essentially testify as to what they told you?  
 21 **A. I don't recall doing that, no.**  
 22 Q. Okay. And I assume you don't recall ever  
 23 having that type of opinion being placed into a  
 24 court of law as an opinion, correct?

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1 **A. Well, that's not true. In doing other**  
 2 **impact studies, we will call market participants,**  
 3 **brokers, buyers, sellers, lenders, and doing a very**  
 4 **similar type opinion and providing that into**  
 5 **evidence. This is a very type -- similar study that**  
 6 **we did. It's very consistent with historical work.**  
 7 Q. Okay, but you've never to your knowledge  
 8 entered a report into evidence that consisted -- or  
 9 testified in court of something that consisted of  
 10 nothing more than you just calling the assessor's  
 11 office and asking for their statements, correct?  
 12 **A. Well, it was a lot more than nothing more,**  
 13 **but as far as an assessor's survey, that's correct.**  
 14 Q. Okay, and it does not take the expertise  
 15 of an appraisal expert to call and ask these  
 16 questions and record these answers, correct?  
 17 **A. In my opinion, I disagree. Ms. Hastings,**  
 18 **who you know has her MAI designation, has been**  
 19 **appraising for 25 years and is very experienced, and**  
 20 **I wanted somebody with that type of expertise to**  
 21 **basically drill down on the issues that the counties**  
 22 **had had, distances, value impacts, productivity,**  
 23 **economic impacts, et cetera.**  
 24 Q. We'll get down to how far she drilled down

Page 4041

1 in a minute, but let me ask this question.  
 2 Assessors are employees of the county, correct?  
 3 **A. Yes.**  
 4 Q. At least downstate other than -- these  
 5 particular assessors I should say.  
 6 **A. Well, some are not full-time, but they're**  
 7 **employees with the counties, correct.**  
 8 Q. Okay, and all I was trying to do is make a  
 9 differentiation between up north where we have  
 10 township assessors instead of county assessors.  
 11 **A. Fine.**  
 12 Q. And these employees -- these assessors'  
 13 offices she called, their budgets are set by the  
 14 county, correct?  
 15 **A. Yes.**  
 16 Q. And county tax revenues are in part at  
 17 least set by the EAVs for homes, correct?  
 18 **A. Correct.**  
 19 Q. You would agree that Pleasant Ridge  
 20 Exhibit 312 is not an appraisal, correct?  
 21 **A. That's correct.**  
 22 Q. It's also not a review report under USPAP,  
 23 correct?  
 24 **A. That's correct.**

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1 Q. And USPAP are the standards that apply to  
 2 when you do actual appraisal review reports,  
 3 correct?  
 4 **A. Correct.**  
 5 Q. Okay. In your report you talk about a  
 6 report that the Bureau County assessor gave to the  
 7 board, and to your knowledge, that report -- you  
 8 have no knowledge of whether that report was  
 9 completed in accordance with USPAP, correct?  
 10 **A. I don't believe it was.**  
 11 Q. Okay. Do you know how --  
 12 **A. As part of the discussion with Mr.**  
 13 **Sweeney, the answer would be no.**  
 14 Q. Okay. And do you know how close property  
 15 number one, which is listed on page 3 of your  
 16 report, was to the wind turbine?  
 17 **A. The exact distance, no.**  
 18 Q. Okay. How about property number two or  
 19 property number three?  
 20 **A. The exact distance, no.**  
 21 Q. Okay, so she didn't drill down that far.  
 22 So do you have the addresses for those three --  
 23 these three properties that you can provide us?  
 24 **A. I do not.**



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1 Q. Okay. And can you tell us how many wind  
 2 turbines are in this wind farm industrial area?  
 3 **A. There are four in the county. Some of**  
 4 **them go outside the county.**  
 5 Q. But there are four in Bureau County.  
 6 **A. There are four.**  
 7 Q. Okay, versus 136 that are going to be put  
 8 in here, okay.  
 9 **A. No, no, no. There are four different**  
 10 **farms.**  
 11 Q. Okay. Do you know how many farms there  
 12 are --  
 13 **A. So --**  
 14 Q. I apologize, if you're --  
 15 **A. Well, it'll be -- if you're asking --**  
 16 Q. Mike, just one second. I'm going to  
 17 apologize because I cut you off, so now please  
 18 proceed.  
 19 **A. So the exact number of turbines I don't**  
 20 **know, but it's significant. It's over a couple**  
 21 **hundred between the farms. Some are bigger than**  
 22 **others.**  
 23 Q. Okay, and we don't know which -- whether  
 24 any of these or how close they are to which

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1 particular wind farm, correct?  
 2 **A. No, I know the names of the wind farms,**  
 3 **but I was really looking at the county globally,**  
 4 **looking at the number of wind farms as they came in,**  
 5 **they were in existence, what had transpired, value**  
 6 **impacts that they had seen and actually complaints**  
 7 **filed because of the wind farms.**  
 8 Q. And do you know what the megawatts for  
 9 those wind farms are?  
 10 **A. The total? Not without the number of --**  
 11 **my understanding is many are very similar to the**  
 12 **subject, proposed subject.**  
 13 Q. Many of the total --  
 14 **A. Many of the turbines are similar sized to**  
 15 **the subject.**  
 16 Q. Okay, but total megawatt put out by each  
 17 particular farm.  
 18 **A. I do not.**  
 19 Q. Okay. And you say property number one was  
 20 considered a, quote, statistical outlier, end quote,  
 21 by the assessor, correct?  
 22 **A. Yes.**  
 23 Q. And we would agree that three is not a lot  
 24 of sales; that we only have three property sales

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1 that were analyzed and that's a pretty small sample  
 2 size, wouldn't you agree?  
 3 **A. That's an interesting question because he**  
 4 **had the whole county to draw from. These were the**  
 5 **three that he took a harder look at.**  
 6 Q. Okay, and of the --  
 7 **A. But he's --**  
 8 Q. I'm sorry.  
 9 **A. He looked at everything in the county that**  
 10 **he thought were impacted. He thought these three**  
 11 **were the best examples. So it really isn't just**  
 12 **three.**  
 13 Q. And your notes say that he said that  
 14 specifically to Ms. Hastings?  
 15 **A. Yes.**  
 16 Q. Exact? Can you quote her notes to you on  
 17 that word for word?  
 18 **A. Several years ago, Mr. Sweeney was asked**  
 19 **by the county board to prepare an analysis to**  
 20 **determine if there had been an impact upon property**  
 21 **values due to the development of the wind farms.**  
 22 **The wind farms are in sparsely populated areas.**  
 23 **There's little market activity. He prepared a**  
 24 **paired sales analysis using successive sales of**

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1 **three residential properties in the area of the**  
 2 **findings -- or in the area of the wind farms, his**  
 3 **findings, and then he came to a conclusion that**  
 4 **there was no indication that the wind farm had any**  
 5 **negative impact on property values.**  
 6 Q. So he said that the wind farms here are in  
 7 sparsely populated areas, correct?  
 8 **A. That's what he says.**  
 9 Q. Okay. And of the three sales, he  
 10 considered one of them a statistical outlier; is  
 11 that correct?  
 12 **A. That's correct.**  
 13 Q. Okay. Property number two, you state that  
 14 the property sold for, quote, a little more, end  
 15 quote, than before the previous sale before the  
 16 development of the wind farm, correct?  
 17 **A. Yes.**  
 18 Q. When did the wind farm construction begin,  
 19 do you know?  
 20 **A. The first one was 2004, Crescent Ridge**  
 21 **2005, AgriWind 2008 and Providence Heights 2008.**  
 22 Q. Okay, and when was the first sale of  
 23 property number two?  
 24 **A. I don't have the specifics. I just have**

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1 **the conclusions.**  
 2 Q. Okay. So we don't know when the first  
 3 sale was. Whether it was 2005, 2008, we have no  
 4 idea, correct?  
 5 **A. That is correct.**  
 6 Q. We don't know if it was before or after  
 7 the wind turbines were approved or constructed,  
 8 correct?  
 9 **A. My understanding is after they were**  
 10 **constructed.**  
 11 Q. But we don't know if it was before or  
 12 after they were approved, correct?  
 13 **A. Well, if they were constructed, they were**  
 14 **approved.**  
 15 Q. The sale being before or after the  
 16 approval was done in Bureau County.  
 17 **A. After, my understanding.**  
 18 Q. Okay.  
 19 **A. And the before may have been before they**  
 20 **were approved. The afters were always after they**  
 21 **were either approved or --**  
 22 Q. I'm sorry, I'm talking about the first  
 23 sale only. That was my question. I apologize if I  
 24 wasn't very clear. The first sale of that property,

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1 we don't know if it was before or after the wind  
 2 turbines -- the wind turbine in proximity to that  
 3 sale had been approved, correct?  
 4 **A. My understanding, it was before.**  
 5 Q. And do you have notes there to tell you --  
 6 **A. I don't not.**  
 7 Q. -- from what that understanding is?  
 8 **A. I do not.**  
 9 Q. Okay. And, again, you didn't talk to this  
 10 assessor, correct?  
 11 **A. That's correct.**  
 12 Q. Okay. Property three sold for more than  
 13 an earlier sale but less than the assessor's opinion  
 14 of market value, correct?  
 15 **A. Correct.**  
 16 Q. When was the first sale of property three?  
 17 Do we know that?  
 18 **A. My understanding was before the wind farm**  
 19 **was constructed.**  
 20 Q. Okay. And -- but you don't know the  
 21 dates?  
 22 **A. I do not.**  
 23 Q. We don't know the dates of the sale of  
 24 property -- the second sale of property three, do

Page 4049

1 we?  
 2 **A. I do not.**  
 3 Q. The assessor did not say that there was no  
 4 effect due to the wind turbine, did he? He only  
 5 said that, quote, based upon the limited amount of  
 6 market data available, there was no evidence of  
 7 diminution, correct? That's the second full  
 8 paragraph.  
 9 **A. I -- yes, but I've got additional backup,**  
 10 **but that is the conclusion.**  
 11 Q. That's the conclusion you provide, okay.  
 12 Likewise, the Logan County assessor said that there  
 13 had been agreement that there is, quote, no proof  
 14 one way or another, end quote, correct?  
 15 **A. You're going to Logan now?**  
 16 Q. I'm just going down that same page, yes.  
 17 **A. Yes.**  
 18 Q. And that's not the kind of statement you  
 19 normally would significantly rely upon in providing  
 20 an appraisal under USPAP, is it?  
 21 **A. In totality, when you consider 18**  
 22 **counties, 18 assessors, over a million parcels with**  
 23 **similar conclusion, and over 1500 turbines,**  
 24 **collectively it makes a statement. Individually,**

Page 4050

1 **no.**  
 2 Q. Okay. And we don't know who the Logan  
 3 County assessor said there has been agreement with,  
 4 correct?  
 5 **A. No.**  
 6 Q. Okay, let's go to the McLean County  
 7 assessor, one of those 18 that come to this  
 8 agreement or have come to this opinion, and that's  
 9 Mr. Kahman, correct?  
 10 **A. Yes.**  
 11 Q. Okay. And he talks about the fact that  
 12 there have been no complaints or tax appeal filings  
 13 in relation to the college's wind turbine, correct?  
 14 **A. Yes.**  
 15 Q. Do you have -- let's go to the photo on  
 16 page 4 which you talked about, Pleasant Ridge  
 17 Exhibit 312.  
 18 **A. Yes.**  
 19 Q. Okay, let's talk about that. It's -- for  
 20 the record, that shows a wind turbine in the middle  
 21 of the page, correct?  
 22 **A. Yes.**  
 23 Q. To the east of that is the Heartland  
 24 Community College, correct?

Page 4051

1 A. Yes.

2 Q. And then we have a single family home

3 directly south of the wind turbine?

4 A. Yes.

5 Q. And then we have looks like some kind of

6 multi-family development south of that, correct?

7 A. Yes.

8 Q. Okay. And then we have one single

9 turbine, correct?

10 A. That's correct.

11 Q. So he's relying on sales around one single

12 turbine, correct?

13 A. For that example.

14 Q. Yeah.

15 A. He's -- they've got more in the county.

16 Q. Okay. For this particular area, he's

17 relying on one single turbine that is not part of a

18 wind farm, it's part of Heartland Community College,

19 correct?

20 A. That's correct.

21 Q. Okay. And do you know what the -- the

22 height of that tower?

23 A. The exact height, no.

24 Q. Do you know the watts produced by that

Page 4052

1 tower?

2 A. I do not.

3 Q. You don't know the nighttime noise

4 emissions of that single turbine at the town limits

5 either, do you?

6 A. His opinion, it was nominal.

7 Q. He's not a -- you don't have any evidence

8 that he actually modelled or measured out there, do

9 you?

10 A. He's not an acoustical engineer, I know

11 that.

12 Q. Agreed. And this is part of the college

13 campus, Heartland Community College, correct?

14 A. As it was a minute ago, yes.

15 Q. And Heartland is a junior college,

16 correct?

17 A. My understanding, but junior colleges are

18 going through some conversion, so I don't want to go

19 too far. I'm not a university expert.

20 Q. Okay, but like College of DuPage, it's a

21 junior college, but it's bigger than Illinois State

22 almost, correct?

23 A. That's correct.

24 Q. Okay. And we would expect that Heartland

Page 4053

1 has night classes, correct?

2 A. Yes.

3 Q. And we would say that this community

4 college is more intense than a classical single

5 family residential or farm use, correct?

6 A. Yes.

7 Q. So this town home development is already

8 next to a pretty significant use, significantly

9 intensive use other than just a wind turbine,

10 correct?

11 A. There's a lot of vacant land around it,

12 but yes.

13 Q. Okay. And how much do you charge to do a

14 comparable sales report for a tax appeal for a

15 single family home?

16 MR. BLAZER: Objection, beyond the

17 scope --

18 MR. LUETKEHANS: No, he talks about --

19 MR. BLAZER: -- and irrelevant.

20 MR. LUETKEHANS: Can I respond? He says

21 that there has been no real estate tax objections

22 and I want to delve into why that is. He said

23 there's been one and I want to delve into exactly

24 why that is and I think that's a fair topic to

Page 4054

1 discuss.

2 CHAIRMAN CORNALE: All right, go ahead and

3 continue, Mr. Luetkehans.

4 BY MR. LUETKEHANS:

5 Q. How much do you charge to do a comparable

6 sales report for a tax appeal for a single family

7 home?

8 A. We really don't do tax appeals for single

9 family homes, that's not a component of our

10 business, but the market fees, depending on the

11 size, the acreage, the complexity, would be anywhere

12 generally from 250 to \$450.

13 Q. Okay, so 250 to 450.

14 A. Correct.

15 Q. And then an appeal like this -- you've sat

16 through appeals of property tax objections, correct?

17 You've testified in them.

18 A. A couple hundred, yes.

19 Q. Yeah, I know. And some for me. And how

20 long does an appeal like that take? An hour, two

21 hours? It's not a ten second process, correct?

22 A. Depending on the issue, with single family

23 it's probably 15 minutes to 45 minutes typically.

24 Q. Okay. And McCann said the reduction in

Page 4055

1 value between properties in his report was over 20  
 2 percent, correct?  
 3 **A. Yes.**  
 4 Q. Okay. I'm going to provide to you, Mike,  
 5 Pleasant Ridge -- the first page of Pleasant Ridge  
 6 Exhibit 245. And I know you have it, but I'll just  
 7 hand it out so people can follow along.  
 8 Okay, this is the first page of Pleasant  
 9 Ridge Exhibit 245 which was put in by Mr. Blazer,  
 10 and it's the Livingston County assessor's website,  
 11 correct?  
 12 **A. Yes.**  
 13 Q. Okay. And this is a 3 acre parcel,  
 14 correct? Look for the legal description, Mike. It  
 15 says 3.08.  
 16 **A. Okay.**  
 17 Q. And then -- so the assessed value of the  
 18 house, and this house is approximately \$130,000,  
 19 correct? 42 --  
 20 **A. Yes.**  
 21 Q. -- 277 times 3.  
 22 **A. Yes.**  
 23 Q. And the total tax bill per year is about  
 24 \$3448, correct?

Page 4056

1 **A. Correct.**  
 2 Q. So if they were to get a 20 percent  
 3 reduction in the tax bill for one year, that would  
 4 save them about \$690 in taxes, correct?  
 5 **A. Depending if they're a triennial or**  
 6 **quadrennial or go for three or four years, so it**  
 7 **would be one year 600 plus, but three or four, it**  
 8 **would generally be 2,000 to 2500.**  
 9 Q. Or if it was in the last year, it would be  
 10 one year, the last year of the quadrennial, correct?  
 11 **A. Generally when there's notices, people**  
 12 **file their appeal during the first year of the**  
 13 **notice period, but if it's only one year, yes. But**  
 14 **generally these appeals go for longer than one year.**  
 15 Q. And if it was a 10 percent reduction, it  
 16 would only save them about \$345 per year, correct?  
 17 **A. Yes.**  
 18 Q. So a lot of time and expense to save \$345,  
 19 would you agree?  
 20 **A. If it's only 345, I would say yes, but it**  
 21 **sets a future basis, and again, if it's for a three**  
 22 **or four year period, it's basically 1,000 to 1300.**  
 23 Q. Okay. So for three years, 345 times 3 is  
 24 approximately \$1,000. You pay an appraiser to go

Page 4057

1 through the process and you don't know what the end  
 2 result is, correct?  
 3 **A. That's correct.**  
 4 Q. Let's talk about new residential  
 5 construction. You say that in Lee County there are  
 6 11 improved residential lots and the construction  
 7 occurred after construction of the wind farm,  
 8 correct?  
 9 **A. Which one are you talking about?**  
 10 Q. Lee County. And, Mike, if you could speak  
 11 in the microphone. I'm getting emails or texts that  
 12 they can't hear you. It's the bottom of page 5, new  
 13 residential construction.  
 14 **A. McLean County.**  
 15 Q. I got Lee. The first paragraph.  
 16 **A. Oh, the first paragraph, okay.**  
 17 Q. You say there are 11 improved residential  
 18 lots and the construction occurred after  
 19 construction of the wind farm, correct?  
 20 **MR. BLAZER:** I believe it says after the  
 21 announcement of the development of the wind farm.  
 22 Q. Okay, I misspoke. One thing your report  
 23 does not tell us is how close they are to the wind  
 24 farm, does it?

Page 4058

1 **A. It does not.**  
 2 Q. And it goes on to say there were several  
 3 reports of construction of large acreage farm homes  
 4 or houses in the area to the wind farm projects.  
 5 How many is several? That's the next paragraph. Do  
 6 we know?  
 7 **A. I believe that's collectively and I don't**  
 8 **have a specific number.**  
 9 Q. Okay. But that's collectively several  
 10 over the 18 counties, correct?  
 11 **A. Correct.**  
 12 Q. So we have several over 18. You discuss a  
 13 particular parcel within 1113 feet of a wind  
 14 turbine. Do you know if that person was a  
 15 participant or a nonparticipant in the wind farm?  
 16 **A. My understanding is they were not.**  
 17 Q. And how did -- how did you come to that  
 18 understanding?  
 19 **A. Through the interview with the McLean**  
 20 **County assessor.**  
 21 Q. Okay. So did Allyson specifically ask  
 22 whether the person was a participant in the wind  
 23 farm?  
 24 **A. Not in all cases, but in that one, because**

Page 4059

1 **it kind of showed this very large, very expensive**  
 2 **house actually proximate to two turbines. If you**  
 3 **look at the aerial on the bottom of page 6, I**  
 4 **believe the second one is plus or minus 1800 feet**  
 5 **away.**  
 6 Q. Okay. And so do you have a note where she  
 7 specifically asked and was told he was not a  
 8 participant that you can read to us?  
 9 **A. I do not have a note.**  
 10 Q. Okay.  
 11 **A. That was part of her verbal discussion**  
 12 **with me as she was putting together her report and**  
 13 **her backup for her report.**  
 14 Q. Again, this is information that would be  
 15 beneficial to know, but it's not in the report,  
 16 correct?  
 17 **A. Probably a good idea, yes.**  
 18 Q. Okay. What's the outbuilding -- there's a  
 19 big outbuilding on the property, do you see that?  
 20 **A. Yes.**  
 21 Q. Do you know what it is?  
 22 **A. As I recall, I believe it's a garage or a**  
 23 **barn type use.**  
 24 Q. Okay. Do you know what is stored in

Page 4060

1 there?  
 2 **A. I do not.**  
 3 Q. Would it surprise you if I told you there  
 4 were commercial vehicles stored in and around that  
 5 farm?  
 6 **A. If you observed them -- generally when**  
 7 **somebody has a big barn or outbuilding, they may put**  
 8 **larger vehicles in them.**  
 9 Q. Like semi trailers, tractors, those kinds  
 10 of things?  
 11 **A. It's possible.**  
 12 Q. Okay. Mike, I'm going to show you what's  
 13 UCLC 192. This is an aerial of that same property,  
 14 correct? Blown up more but just not quite as much.  
 15 **A. Correct.**  
 16 Q. Or maybe -- I wish I could have got it  
 17 better, but it got unclear after that. Do you see  
 18 the commercial vehicles or what appears to be a  
 19 commercial vehicle to the northeast of the large  
 20 building?  
 21 **A. It could be -- it looks like it**  
 22 **potentially could be a truck.**  
 23 Q. Correct. And this property appears to be  
 24 used for a lot more than just a home then, correct?

Page 4061

1 **A. The -- there's a large home with a**  
 2 **swimming pool, and then there's a significant**  
 3 **separation, separate entrance, separate driveway for**  
 4 **the larger outbuilding use.**  
 5 Q. But it's all on the same lot, correct?  
 6 **A. That's correct.**  
 7 Q. Okay. And one of the outbuildings is big  
 8 enough to actually store not only farm equipment, it  
 9 appears like semis, if I can look at the size of  
 10 this photo, correct?  
 11 **A. If the doors are big enough, yes.**  
 12 Q. Okay. And we would not consider this  
 13 property in and of itself to be a purely residential  
 14 use, would you?  
 15 **A. Well, with the ancillary support, which**  
 16 **many properties like this have in rural settings, so**  
 17 **it's not that atypical.**  
 18 Q. Do we know how much of that \$800,000 was  
 19 for this, quote, outbuilding?  
 20 **A. The majority was for the house and the**  
 21 **pool.**  
 22 Q. And how do you know that?  
 23 **A. The assessor.**  
 24 Q. The assessor told you the actual cost of

Page 4062

1 the house and the pool and broke out the house, the  
 2 pool and the outbuilding for Allyson?  
 3 **A. The assessor said that the building permit**  
 4 **for \$850,000, or the approximate amount, was the**  
 5 **majority was for the house and the pool.**  
 6 Q. And do you have a note on that where he  
 7 told Allyson that?  
 8 **A. In my file, no.**  
 9 Q. In the numbers in your report, Pleasant  
 10 Ridge Exhibit 312, did Allyson ask for strictly  
 11 residential properties or total EAVs for the areas  
 12 near wind farm turbines?  
 13 **A. She asked about -- yes. One of the**  
 14 **questions: Have agricultural land assessed values**  
 15 **changed in the footprint of the wind farm to a**  
 16 **greater extent than the county as a whole?**  
 17 Q. Okay.  
 18 **A. So that was one of the questions.**  
 19 Q. Was there a question that asked strictly  
 20 for residential assessed values only?  
 21 **A. There's a question: Have residential**  
 22 **assessed values changed in the footprint of the wind**  
 23 **farm to a greater extent than the county as a whole?**  
 24 **Have residential assessed values gone up or down in**

1 the footprint of the wind farm since it has come  
2 online? Have residential assessed values changed in  
3 the footprint of the wind farm to a greater extent  
4 than the county as a whole?

5 Q. So those were the questions she was  
6 asking.

7 A. Those are some of the questions. There's  
8 about nine or ten questions focussing on what we  
9 thought would be relevant considering analysis as to  
10 the impact of these various counties that had these  
11 existing wind farms.

12 Q. Okay. Could you read for the record those  
13 nine or ten questions please?

14 A. Sure. Are you familiar with the name of  
15 the wind farm in your county? Do you personally  
16 live within three miles of a wind turbine? If yes,  
17 approximately how far away is the nearest turbine?  
18 Overall, how would you describe the impacts of wind  
19 farms on property values in your county? See  
20 attached list of possible negative/positive impacts  
21 of wind farms. Have residential assessed values  
22 gone up or down in the footprint of the wind farm  
23 since it has come online? Have residential assessed  
24 values changed in the footprint of the wind farm to

1 parties out there with some questions? All right,  
2 if you can state your name for us and then go ahead.

3 MS. SEVERSON: Amber Severson.

4 CHAIRMAN CORNALE: All right. Amber,  
5 you're represented by Mr. Luetkehans. He did your  
6 rebuttal for you. Anybody else out there not  
7 represented by Mr. Luetkehans?

8 A. There's a lady.

9 CHAIRMAN CORNALE: Hold on, Carolyn, we'll  
10 get --

11 A. Can I -- I don't want to break this mic.

12 MR. STEIDINGER: Brad Steidinger.

13 QUESTIONS BY

14 MR. STEIDINGER:

15 Q. Mr. MaRous, you referenced a couple times  
16 tonight the economic conditions from 2008 to 2013.

17 A. I did.

18 Q. Can you tell me a little bit about what  
19 you're referring to?

20 A. I am referring to basically the financial  
21 global U.S. meltdown starting in late 2008 which  
22 basically created havoc in the financial markets,  
23 made it very difficult for small businesses and  
24 mid-sized businesses to obtain financing, the

1 a greater extent than the county as a whole? Have  
2 agricultural land assessed values gone up or down in  
3 the footprint of the wind farm since it has come  
4 online? Have agricultural land residential assessed  
5 values changed in the footprint of the wind farm to  
6 a greater extent than the county as a whole? Have  
7 property tax rates in the footprint of the wind  
8 farms gone up or down since the wind farms came  
9 online? Is there anything else about wind farms and  
10 assessed valuations in your county that we should  
11 know?

12 Q. And could you read me the second or third  
13 one? I think it says overall -- just read that one  
14 for me that starts overall.

15 A. Overall, how would you describe the  
16 impacts of wind farms on property values in your  
17 county?

18 Q. In the county.

19 A. Yes.

20 Q. In the entire county. Okay, nothing  
21 further.

22 A. I didn't say entire.

23 MR. LUETKEHANS: Thank you.

24 CHAIRMAN CORNALE: Other interested

1 inability of available lending for mortgages of all  
2 types, the concern among major corporations and  
3 really job eliminations in major corporations which  
4 created economic concerns, basically a tightening of  
5 the economy. It went further probably in '12 or  
6 '13.

7 One of the -- you know, several areas  
8 actually benefitted, like with any type of change in  
9 the economy, but the -- so the ag prices went up  
10 because of greater production and higher prices and  
11 export of product overseas. Then there was also  
12 benefit in the rail industry because of the fact of  
13 moving goods and services from -- or goods from  
14 China into the ports that came through the Midwest.  
15 So the intermodal in Elmwood, as an example, is one  
16 of the more successful intermodals in the country  
17 because it brings all the goods from China over  
18 here.

19 And then the fracking, so to speak, which  
20 happened basically in west Texas and the Balkan oil  
21 fields. And particularly Balkan because they're  
22 mainly liquid-based petroleum, they're bringing  
23 their product across even to the east coast, which  
24 again for rail is providing benefits. So it wasn't

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1 **all bad, but in general it significantly hurt the**  
 2 **real estate markets.**  
 3 Q. So all these -- all these things you  
 4 mentioned would affect the home prices basically.  
 5 **A. Indirectly in one way or another --**  
 6 Q. Positive or negative.  
 7 **A. -- but I mean then you go down into**  
 8 **specific situations. If you have weakness with**  
 9 **economic job growth or you have population declines,**  
 10 **that also has impact.**  
 11 Q. So there's -- I mean there's trends out  
 12 there that show what the home prices are doing. I  
 13 mean does the MRA put that out? Does the Census  
 14 Bureau? There's places you can find what the  
 15 average home prices have been doing through that  
 16 time period?  
 17 **A. Yeah, we track -- we get information based**  
 18 **on the census. It goes to demographics, it goes to**  
 19 **income levels, household size, socioeconomic groups,**  
 20 **and we get it all through something called Site to**  
 21 **Do Business or -- and they get it from something**  
 22 **called Claritas, but it shows specific impacts. But**  
 23 **it shows demographics and it shows population**  
 24 **density, but it doesn't necessarily show home**

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1 **prices.**  
 2 Q. But it does use average sale price as a  
 3 factor, correct?  
 4 **A. It considers it, yes.**  
 5 Q. Okay, thank you. When you read the  
 6 assessor -- or actually let me back up a minute.  
 7 You talked about mass of appraisals?  
 8 **A. Yes.**  
 9 Q. Or mass appraisals?  
 10 **A. Yes.**  
 11 Q. And I -- Mr. Blazer asked me when I  
 12 testified and I said I did not do mass appraisal.  
 13 That's not what this was. When you asked or  
 14 interviewed the assessors, did you ask for them to  
 15 provide a mass appraisal?  
 16 **A. I didn't engage them to do any appraisal**  
 17 **work, so the answer is no. I think you heard my**  
 18 **questions.**  
 19 Q. So they didn't provide any kind of  
 20 appraisal report to you of any sort.  
 21 **A. Well, actually the assessor from Vermilion**  
 22 **County did provide a reaction and opinion of value**  
 23 **in regard to something that he had been quoted with,**  
 24 **and he actually sent me a letter in regard to that**

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1 **issue and it's not something that I push. So this**  
 2 **is Matt Long who's the assessor for Vermilion County**  
 3 **and basically said that he -- it's come to his**  
 4 **attention there are two appraisals I completed for a**  
 5 **house in rural Fithian that has been used to imply**  
 6 **the new wind farm in Pilot Township has had a**  
 7 **negative impact on value in the area and he -- I can**  
 8 **read the whole thing.**  
 9 **But he says, "What I can tell you is at**  
 10 **this time the second most recent appraisal of the**  
 11 **wind farm was only still in discussion phase and**  
 12 **nothing had been finalized nor had any construction**  
 13 **begun. To imply the decrease in value had anything**  
 14 **to do with the existence of the wind farm is**  
 15 **completely false and misleading. The decrease in**  
 16 **value was a result of the overall economy. I would**  
 17 **challenge anyone to produce a copy of the second**  
 18 **appraisal I completed and reference anywhere in the**  
 19 **report that indicates the decrease in value was a**  
 20 **result of a proposed wind farm that didn't exist at**  
 21 **the time of the report." He's got a longer letter**  
 22 **than that, but --**  
 23 Q. So you accept his report as a mass  
 24 appraisal that meets the standards of the

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1 Appraisal Institute?  
 2 **A. Absolutely not. He's reacting to an**  
 3 **allegation. I do not have an appraisal, but I've**  
 4 **actually got a couple copies that are redacted that**  
 5 **really don't tell you much, but I have information**  
 6 **that he sent me because we were interviewing the**  
 7 **assessors and this information came up. And he was**  
 8 **the one that was on vacation when we made the**  
 9 **original call. Then he called back and said, oh, by**  
 10 **the way, I've got this issue going on.**  
 11 Q. Okay, I don't have all the information  
 12 that was presented tonight. Did you present a mass  
 13 appraisal for Livingston County on this project?  
 14 **A. Me? No.**  
 15 Q. You did not.  
 16 **A. No.**  
 17 Q. Did you provide any appraisal at all?  
 18 **A. I did not.**  
 19 Q. Okay. So the difference in result is just  
 20 an opinion, it's not based on any kind of appraisal.  
 21 **A. It's based on my appraisal experience of**  
 22 **almost 40 years and 11,000 properties and looking at**  
 23 **the data, the information. And mine was basically**  
 24 **looking at what Mike McCann did, commenting on that,**

Page 4071

1 **and providing this additional information.**  
 2 **MR. STEIDINGER:** Okay, no more questions.  
 3 **CHAIRMAN CORNALE:** I believe I had another  
 4 question. Carolyn, go to that microphone.  
 5 **QUESTIONS BY**  
 6 **MS. GERWIN:**  
 7 Q. Carolyn Gerwin, Pontiac, Illinois. You  
 8 testified about amenities and disamenities.  
 9 **A. Yes.**  
 10 Q. Can you in nontechnical terms briefly  
 11 define what they are?  
 12 **A. Amenities generally for residential would**  
 13 **obviously be quality infrastructure and it would be**  
 14 **being by an attractive feature, such as a lake, a**  
 15 **river, wooded areas, a golf course, quality school**  
 16 **systems. And a disamenity would probably be a**  
 17 **landfill, a prison, a quarry, potentially a major**  
 18 **interstate.**  
 19 Q. Would -- is the point of that is that an  
 20 amenity would tend to increase the value of nearby  
 21 homes?  
 22 **A. Properly done, yes.**  
 23 Q. And a disamenity would depress, would tend  
 24 to depress compared to a comparable home not in

Page 4072

1 proximity to that disamenity.  
 2 **A. Correct.**  
 3 Q. Okay. And you just indicated that one of  
 4 the things you listed as a disamenity was a  
 5 landfill.  
 6 **A. I did.**  
 7 Q. Okay. Have you ever heard of a real  
 8 estate -- a real property expert named Peter  
 9 Poletti?  
 10 **A. I have.**  
 11 Q. And are you aware of his opinions on  
 12 landfills?  
 13 **MR. BLAZER:** Mr. Chairman, way beyond the  
 14 scope.  
 15 **CHAIRMAN CORNALE:** Yeah, let's try to  
 16 focus your questions on the evidence that he  
 17 presented in rebuttal for us please.  
 18 **BY MS. GERWIN:**  
 19 Q. All right. One of the questions you asked  
 20 the assessors was whether or not they lived within  
 21 three miles of a wind farm; is that correct?  
 22 **A. I need to get the exact question. Yes.**  
 23 Q. How did you pick that number, three miles?  
 24 **A. Just to see if they were anywhere**

Page 4073

1 **proximate to a wind turbine.**  
 2 Q. But how did you pick three miles?  
 3 **A. If I recall, that might have been the**  
 4 **outside number in Mr. McCann's allegation as to**  
 5 **diminution of value, it's getting late, I'm not**  
 6 **sure, but he had a very outside number as to**  
 7 **distance and I think that was the reason.**  
 8 Q. Okay.  
 9 **CHAIRMAN CORNALE:** Mr. MaRous, make sure  
 10 you speak in the microphone.  
 11 **A. Oh, I'm sorry.**  
 12 Q. Did you ask the assessors about abandoned  
 13 homes?  
 14 **A. That would have been under one of the**  
 15 **general questions, if there were any extraordinary**  
 16 **issues, but I don't think we came out with a direct**  
 17 **question as to abandoned homes, no.**  
 18 Q. Abandoned homes wouldn't impact the  
 19 reported values or diminution in values, would they,  
 20 because there's no sales data, correct?  
 21 **A. Actually a high preponderance of unkempt**  
 22 **and abandoned homes in my opinion would have a**  
 23 **negative impact which would trickle down to probably**  
 24 **having an negative impact on values. If the**

Page 4074

1 **abandoned homes weren't sold, yes, there would be no**  
 2 **sale transactions, but they could impact the area.**  
 3 Q. They could, but you didn't ask that  
 4 question, did you?  
 5 **A. Specifically, no.**  
 6 Q. Could one property make a big difference  
 7 in an average if you were to average values? In  
 8 other words, if you're taking the average of a set  
 9 of data, if there's one big outlier high or low,  
 10 that will affect the numeric average, will it not?  
 11 **A. Depending on the set, but yes.**  
 12 Q. Okay.  
 13 **A. And, I mean, but if you go mean, median**  
 14 **mode, it might not, but the answer is generally it**  
 15 **could.**  
 16 Q. Did you determine whether the very high  
 17 priced property in the Twin Groves project had any  
 18 kind of connection whatsoever with the wind company  
 19 there?  
 20 **A. I've been asked that. My understanding,**  
 21 **they did not.**  
 22 Q. Did you actually ask the owners?  
 23 **A. I -- I did not ask the owners, but we**  
 24 **asked the assessor who seemed to be very familiar**



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1 **with that property.**  
 2 Q. Are you aware the wind farm company there  
 3 actually owns an observation property there?  
 4 **MR. BLAZER:** Objection, assumes facts not  
 5 in evidence. Now she's testifying and she's not  
 6 asking questions.  
 7 **CHAIRMAN CORNALE:** All right, we'll allow  
 8 his objection.  
 9 **MS. GERWIN:** That's all I have.  
 10 **CHAIRMAN CORNALE:** All right. Anybody  
 11 else in the audience with questions not represented  
 12 by Mr. Luetkehans? Anybody out there?  
 13 All right. ZBA, do we have any other  
 14 questions? Anything? County staff? County  
 15 counsel? All right, thank you, Mr. MaRous.  
 16 **A. I have a little bit of a mess here. Take**  
 17 **me a couple minutes to clean it up.**  
 18 **CHAIRMAN CORNALE:** That will be fine, that  
 19 will be fine. I think it's ten 'til, so I think we  
 20 need a motion to recess. Can we have a motion to  
 21 recess?  
 22 **MR. VITZTHUM:** I'll make that motion.  
 23 **CHAIRMAN CORNALE:** Vitzthum motions. Can  
 24 I get a second?

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1 **MS. IVERSON:** I'll second.  
 2 **CHAIRMAN CORNALE:** All right, Iverson  
 3 seconds. All in favor?  
 4 **ALL MEMBERS:** Aye.  
 5 **CHAIRMAN CORNALE:** Opposed? Just the  
 6 other quick note, Tuesday May 12th at 6:30 is our  
 7 next meeting.  
 8 **MR. BLAZER:** Mr. Chairman, if I may ask --  
 9 **AUDIENCE VOICE:** Here?  
 10 **CHAIRMAN CORNALE:** Yeah, here, sorry. And  
 11 it will be here.  
 12 **MR. BLAZER:** The only witness we have left  
 13 in rebuttal is Mr. Parzyck. I expect his direct to  
 14 take roughly ten minutes. We've asked a couple  
 15 times now for Mr. Luetkehans to identify who he  
 16 intends to call in surrebuttal now that we've gone  
 17 through the three experts and we only have Mr.  
 18 Parzyck left. Given that we'll be done with Mr.  
 19 Parzyck very quickly Tuesday morning[sic], I think  
 20 it's important that we learn who else is going to be  
 21 here on Tuesday.  
 22 **MR. LUETKEHANS:** I can tell you who the  
 23 possibilities are, without having heard Mr.  
 24 Parzyck's testimony obviously because I don't know

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1 what he's going to testify to, but as to the three  
 2 witnesses we've heard so far, the four people that I  
 3 know of who may testify are John Slagel, Brad  
 4 Steidinger, Jerry Punch, Mike McCann. And then my  
 5 understanding is that John Hayes who I do not  
 6 represent also wishes to possibly take surrebuttal.  
 7 And I have no idea about the other 20 people or  
 8 whoever that I don't represent. That's what I know  
 9 of that are possibilities for Tuesday.  
 (Adjourned at 9:50 p.m.)

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1 STATE OF ILLINOIS )  
 2 COUNTY OF FORD )SS  
 3 )  
 4 I, June Haeme, a Notary Public in and for  
 5 the County of Ford, State of Illinois, do hereby  
 6 certify that the following Livingston County Zoning  
 7 Board of Appeals Case SU-7-14 hearing was taken at  
 8 the Livingston County Historic Courthouse, 112 West  
 9 Madison Street, Pontiac, Illinois, on May 7, 2015.  
 10 That the said testimony was taken down in  
 11 stenograph notes and afterwards reduced to  
 12 typewriting under my instruction and that the  
 13 transcript is a true record of the testimony given.  
 14 I do further certify that I am a  
 15 disinterested person in this cause of action; that I  
 16 am not a relative, or otherwise interested in the  
 17 event of this action, and am not in the employ of  
 18 the attorneys for either party.  
 19 IN WITNESS WHEREOF, I have hereunto set my  
 20 hand and affixed my notarial seal this 27th day of  
 21 May, 2015.  
 22  
 23  
 24

JUNE HAEME, CSR  
 NOTARY PUBLIC

"OFFICIAL SEAL"  
 June Haeme  
 Notary Public, State of Illinois  
 My Commission Expires:  
 September 27, 2016

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