



STATE TAX COMMISSION OF MISSOURI

CAROLINE MAHFOOD)
)
 Complainant(s),)
) Appeal No. 22-20033
v.)
)
 MICHAEL DAUPHIN, ASSESSOR,)
 ST LOUIS, MISSOURI,)
 Respondent.)

DECISION AND ORDER

Caroline Mahfood (Complainant) appealed the valuation of the subject personal property determined by Michael Dauphin, Assessor, St. Louis, Missouri (Respondent). Complainant did not appeal to the St. Louis Board of Equalization (BOE), but appealed directly to the State Tax Commission (STC) after receiving first notification of the valuation upon receiving the 2022 tax bill.¹ Complainant appealed on the basis of exemption, misgraded property, overvaluation, and other. An evidentiary hearing was held via the Webex platform on June 12, 2023. Complainant appeared in person. Respondent appeared by counsel Nick Morrow and Nick Henderson.

¹ Complainant timely filed a complaint for review of assessment. The State Tax Commission (STC) has authority to hear and decide Complainant's appeal. Mo. Const. art. X, Section 14; section 138.430.1, RSMo 2000. All statutory citations are to RSMo 2000, as amended.

FINDINGS OF FACT

1. Subject Property. The subject property is a 2017 Chrysler Pacifica.²

2. Respondent and BOE. Respondent determined the average trade-in value of the subject property on January 1, 2022, was \$25,375, resulting in an assessed value of \$8,460, rounded.³

Respondent used the September - December, 2021 issue of the National Automobile Dealers' Association Official Used Car Guide or its successor publication pursuant to Section 137.115.9. There is no BOE decision regarding the property inasmuch as Complainant did not appeal to the BOE.

3. Complainant's Evidence. Complainant testified that she appealed because she hopes to shed light on the issue of crime victim's rights. She testified that there have been many thefts in the area of the city where she lives, and Complainant and her family have been victimized more than once. In particular, Complainant explained that a vehicle was stolen from her family in January, 2022. Somehow, Complainant and her family were able to recover the vehicle. Tragically, a minivan (presumably, the subject property) was stolen just two months later, in March, 2022. The vehicle was later found on the side of the road, "burned to a crisp."

² During the hearing, Complainant clarified that she is not contesting the valuations or assessments of her other four vehicles.

³ The process of rounding caused the assessed value of the 2017 Chrysler Pacifica to exceed one third of its value by \$2.00. The property should be assessed at \$8,458. See the Conclusion and Order, below.

Complainant feels that the tax laws as currently written and implemented are unfair in that they don't make allowances for victims of theft. Complainant would like to see property taxes pro-rated in such cases because it is a hardship for a taxpayer to have to pay tax on a stolen vehicle and, in addition, pay money to replace the stolen vehicle. The tax laws should not be "one size fits all" because "everyone's situation is different." Complainant believes that a region's tax burden can become so great that it may cause taxpayers to move away.

4. Respondent's Evidence. Respondent submitted the following Exhibits:⁴

Exhibit	Description
1	Account Information Summary Report
2	Personal Property Declaration form
3	Mailing envelope bearing a postmark
4	Certificate of Title
5	Copy of September to December, 2021 NADA Used Car Guide
8	Copy of October, 2021 NADA Used Car Guide pertaining to a 2017 Chrysler Pacifica Wagon Limited

Classie Baines, Customer Service Supervisor for the St. Louis Assessor, testified that Respondent utilized the average trade-in value indicated for the Chrysler Pacifica in order to determine valuation as of January 1, 2022 in the amount of \$25,375.

5. Value. The true value in money of the subject property on January 1, 2022 was \$25,375.

⁴ Respondent referenced these Exhibits during testimony but did not move for admission into evidence.

CONCLUSIONS OF LAW

1. Assessment and Valuation

Pursuant to Article X, Sections 4(a) and 4(b), Mo. Const. of 1945 real property and tangible personal property is assessed at its value or such percentage of its value as may be fixed by law for each class and for each subclass. Article X, Sections 4(a) and 4(b), Mo. Const. of 1945. Personal property is assessed at 33.33% of its true value in money as of January 1 of each year. Section 137.115.5. Pursuant to Section 137.115.9 “[t]he assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers’ Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of the motor vehicles described in such publication. The assessor shall not use a value that is greater than the average trade-in value in determining the true value of the vehicle without performing a physical inspection of the motor vehicle. ...”. “True value in money is the fair market value of the property on the valuation date, and is a function of its highest and best use, which is the use of the property which will produce the greatest return in the reasonably near future.” *Snider v. Casino Aztar/Aztar Mo. Gaming Corp.*, 156 S.W.3d 341, 346 (Mo. banc 2005) (internal quotation omitted). The fair market value is “the price which the property would bring from a willing buyer when offered for sale by a willing seller.” *Mo. Baptist Children's Home v. State Tax Comm'n*, 867 S.W.2d 510, 512 (Mo. banc 1993). Determining the true value in money is a factual issue for the STC. *Cohen v. Bushmeyer*, 251 S.W.3d 345, 348 (Mo. App. E.D. 2008). The “proper methods of valuation and

assessment of property are delegated to the Commission." *Savage v. State Tax Comm'n*, 722 S.W.2d 72, 75 (Mo. banc 1986).

2. Evidence

The hearing officer is the finder of fact and determines the credibility and weight of the evidence. *Kelly v. Mo. Dep't of Soc. Servs., Family Support Div.*, 456 S.W.3d 107, 111 (Mo. App. W.D. 2015). The hearing officer "may inquire of the owner of the property or of any other party to the appeal regarding any matter or issue relevant to the valuation, subclassification or assessment of the property." Section 138.430.2. The Hearing Officer's decision regarding the assessment or valuation of the property may be based solely upon his inquiry and any evidence presented by the parties, or based solely upon evidence presented by the parties. *Id.*

3. Complainant's Burden of Proof

The Complainant bears the burden of proving the vital elements of the case, i.e., the assessment was "unlawful, unfair, improper, arbitrary or capricious." *Westwood Partnership*, 103 S.W.3d 152 (Mo. App. E.D. 2003); *Daly v. P.D. George Co.*, 77 S.W.3d 645 (Mo. App. E.D. 2002); *Reeves v. Snider*, 115 S.W.3d 375 (Mo. App. S.D. 2003); *Industrial Development Authority of Kansas City v. State Tax Commission of Missouri*, 804 S.W.2d 387, 392 (Mo. App. W.D. 1991). The taxpayer's evidence must be both "substantial and persuasive." *Id.* "Substantial evidence is that evidence which, if true, has probative force upon the issues, and from which the trier of fact can reasonably decide the case on the fact issues." *Savage*, 722 S.W.2d at 77 (internal quotation omitted). Evidence is persuasive when it has "sufficient weight and probative value to

convince the trier of fact." *Daly v. P.D. George Co.*, 77 S.W.3d 645, 651 (Mo. App. E.D. 2002); *see also White v. Dir. of Revenue*, 321 S.W.3d 298, 305 (Mo. banc 2010) (noting the burden of persuasion is the "party's duty to convince the fact-finder to view the facts in a way that favors that party"). A taxpayer does not meet his burden if evidence on any essential element of his case leaves the STC "in the nebulous twilight of speculation, conjecture and surmise." *See, Rossman v. G.G.C. Corp. of Missouri*, 596 S.W.2d 469, 471 (Mo. App. 1980).

4. Complainant Did Not Prove Exemption, Misgraded Property, Overvaluation, or Other Grounds.

Complainant did not present any evidence tending to prove that the subject property was exempt from taxation, misgraded property, overvalued, or other grounds to set aside Respondent's valuation. Complainant's testimony, which was credible, established facts specific to her family's recent circumstances that might seem to be "unlawful, unfair, improper, arbitrary or capricious." However, it is for the Missouri General Assembly, not the STC, to determine whether the current property tax laws are fair. Under current law, motor vehicle owners are liable for property tax on vehicles owned on January 1 of each tax year, whether or not they still own or possess the vehicles at the end of the year when the property tax bill arrives in the mail. The STC does not have the authority to create a rule whereby property taxes would be pro-rated for crime victims, as suggested by Complainant.

The testimony of Respondent's witness, Classie Baines, was credible. Respondent determined the true value in money of the property using the method prescribed by law.

CONCLUSION AND ORDER

The true value in money of the 2017 Chrysler Pacifica as of January 1, 2022 was \$25,375 with an assessed value of \$8,458.

Application for Review

A party may file with the Commission an application for review of this decision within 30 days of the mailing date set forth in the certificate of service for this decision. The application "shall contain specific detailed grounds upon which it is claimed the decision is erroneous." Section 138.432. The application must be in writing, and may be mailed to the State Tax Commission, P.O. Box 146, Jefferson City, MO 65102-0146, or emailed to Legal@stc.mo.gov. A copy of the application must be sent to each person listed below in the certificate of service.

Failure to state specific facts or law upon which the application for review is based will result in summary denial. Section 138.432.

Disputed Taxes

The Collector of St Louis, as well as the collectors of all affected political subdivisions therein, shall continue to hold the disputed taxes pending the possible filing of an application for review, unless said taxes have been disbursed pursuant to a court order under the provisions of section 139.031.

So ordered November 3, 2023.
STATE TAX COMMISSION OF MISSOURI

Gregory Allsberry
Senior Hearing Officer

Certificate of Service

I hereby certify that a copy of the foregoing has been electronically mailed and/or sent by U.S. Mail on November 3, 2023, to:

Complainant(s) and/or Counsel for Complainant(s), the City Assessor and/or Counsel for Respondent, and City Collector.

Stacy Ingle
Legal Assistant