



STATE TAX COMMISSION OF MISSOURI

Eric Lougin and Francesco Renato Russo, Complainant(s),
v. MICHAEL DAUPHIN, ASSESSOR, ST. LOUIS CITY, MISSOURI, Respondent.
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) Appeal No. 23-20027 and 23-20028
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) Parcels: 22889035000 & 22889030000
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DECISION AND ORDER

Eric Lougin and Francesco Renato Russo, (Complainant) appealed¹ the valuation of the subject residential property determined by Michael Dauphin, Assessor, City of St. Louis, Missouri (Respondent). Complainant formally appealed on the basis of discrimination and other. An evidentiary hearing was held via Webex on July 9, 2024. Complainant did not appear. Complainant is not represented by counsel. Respondent appeared in person and by counsel Nick Morrow.

Findings of Fact

1. Subject Property. The subject properties are classified as residential and are located at 3716 Grandel Sq, and 3722 Grandel Sq., respectively, St. Louis, MO 63108

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.

2. Respondent and BOE. Following a hearing, the St. Louis City Board of Equalization (BOE) confirmed Respondent's original values of \$75,350 for parcel #22889035000 and \$10,300 for parcel #22889030000, respectively, as of January 1, 2023. In the Complaint for Review of Assessment, Complainant proposed a value of \$0 for each of the properties.

3. Complainant's Evidence. Complainant did not appear at the evidentiary hearing and did not submit any evidence.

4. Respondent's Evidence. Respondent did not submit any evidence.

5. Value. The true value in money (TVM) of the subject properties on January 1, 2023, was \$75,350 and \$10,300, respectively.

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. Residential real property is assessed at 19% of its TVM as of January 1 of each odd-numbered year. Section 137.115.5(1)(a). "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 TVM 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. Hearing Officer as Finder of Fact. 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 finder of fact in an administrative hearing determines the credibility and weight of expert testimony. *Hornbeck v. Spectra Painting, Inc.*, 370 S.W.3d 624, 632 (Mo. banc 2012). "It is within the purview of the hearing officer to determine the method of valuation to be adopted in a given case." *Tibbs v. Poplar Bluff Assocs. I, L.P.*, 599 S.W.3d 1, 9 (Mo. App. S.D. 2020). 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 BOE's valuation is presumptively correct. *Rinehart v. Laclede Gas Co.*, 607 S.W.3d 220, 227 (Mo. App. W.D. 2020). To prove overvaluation, a taxpayer must rebut the BOE's presumptively correct valuation and prove the "value that should have been placed on the property." *Snider*, 156 S.W.3d at 346. 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 Overvaluation. Complainant did not establish that the BOE valuation was erroneous. Complainant did not appear at the hearing and did not submit any evidence which might rebut the BOE valuation.

CONCLUSION AND ORDER

The BOE decision is affirmed. The TVM of the subject properties on January 1, 2023, was \$75,350 and \$10,300, respectively.

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 the City 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 August 19th, 2024 .

STATE TAX COMMISSION OF MISSOURI

Todd D. Wilson
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 August 23, 2024, to:

Complainant(s), at francescorenato@yahoo.com

Nick Morrow, Attorney for Respondent, morrow@stlouis-mo.gov

Michael Dauphin, City of St. Louis Assessor, Respondent, slcasr-lgl@stlouis-mo.gov

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