



# STATE TAX COMMISSION OF MISSOURI

MARK GOWLER,	)	
	)	
Complainant(s),	)	
	)	Appeal No. 23-110321
v.	)	Parcel No. 23M630954
	)	
JAKE ZIMMERMAN, ASSESSOR,	)	
ST. LOUIS COUNTY, MISSOURI,	)	
	)	
Respondent.	)	

## DECISION AND ORDER

Mark Gowler (Complainant) appealed the St. Louis County Board of Equalization's (BOE) decision finding the true value in money (TVM) of the subject property on January 1, 2023, was \$239,100. Complainant alleges overvaluation and proposes that the TVM of the subject as of that date was \$180,000 in his Complaint for Review.<sup>1</sup> The BOE decision is affirmed. The TVM of the subject property on January 1, 2023, was \$239,100.

The evidentiary hearing was held on May 21, 2025, via Webex. Complainant appeared *pro se* via phone and Respondent was represented by counsel Kevin Wyatt. The

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<sup>1</sup> 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, sec. 14; Section 138.430.1, RSMo 2000. All statutory citations are to RSMo 2000, as amended.

appeal was heard and decided by Senior Hearing Officer Benjamin Slawson.

## **FINDINGS OF FACT**

**1. The Subject Property.** The subject residential real property is located at 680 Brownell Ave., Saint Louis, MO, Parcel No. 23M630954. The subject property consists of a two-bedroom, one- bathroom ranch house built in 1949. The house has 840 square feet of living space. Complainant purchased the property in 1992.

**2. Assessment and Valuation.** Respondent determined the TVM of the subject property as of January 1, 2023, was \$239,100. The BOE independently determined the TVM of the subject property as of January 1, 2023, was \$239,100.

### **3. Complainant's Evidence.**

Complainant offered two pages of documentation designated by the Hearing Officer as Exhibit A. Exhibit A appears to be comprised of information from MARIS for two properties that Complainant believes are good comparables, 664 Brownell Ave. which sold on December 1, 2023, for \$229,000, and 811 Brownell Ave which sold on October 15, 2024, for \$165,000. Exhibit A was admitted without objection. Complainant testified that he presented all this information to the BOE.

Complainant testified that his opinion of value is \$180,000 as of January 1, 2023. To arrive at this value, Complainant examined assessed values of other properties in the immediate vicinity that in his opinion were in “tear down” condition. Complainant discussed the similarities between the subject and the comparables he presented in Exhibit A. Complainant mentioned that 664 Brownell Ave. only sold for more money because his neighbor next to him purchased it to have a larger yard. Complainant stated that unlike

other homes in his neighborhood, his home is in untouched original condition, a potential teardown due to no renovations or updates.

Complainant testified that he believes that the that a large increase in value from the previous assessment by Respondent is unfair given that he has made no improvements to the subject property. Complainant estimated a cost of \$30,000 to remove the large trees in the backyard and clear the land to build a new property.

**4. Respondent's Evidence.** Respondent submitted Exhibit 1, consisting of the October 17, 2023, BOE decision letter for the subject property. Exhibit 1 shows the BOE valued the subject property at \$239,100 as of January 1, 2023. Exhibit 1 was admitted without objection.

**5. Value.** The TVM of the subject property as of January 1, 2023, was \$239,100.

## **CONCLUSIONS OF LAW**

**1. Assessment and Valuation.** 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). The TVM is "the fair market value of the property on the valuation date[.]" *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). "True value in money is defined in terms of value in exchange not value in use." *Tibbs v. Poplar Bluff Assocs. I, L.P.*, 599 S.W.3d 1, 7 (Mo. App. S.D. 2020) (internal quotation omitted). "Determining the true value in

money is an issue of fact for the STC." *Cohen v. Bushmeyer*, 251 S.W.3d 345, 348 (Mo. App. E.D. 2008).

"For purposes of levying property taxes, the value of real property is typically determined using one or more of three generally accepted approaches." *Snider*, 156 S.W.3d at 346. The three generally accepted approaches are the cost approach, the income approach, and the comparable sales approach. *Id.* at 346-48. The STC has wide discretion in selecting the appropriate valuation method but "cannot base its decision on opinion evidence that fails to consider information that should have been considered under a particular valuation approach." *Id.*, at 348.

The comparable sales approach "is most appropriate when there is an active market for the type of property at issue such that sufficient data are available to make a comparative analysis." *Snider*, 156 S.W.3d at 348. For this reason, the comparable sales approach is typically used to value residential property. "The comparable sales approach uses prices paid for similar properties in arms-length transactions and adjusts those prices to account for differences between the properties." *Id.* at 347-48 (internal quotation omitted). "Comparable sales consist of evidence of sales reasonably related in time and distance and involve land comparable in character." *Id.* at 348.

**2. Evidence.** "Although technical rules of evidence are not controlling in administrative hearings, fundamental rules of evidence are applicable." *Mo. Church of Scientology v. State Tax Comm'n*, 560 S.W.2d 837, 839 (Mo. banc 1977). 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). “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 taxpayer bears the burden of proof and must show by a preponderance of the evidence that the property was overvalued. *Westwood P'ship v. Gogarty*, 103 S.W.3d 152, 161 (Mo. App. E.D. 2003). The BOE's valuation is presumptively correct. *Tibbs*, 599 S.W.3d at 7. The “taxpayer may rebut this presumption by presenting substantial and persuasive evidence that the valuation is erroneous.” *Id.* (internal quotation omitted). The taxpayer also must prove “the value that should have been placed on the property.” *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 v. State Tax Comm'n*, 722 S.W.2d 72, 77 (Mo. banc 1986) (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").

#### **4. Complainant Did Not Produce Substantial and Persuasive Evidence of Overvaluation.**

Complainant did not produce substantial and persuasive evidence to support his \$180,000 opinion of value and claim of overvaluation.

Concerning the age of the subject property and unimproved condition that Complainant testified to, Complainant provided no evidence providing a way to quantify the dollar amount effect of these characteristics on value, nor did Complainant show that the BOE value did not account for these issues.

With regard to the sales listed in Exhibit A which Complainant suggested were similar to the subject, Complainant provided no evidence concerning the conditions of that sale (whether it was an arm's length market sale, for example), nor did Complainant provide substantial and persuasive evidence of making market-based adjustments to the sales price to account for differing characteristics between that property and the subject.

The comparable sales approach is the usual method used to determine the TVM of residential real property. "The comparable sales approach uses prices paid for similar properties in arms-length transactions and adjusts those prices to account for differences between the properties." *Snider*, 156 S.W.3d at 347-48 (internal quotation omitted). Complainant did not provide an appraisal report from an independent appraiser determining value based on market-based adjustments to sales prices of comparable properties at the time of the assessment date.

Complainant has not proven that the TVM of the subject property is \$180,000 as of

January 1, 2023. While a property owner's opinion of value is generally admissible, the opinion "is without probative value where it is shown to have been based upon improper elements or an improper foundation." *Shelby Cty. R-IV Sch. Dist. v. Herman*, 392 S.W.2d 609, 613 (Mo. 1965); see also *Cohen v. Bushmeyer*, 251 S.W.3d 345, 349 (Mo. App. W.D. 2008) (noting a property owner's opinion of value loses probative value when it rests on an improper foundation). Complainant's alleged valuation is based on improper elements and therefore is speculative.

### **CONCLUSION AND ORDER**

The BOE decision is affirmed. The TVM of the subject property as of January 1, 2023, was \$239,100.

### **Application for Review**

A party may file 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 of Missouri, 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 County, and 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 the disputed taxes have been disbursed pursuant to a court order under the provisions of section 139.031.

SO ORDERED June 27, 2025.

Benjamin C. Slawson  
Senior Hearing Officer  
State Tax Commission

Certificate of Service

I hereby certify that a copy of the foregoing has been electronically mailed and/or sent by U.S. Mail on June 27<sup>th</sup>, 2025, to: Complainant(s) and/or Counsel for Complainant(s), the County Assessor and/or Counsel for Respondent and County Collector.

Stacy M. Ingle  
Legal Assistant