



STATE TAX COMMISSION OF MISSOURI

RALPH PURCELL,)	
)	
Complainant(s),)	
)	Appeal No. 23-10035
v.)	Parcel No. 12N240491
)	
JAKE ZIMMERMAN, ASSESSOR,)	
ST. LOUIS COUNTY, MISSOURI,)	
)	
Respondent.)	

DECISION AND ORDER

Ralph Purcell (Complainant) appeals 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 \$366,400. Complainant alleges overvaluation and claims that the TVM as of that date was approximately \$300,000.¹ Complainant did not produce substantial and persuasive evidence of overvaluation. The BOE decision is affirmed. The TVM of the subject property on January 1, 2023, was \$366,400.

The evidentiary hearing was held on January 22, 2025, via Webex. Complainant appeared *pro se*. Respondent Jake Zimmerman, Assessor, St. Louis County, Missouri, was

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, sec. 14; Section 138.430.1, RSMo 2000. All statutory citations are to RSMo 2000, as amended.

represented by counsel, Tim Bowe. The case was heard and decided by Hearing Officer Samuel G. Knapper.

FINDINGS OF FACT

1. The Subject Property. The subject residential real property is located at 3451 Caldwell Ln., Bridgeton, Missouri. The subject property consists of a 1.21 acres lot and a single-family ranch home. The house has a 75% finished basement and 2,711 square feet of living space, including three bedrooms and three bathrooms.

2. Assessment and Valuation. Respondent classified the subject property as residential and determined the TVM on January 1, 2023, was \$395,100. The BOE then conducted a hearing and independently determined the TVM of the subject property as of January 1, 2023, was \$366,400.

3. Complainant's Evidence. Complainant introduced the following Exhibits which were admitted without objection:

Exhibit	Description
A	Appraisal report prepared by David Carter of 'The Appraisal Centre, Inc.'
B	Three estimates for home repairs and document prepared by Complainant

Complainant testified that his opinion of value as of January 1, 2023, for the subject property is approximately \$300,000. Complainant testified that he believes that the BOE overvalued his property due to two main issues, both of which he presented to the BOE.

First, Complainant testified that he hired an appraiser to perform a 'physical appraisal.' Complainant explained that he used the term 'physical appraisal' because the

appraiser that he hired came to the subject property, entered the dwelling, and made determinations of value after being physically present. Complainant also used the term ‘traditional appraisal’ to describe these actions. In contract, Complainant testified that the Respondent never entered the subject property. Complainant classified the appraisal performed by the Respondent as a ‘drive-by appraisal’ and added that many banks will not accept them as they tend to overvalue properties.

Second, Complainant testified that there are necessary and significant repairs needed for the subject property which decrease its value. Complainant testified that the appraiser he hired was able to see the areas in need of repair (*See Exhibit B*). Complainant produced estimates for repairs relating to: (1) renovating the primary and hallway bathroom, (2) repairs necessary to stop water leaks in the basement, and (3) replacing the air conditioner unit.

Upon cross examination Complainant testified that he presented the appraisal he commissioned to the BOE as the basis of his appeal.

4. Respondent's Evidence. Respondent introduced the following exhibits which were admitted without objection:

Exhibit	Description
1	BOE Decision Letter from October 17, 2023
2	Appraisal report prepared by Bobby Sherman

Respondent called Robert Sherman (Mr. Sherman), Senior Staff Appraiser for the St. Louis County Assessor’s Office, to testify. Mr. Sherman testified that his job duties

include preparing appraisal reports for State Tax Commission hearings. Mr. Sherman listed his qualifications on the appraisal report he prepared for this hearing (*See Exhibit 2*). Mr. Sherman's appraisal report explains the appraisal method he utilized to ascertain the value of the property.

Mr. Sherman reviewed the Complainant's commissioned appraisal report and had three significant concerns. The first concern was the size of the comparable sales because two of the three comparable sales were less than half the size of the residence on the subject property. Mr. Sherman testified that there were available comparable sales closer in size and proximity to the subject property. Mr. Sherman did not read any explanation in the Complainant's commissioned appraisal report for this choice and that such choices are not an acceptable practice in his opinion. Second, Mr. Sherman was concerned about the date of sale of the comparables because there were other sales that occurred closer to January 1, 2023. Third, Mr. Sherman was concerned about the difference in the quality of construction between the subject property and the comparable sales in the commissioned appraisal report. Mr. Sherman testified that the appraisal report he prepared is more reliable because the comparable sales he selected are more reflective of the subject property.

Upon cross examination Mr. Sherman testified that he did not perform a 'drive-by' assessment. Mr. Sherman testified that he utilized software called 'eagle-view' which is like a drone flying above the home and taking photos of all sides. Additionally, Mr. Sherman used the photos and information from the Complainant's commissioned appraisal in his appraisal report as well. Mr. Sherman also went to the property and took photos of every side of the home. Mr. Sherman considered the Complainant's estimates for repairs

(*Exhibit B*) when determining his opinion of value for the subject property. Mr. Sherman testified that his appraisal reviewed all aspects needed to gain an accurate opinion of value. Mr. Sherman stated that his appraisal included review of aerial views of the property and review of another appraisal of the property that included interior photos. Mr. Sherman testified that his appraisal report is accurate so long as the other appraisal which he relied upon is accurate. Lastly, Mr. Sherman testified that the real estate market on January 1, 2023 was very unique in that not many properties were for sale and property values increased due to less supply.

5. Value. The TVM of the subject property as of January 1, 2023, was \$366,400.

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). 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 opinion of value of approximately \$300,000 for the subject property as of January 1, 2023.

The comparable sales approach is typically used to value residential properties improved with a single-family home. "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).

While Complainant offered an appraisal report with a list of comparable sales which he believes are more determinative of the value of the subject property than those Respondent used, these sales are not persuasive evidence. Mr. Sherman's testimony raised several significant issues with the Complainant's commissioned appraisal report. These issues were the size of the homes used as comparables in the commissioned appraisal, the distance of the dates of sale from January 1, 2023, and the quality of construction of the comparables. These concerns were not addressed in the appraisal report and the appraiser who prepared the Complainant's appraisal did not testify. Complainant testified that he presented these issues to the BOE. The BOE reduced the TVM to \$366,400 from the Assessor's original \$395,100 which tends to show that the BOE did take the Complainant's commissioned appraisal of the home into consideration when reaching its value.

Complainant also feels that the subject property should be valued lower due to its

needed repairs. Pictures of the subject were submitted by Complainant evidencing the alleged problems with the home. Complainant also introduced bids from contractors that include estimated costs to perform renovations and repairs to the property. However, Complainant offered no professional analysis completed by someone trained to analyze such condition issues and to show the deleterious effect they had on the property on the assessment date, January 1, 2023.

Complainant did not produce substantial and persuasive evidence showing that the subject property was overvalued. Therefore, Complainant's evidence does not provide the necessary foundation and elements to support his overvaluation claim. Because the STC "cannot base its decision on opinion evidence that fails to consider information that should have been considered" under a recognized approach to value, *Snider*, 156 S.W.3d at 348, the BOE decision is affirmed.

CONCLUSION AND ORDER

The BOE decision is affirmed. The TVM of the subject property as of January 1, 2021, was \$366,400.

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 August 20, 2025.

STATE TAX COMMISSION OF MISSOURI

Samuel G. Knapper
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 August 22, 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