



# STATE TAX COMMISSION OF MISSOURI

ZEWEEI MIAO, )  
 )  
 Complainant, )  
 ) Appeal No. 23-10210  
 v. ) Parcel No. 18T430104  
 )  
 JAKE ZIMMERMAN, ASSESSOR, )  
 ST. LOUIS COUNTY, MISSOURI, )  
 )  
 Respondent. )

## DECISION AND ORDER

Zeweei Miao (Complainant) appeals the St. Louis County Board of Equalization's decision valuing the subject residential property at \$521,500 as of January 1, 2023. Complainant alleges overvaluation and alleges that the value of the property should be \$415,000. The BOE decision is affirmed.<sup>1</sup>

The evidentiary hearing was held on March 6, 2025, via Webex before Senior Hearing Officer Sam Knapper. Complainant appeared pro se. Respondent was represented by Kevin Wyatt. The appeal was assigned for decision to Senior Hearing Officer Todd D. Wilson on June

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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.

16, 2025. SHO Wilson reviewed the entirety of the file including the Complaint for Review, all exhibits and the recording of the hearing prior to drafting this decision.

### FINDINGS OF FACT

**1. The Subject Property.** The subject property consists of approximately .35 acres on which a 3,024 square foot residence with a full 1,600 square foot basement was constructed in 1994, located at 229 Woodcliffe Place Drive, Chesterfield, MO 63005. The residence has 4 bedrooms and 2 bathrooms. The parcel number is: 18T430104.

**2. Assessment and Valuation.** Respondent determined that the subject property's value as of January 1, 2023, was \$521,500. The BOE determined the subject property's appraised value as of January 1, 2023, was \$521,500.

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

Exhibit	Description
A	Appraisal by The Appraisal Centre Inc. 3/3/2022
B	Comparison with 170 Woodcliffe Place Drive

Complainant introduced Exhibit A, an appraisal report compiled by David Carter, Appraiser for The Appraisal Centre Inc., with an effective date of March 3, 2022. The appraisal was prepared for the purpose of refinancing the residence by Complainant. Complainant did not produce the appraiser for foundational purposes and to answer questions regarding the appraisal. The appraisal used 3 sales of homes as comparable sales. The homes were up to 4.3 miles away and ranged in sales price from \$360,000 to \$390,000. Page 5 of the appraisal sets out that at the time of the appraisal there were 3 houses for sale in the neighborhood listed from \$359,900 to \$619,900 and that there had been 30 sales within the last 12 months ranging from \$350,000 to

\$600,000. Without the appraiser available to testify, it could not be determined why the appraiser used three comparable sales that were a distance from the subject property and were at the low end of the sales range. Exhibit A did contain many photos of the property showing the condition of the property.

Complainant discussed Exhibit B which is a demonstrative exhibit showing the location of a neighboring property, 170 Woodcliffe Place Drive, that sold on November 13, 2023, for \$539,000. The property is purported to have 3,597 square feet, a walk out basement and a swimming pool. As there is no testimony from a qualified appraiser as to time adjustments, condition of the property at 170 Woodcliffe Place Drive, other applicable adjustments and that the date of the sale was approximately 11 months after January 1, 2023, the information on Exhibit B and the discussion of it is given very little weight.

Complainant also discussed the condition of his property. In the file, but not introduced as an exhibit is an undated Estimate from Midtown Home Improvements for windows on the rear of the house and for replacing the back deck. As there was no foundation for this exhibit given, the hearing officer is left to speculate as to when the estimate was received, if it is a valid estimate, and if Complainant is intending to have the repairs done to his property, therefore, the estimate is given no weight in this decision.

**4. Respondent's Evidence.** Respondent introduced Exhibit 1, the determination letter from the BOE which was received without objection. Respondent then had Adam Luesse testify. Mr. Luesse is a Senior Residential Appraiser with the St. Louis County Assessor's Office. Mr. Luesse prepared Exhibit 2, an appraisal report for the subject property. Exhibit 2 was received over objection. Mr. Luesse said that he had a copy of Exhibit A from the BOE hearing that aided

him in determining the condition of the subject property. Mr. Luesse testified that the condition of the property was taken into consideration in completing the appraisal.

Mr. Luesse used the sales of 4 properties within .2 miles of the subject property as comparable sales. The properties were of similar size and age and ranged from \$552,000 to \$685,000. Mr. Luesse made adjustments for time of sale, condition, room count, square footage, basement finish and other things. From his appraisal, Mr. Luesse determined that the value of the property as of January 1, 2023 was \$569,000. The County is using this to show that the BOE value of \$521,500 is reasonable and is not seeking to increase the value of the property over the BOE value.

**5. Value.** The TVM of the subject property as of January 1, 2023, was \$521,500.

## 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. Sections 137.115.1; 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). The TVM "is a function of [the property's] highest and best use[.]" *Snider*, 156 S.W.3d at 346. "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).

The TVM of a property is typically determined by the sales comparison approach, the income approach, or the cost approach. *Snider v. Casino Aztar/Aztar Missouri Gaming Corp.*, 156 S.W.3d at 346-48.

**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). "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).

**3. Complainant's Burden of Proof.** The taxpayer bears the burden of proof and must show by a preponderance of the evidence the property is 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").

Property owners are competent to testify to the reasonable fair market value of their property. *Cohen*, 251 S.W.3d at 348. However, if owner's testimony is based on "improper

elements or an improper foundation[,]" it is not substantial and persuasive evidence rebutting the presumptively correct BOE value. *Id.* at 349.

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

Complainant proposed a value of \$415,000 for the property. Complainant testified about the condition of the property. Complainant based this value upon an appraisal that was completed in March of 2022 for the purpose of refinancing the loan on the home. The appraisal used sales that were in the low end of the range of sales of comparable homes in the 12 months prior to the appraisal and homes that were not close, geographically, to the subject property. The appraiser was not available to answer questions about the appraisal or give an opinion regarding the change in the market from March 3, 2022 to January 1, 2023. Complainant did not produce substantial and persuasive evidence rebutting the presumptively correct BOE value. Complainant did not produce substantial and persuasive evidence showing the BOE overvalued the subject property and "the value that should have been placed on the property." *Tibbs*, 599 S.W.3d at 7.

**CONCLUSION AND ORDER**

Complainant did not produce substantial and persuasive evidence of overvaluation. The BOE decision is affirmed. The TVM of the subject property as of January 1, 2023, was \$521,500.

**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 8th, 2025

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 8<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