

STATE TAX COMMISSION OF MISSOURI

KEVIN NELSON,)	
)	
Complainant(s),)	
)	Appeal No. 23-10479
v.)	Parcel No. 29L310787
)	
JAKE ZIMMERMAN, ASSESSOR,)	
ST. LOUIS COUNTY, MISSOURI,)	
)	
Respondent.)	

DECISION AND ORDER

Kevin Nelson (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 \$359,000. Complainant alleges overvaluation and claims that the TVM as of that date was \$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 \$359,000.

The evidentiary hearing was held on April 30, 2025, via Webex. Complainant appeared *pro se*. Respondent Jake Zimmerman, Assessor, St. Louis County, Missouri, was represented by counsel, Kevin Wyatt. The case was heard and decided by Hearing Officer Samuel Knapper.

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.

FINDINGS OF FACT

1. The Subject Property. The subject residential real property is located at 4770 Oakbrier Dr., St. Louis County, Missouri and the corresponding Parcel ID is 29L310787.

2. Assessment and Valuation. Respondent classified the subject property as residential and determined the TVM on January 1, 2023, was \$462,700. The BOE then considered this matter and determined the TVM of the subject property as of January 1, 2023, was \$359,000.

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

Exhibit	Description
A	57 page collective exhibit provided to the Respondent and the State Tax Commission via mail and scanned as a Pdf. Admitted without objection.

Complainant testified that his opinion of value as of January 1, 2023, for the subject property is \$300,000. Complainant testified that he believes that the BOE overvalued his property based upon four arguments, three of which he presented to the BOE.

First, Complainant testified that the Respondent's assessment is faulty because the percentage of change in assessment between his property and the comparables is inconsistent. Complainant testified that he calculated the percentage of assessment increase for the comparable sales utilized by the Respondent and compared them to his property's corresponding percentage. *See pgs. 3-9 (Marked as 'I.' by Complainant) of Exhibit A.* Complainant's calculations demonstrate that the rate of increase for the

assessments of the Complainant's property and the comparable sales is inconsistent. Complainant argues that this inconsistency proves that the comparable sales are not valid for calculating an assessment value.

Second, Complainant testified that Respondent erred in calculating the TVM of his property because his assessment does not align with his research on the average increase in market value for his neighborhood. *See pgs. 10-15 (Marked as 'II.' by Complainant) of Exhibit A.* Complainant testified that the average percentage increase in market value was 8.32% and that his 2021 assessment of \$300,000 should be increased by that percentage (8.32%). Complainant estimated the market value as what he determined the properties would command on the open market. Complainant then subtracted the most recent sale price of the comparable sales from the current market value to calculate the average percentage of market value increase. Complainant performed this calculation for the comparable sales utilized by the Respondent.

Third, Complainant testified that the comparable sales were not valid due to the differences between his property and the comparables. *See pgs. 16-20 (Marked as 'III.' by Complainant) of Exhibit A.* Complainant relied upon his written arguments and photographs to support this argument. *Exhibit A.* Some of the differences that the Complainant wrote about include: (1) vinyl siding on front of subject as opposed to brick, (2) his property has a smaller kitchen without granite or marble countertops, and (3) tile kitchen floor in subject property as opposed to wood. Complainant included photos and online listings to support his position. Complainant also provided alternative comparable properties; however, there were no market based adjustments made on any of these

properties. Complainant testified that the alternative properties are adjacent to both sides of the Complainant's property and across the street from the subject property. A motor vehicle repair business operates from the alternative property across the street.

Fourth, Complainant argues that the decision of the BOE was arbitrary and capricious based upon his experience when appealing this matter in that venue. Complainant testified that he submitted *Exhibit A* to the BOE and that they spent one minute reviewing his arguments. Complainant then testified as to statements and actions made by BOE officials to which the Respondent objected based upon hearsay. The Hearing Officer sustained the objection as the Complainant's testimony contained verbal and nonverbal hearsay. Complainant testified that he interpreted his exchanges with the BOE as condescending and snarky. The BOE offered a reduction in the assessment of the property to \$359,000 which the Complainant accepted. Complainant argues that the BOE's actions constitute an arbitrary and capricious decision due to the short amount of time they reviewed his materials and upon their statements and demeanor.

Upon cross examination Complainant testified that he is not a certified appraiser in Missouri and has received no training in making market based adjustments to comparable sales. Complainant testified that he made no adjustments to the comparables he provided and that he did not research the buyer and seller of the transactions. Complainant testified that he no longer owns the subject property and sold it on December 24, 2025 for \$425,000. Complainant objected to providing the sale price based upon relevance. The Hearing Officer overruled the objection based upon the sale occurring within two years of the assessment.

4. Respondent's Evidence. Respondent introduced Exhibit 1, the BOE's October 17, 2023, Decision Letter. Complainant did not object. Respondent's Exhibit 1 was admitted into evidence.

5. Value. The TVM of the subject property as of January 1, 2023, was \$359,000.

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. Standard for Arbitrary and Capricious Claims. An administrative agency acts unreasonably and arbitrarily if its decision is not based on substantial evidence. *Manning*, 891 S.W.2d at 892. Whether an action is arbitrary focuses on whether an agency had a rational basis for its decision. *State ex rel. Div. of Transp. v. Sure-Way*

Transp., Inc., 948 S.W.2d 651, 655 n. 4 (Mo.App. W.D.1997). Capriciousness concerns whether the agency's action was whimsical, impulsive, or unpredictable. *Id.* To meet basic standards of due process and to avoid being arbitrary, unreasonable, or capricious, an agency's decision must be made using some kind of objective data rather than mere surmise, guesswork, or “gut feeling.” *Manning*, 891 S.W.2d at 893. An agency must not act in a totally subjective manner without any guidelines or criteria. *Id.* at 893–894.

5. 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 \$300,000 for the subject property as of January 1, 2023. The Complainant’s four arguments will be addressed in the same order as presented in the ‘Complainant’s Evidence’ section of this order.

Complainant’s first argument is invalid because it is based upon comparing assessments as opposed to sales. Comparative assessment is not a legally recognized method of valuation in Missouri. Many factors can potentially influence large changes in property assessments (e.g. renovations, market volatility, etc.) 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).

Complainant’s second argument is also invalid because it relies upon a valuation standard that is not legally recognized in Missouri. The sales comparison approach is the

most commonly used valuation method to find the TVM of the residential property. The sales comparison approach relies upon making market-based adjustments between properties. Making such adjustments requires training and certification to help ensure accuracy. In this case, the adjustments, training and certification are all lacking.

Complainant's third argument, wherein he provided alternative comparable properties, is also without merit. There were no adjustments made to Complainant's proposed alternative properties as well as a lack of information related to recent sales. Consequently, there is no legally recognized valuation method present.

Lastly, Complainant's fourth argument that his hearing before the BOE proves that their decision was arbitrary and capricious is without merit. Technical rules of evidence are relaxed at administrative hearings; however, fundamental rules of evidence must apply. The basis of this claim relies upon out of court statements made by BOE personnel to the Complainant. The Complainant relayed these statements and his interpretation of the actions of BOE personnel, which comprise verbal and nonverbal hearsay. Such testimony may not be considered because many potential explanations may negate Complainant's subjective interpretations. BOE personnel conduct a high volume of residential property appeals and can identify crucial information quickly. Additionally, the BOE reduced the TVM from \$462,700 to \$359,000, which the Complainant accepted. This modification suggests that the BOE heard and understood the Complainant's arguments. Lastly, the Complainant sold this property on December 24, 2025 for \$425,000 which is less than two years from the assessment and higher than the BOE's valuation. This fact demonstrates that the BOE's valuation was correct because it reduced a valuation that was higher than

the price Complainant received for this property on the open market to a valuation that was slightly below the open market price.

Even if Complainant had rebutted the presumption of correct valuation by the BOE, Complainant has not proven that the TVM of the subject property is \$300,000 as of January 1, 2023. While a property owner's opinion of value is generally admissible, the opinion lacks "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 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, 2023, was \$359,000.

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 January 8th, 2026.

STATE TAX COMMISSION OF MISSOURI

Samuel Knapper
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 January 9th, 2026, 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