



# STATE TAX COMMISSION OF MISSOURI

SUSAN MELLO, )  
 )  
 Complainant, )  
 ) Appeal No. 23-110086  
 v. ) Parcel No. 22K511102  
 )  
 JAKE ZIMMERMAN, ASSESSOR, )  
 ST. LOUIS COUNTY, MISSOURI, )  
 )  
 Respondent. )

## DECISION AND ORDER

Susan Mello (Complainant) appeals the St. Louis County Board of Equalization's decision valuing the subject residential property at \$209,400 as of January 1, 2023. Complainant alleges overvaluation and requests that the value remain as it was in 2022 at \$183,200. The BOE decision is affirmed.<sup>1</sup>

The evidentiary hearing was held on March 18, 2026, via Webex before Senior Hearing Officer Todd D. Wilson. Complainant, who is a licensed attorney in Missouri, appeared pro se. Respondent was represented by Ellen Kelly.

## FINDINGS OF FACT

---

<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.

**1. The Subject Property.** The subject property consists of a residential lot on which is located an 846 square foot residence with a full basement that is half finished. The house was constructed about 1951, located at 415 Tuxedo Blvd, St. Louis, MO 63119. The parcel number is: 22K511102.

**2. Assessment and Valuation.** Respondent determined that the subject property’s True Value in Money (TVM) as of January 1, 2023, was \$209,400. The BOE determined the subject property's TVM as of January 1, 2023, was \$209,400.

**3. Complainant's Evidence.** Complainant introduced the following Exhibits.

<b>Exhibit</b>	<b>Description</b>
A	Photos of subject and photos of house at 109 Madison
B	C4R, BOE decision letter and email to STC
C	Copy of email sent to <a href="mailto:boe@stlouisco.com">boe@stlouisco.com</a>
D	Copy of email sent to Complainant from BOE
E	Photos of other properties
F	Email chain
G	Photos of other properties
H	Photos of other properties
I	Photos of house at 211 Lithia
J	Photos of houses at 29 E Alison and 711 N Elm
K	Photos of other properties
L	Photos of house at 333 Tuxedo
M	Photos of other properties
N	Photos of house at 100 Laclede
O	Google map photo of front of subject house
P	Photos of exterior of subject property
Q	Photos of subject property
R	Photos of subject property to show slope of yard
S	Photos of subject property without snow to show slope
T	County information on 4 properties

Complainant introduced all the Exhibits during her testimony. Exhibit B is received without objection. Respondent objected to the remaining exhibits on the basis of relevance and foundation as there is no clear indication of who provided the information, how it was verified or

when the properties sold. The objection was taken under advisement during the hearing. The objection is overruled, the exhibits are received and given the weight they are due. Most of the exhibits are photos of the subject property and other properties in the area which were compiled by Complainant. Complainant testified about the differences in the amenities and yards of the other properties compared to hers and the condition of her property. Complainant is not an appraiser, nor does she have any formal training for making adjustments to comparable sales. Complainant did not identify differences in the time, location or conditions of the other sales, nor did she made adjustments for them.

Complainant testified about the manner in which the BOE hearing was held, that the person she dealt with was not familiar with her property and did not take her information into account as she thought it should have been.

Complainant testified about her 2025 appeal to the BOE and the resulting valuation. Respondent objected to the testimony for relevance. The objection is sustained. No testimony regarding the 2025 appeal of Complainant before the BOE is considered in this decision.

**4. Respondent's Evidence.** Respondent introduced Exhibit 1, the determination letter from the BOE which was received without objection.

**5. Value.** The TVM of the subject property as of January 1, 2023, was \$209,400.

## **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 factfinder 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's first contention is that the BOE decision should not be afforded a presumption of correctness as there may have been procedural defects in the BOE process. Considering Complainant's testimony regarding the course of events at the BOE hearing for her 2023 appeal, there is no authority for a Hearing Officer to review procedural defect claims concerning the BOE proceedings in this appeal. In *de novo* appeals, the Hearing Officer does not review procedure or adjudicate any alleged defects of the BOE's hearing procedures. Nor does the Hearing Officer, as agent for the Commission, under the appeal process as set out in 138.430 exercise general supervision over assessing officers or boards of equalization. The Hearing Officer, under Section 138.430, is not addressing alleged procedural irregularities or violations of the law or regulations by the BOE. The Hearing Officer starts afresh in his consideration of the issue brought before it by a complainant under 138.430. In other words, regardless of what occurred during the BOE process, or whether or not the BOE held an adequate hearing, the decisions of the BOE are final actions of the BOE and are reviewable by the STC.

Complainant proposes a value for the property based upon her comparison of the amenities of the other properties and the sales of those properties. Complainant did not produce substantial and persuasive evidence rebutting the presumptively correct BOE value. Complainant did not produce evidence supporting a comparable sales approach, income approach, or cost approach to value.

Complainant testified about the condition of her property, the residence and the sloping yard which requires retaining walls but had no analysis completed by someone trained to analyze such situations to show the deleterious effect of the differences in condition, location, time, amenities, and conditions of sale on the value of the subject property.

Neither Complainants' exhibits nor testimony utilized the comparable sales approach, income approach, or cost approach to support the proposed value. The lack of evidence relating to a recognized valuation method renders Complainant's proposed value speculative and unpersuasive. *See Cohen*, 251 S.W.3d at 349 (holding an opinion of value loses probative value when based on an improper foundation). 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 \$209,400.

### **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 April 17th, 2026

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 April 17<sup>th</sup>, 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