



STATE TAX COMMISSION OF MISSOURI

HAROLD G SWINDLE

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Appeal No 23-112396

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Complainants,

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v.

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JAKE ZIMMERMAN, ASSESSOR,
ST. LOUIS COUNTY, MISSOURI,

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)

ORDER AFFIRMING HEARING OFFICER DECISION UPON APPLICATION FOR REVIEW

HOLDING

On July 11, 2025, Senior Hearing Officer, Benjamin C. Slawson, (SHO) entered a Decision and Order (Decision) affirming the decision of the Board of Equalization of St. Louis County (BOE). Complainant, on July 25, 2025 sent an email that has been accepted as an Application for Review of Hearing Officer's Decision and Order.

We AFFIRM the Decision and Order of the Hearing Officer.

FACTS AND PROCEDURAL HISTORY

Complainant appealed his 2023 residential property tax assessment. The subject property is located in St. Louis County, Missouri. The SHO sent an Order to Complainant and various other residential Complainants on April 18, 2025 setting an Evidentiary Hearing for Wednesday, July 2, 2025 @ 9:00 a.m. On July 2, 2025 at approximately 9:09

a.m., the hearing was convened. Kevin Wyatt, attorney for Respondent was present. Complainant did not appear at the hearing, nor did he contact the Respondent or the STC prior to the hearing to request a continuance of the hearing. The Respondent offered Exhibit 1, the BOE Decision letter dated October 31, 2023, setting the True Value in Money (TVM) of the subject property at \$259,800. The Evidentiary Hearing was concluded. The SHO issued a Decision and Order affirming the BOE decision as Complainant failed to appear, and therefore, failed to meet his burden of proof.

Complainant now contends that Complainant was never notified of the hearing. As grounds for review, Complainant stated via email as follows:

The house we were compared to had 2,570 sq. ft and ours is 1858 sq. ft. Plus that one had a level lot and a garage on the main level.

Standard of Review

A party subject to a Decision and Order of a hearing officer of the STC may file an application requesting that the case be reviewed by the STC. Section 138.432 RSMo. The STC may then summarily allow or deny the request. Section 138.432 RSMo. The STC may affirm, modify, reverse, set aside, deny, or remand to the Hearing Officer the Decision and Order of the Hearing Officer on the basis of the evidence previously submitted or based on additional evidence taken before the STC. Section 138.432 RSMo.

The Commission reviews the hearing officer's decision and order *de novo*. *Lebanon Properties I v. North*, 66 S.W.3d 765, 770 (Mo. App. 2002); *Union Electric Company, d/b/a Ameren Missouri, v. Estes*, 2020 WL 3867672 (Mo. St. Tax Com., July 2, 2020); *AT&T Mobility, LLC, v. Beverly Alden, Assessor, Caldwell County, Missouri, et al.*, 2020

WL 3867819 (Mo. St. Tax Com., July 2, 2020). “The extent of that review extends to credibility as well as questions of fact.” *Lebanon Properties I*, 66 S.W.3d at 770. The Commission “is free to consider all pertinent facts and estimates and give them such weight as reasonably they may be deemed entitled to.” *St. Louis Cty. v. State Tax Comm'n*, 515 S.W.2d 446, 450 (Mo. 1974).

There is a presumption of validity, good faith and correctness of assessment by the BOE. *Hermel, Inc. v. STC*, 564 S.W.2d 888, 895 (Mo. banc 1978); *Chicago, Burlington & Quincy Railroad Co. v. STC*, 436 S.W.2d 650, 656 (Mo. 1968); *May Department Stores Co. v. STC*, 308 S.W.2d 748, 759 (Mo. 1958). This presumption is a rebuttable rather than a conclusive presumption. The presumption of correct assessment is rebutted when the taxpayer presents substantial and persuasive evidence to establish that the BOE’s assessment is erroneous and the assessment that should have been placed on the property. *Id.*

The taxpayer in an STC appeal bears the burden of proof. The taxpayer is the moving party seeking affirmative relief. Therefore, Complainant bears the burden of proving by substantial and persuasive evidence the vital elements of the case, i.e., the assessment was “unlawful, unfair, improper, arbitrary, or capricious.” *See, Westwood Partnership v. Gogarty*, 103 S.W.3d 152 (Mo. App. E.D. 2003); *Daly v. P.D. George Co.*, 77 S.W.3d 645 (Mo. App. E.D. 2002); *Reeves v. Snider*, 115 S.W.3d 375 (Mo. App. S.D. 2003); *Industrial Development Authority of Kansas City v. State Tax Commission of Missouri*, 804 S.W.2d 387, 392 (Mo. App. W.D. 1991). *Substantial evidence* can be defined as such relevant evidence that a reasonable mind might accept as adequate to support a conclusion. *Cupples Hesse Corp. v. State Tax Commission*, 329 S.W.2d 696, 702 (Mo. 1959). *Persuasive*

evidence is evidence that has sufficient weight and probative value to convince the trier of fact. *Cupples Hesse Corp.*, 329 S.W.2d at 702. The persuasiveness of evidence does not depend on the quantity or amount thereof but on its effect in inducing belief. *Brooks v. General Motors Assembly Division*, 527 S.W.2d 50, 53 (Mo. App. 1975). "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.

STC's Ruling

For the reasons that follow, the STC finds Complainant's arguments to be unpersuasive. The STC, having thoroughly reviewed the whole record and having considered the Hearing Officer's Decision and the Application for Review of Complainant, affirms the Hearing Officer's decision.

On April 18, 2025, the SHO sent via email, as is the customary and recognized practice of the STC, an Order setting the Evidentiary Hearing in this matter for July 2, 2025. Complainant now contends that Complainant was never notified of the hearing, though the email did not bounce back to the SHO as undelivered or undeliverable.

Moreover, no purpose would be served by affording Complainant a supplemental hearing. In his Application for Review, Complainant did not indicate what evidence he

would have to present even if a supplemental hearing were to be scheduled. Even if the grounds for review that he alleged are true – that is, “the house we were compared to had 2,570 sq. ft and ours is 1858 sq. ft – Plus that one had a level lot and a garage on the main level” – these facts alone do not tend to indicate that the BOE’s valuation is incorrect. In St. Louis County, the assessor and the BOE routinely compare properties that are of somewhat different size and features, but then make adjustments for those differences. Even if the Commission were to find that Complainant’s grounds for review are true, Complainant has not indicated how much he thinks the property is worth, nor has he suggested that he is prepared to present persuasive evidence as to its value. A Complainant who does nothing more than criticize a county’s valuation but is not prepared to submit substantial and persuasive evidence of his own cannot overcome the presumption that the BOE’s valuation is correct.

Summary and Conclusion

The Hearing Officer determined the TVM of the subject property based upon the presumption of correctness of the BOE decision and the failure of Complainant to produce substantial and persuasive evidence sufficient to overcome the presumption of correctness.

ORDER

The decision of the Hearing Officer determining the TVM of the subject property to be \$259,800 is affirmed.

Judicial review of this Order may be had in the manner provided in Sections 138.432 and 536.100 to 536.140 RSMo within 30 days of the mailing date set forth in the Certificate of Service for this Order.

If judicial review of this decision is made, any protested taxes presently in an escrow account in accordance with this appeal shall be held pending the final decision of the courts unless disbursed pursuant to Section 139.031.8 RSMo.

If no judicial review is made within thirty days, this decision and order is deemed final and the Collector of St. Louis County, as well as the collectors of all affected political subdivisions therein, shall disburse the protested taxes presently in an escrow account in accord with the decision on the underlying assessment in this appeal.

SO ORDERED September 29th, 2026.

Gary Romine, Chairman

Debbi McGinnis, Commissioner

Greg Razer, Commissioner

Certificate of Service

I hereby certify that a copy of the foregoing has been electronically mailed and/or sent by U.S. Mail on October 2nd, 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



STATE TAX COMMISSION OF MISSOURI

HAROLD SWINDLE,	)	Appeal No. 23-112396
	)	Parcel/locator No: 30J431042
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	)	
Complainant(s),	)	
	)	
v.	)	
	)	
JAKE ZIMMERMAN, ASSESSOR,	)	
ST. LOUIS COUNTY, MISSOURI,	)	
Respondent.	)	

DECISION AND ORDER

Harold Swindle (Complainant) appeals the St. Louis County Board of Equalization's (BOE) decision finding the true value in money (TVM) of the subject residential property on January 1, 2023, was \$259,800. Complainant alleges overvaluation. Complainant did not produce substantial and persuasive evidence to support the asserted claim of overvaluation. The decision of the BOE is affirmed.¹

Facts

¹Complainant 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.

The evidentiary hearing was scheduled for July 2, 2025, at 9:00 A.M. via Webex pursuant to an Order issued by the of the Senior Hearing Officer on April 18, 2025. Respondent timely appeared at the evidentiary hearing and through counsel Kevin Wyatt. At the hearing, Respondent offered Exhibit 1, the October 31, 2023, Findings and Notice of Decision for the subject property listing the appraised value by the Respondent and the BOE for 2023. Exhibit 1 was admitted.

Complainant did not appear. Complainant did not seek a continuance or otherwise communicate any intent to proceed with the appeal.

Complainant Did Not Prove Overvaluation

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). Complainant did not appear at the evidentiary hearing and produced no evidence admitted into the record to support the overvaluation claim. Complainant's failure to appear and to present any evidence necessarily means Complainant fails to meet Complainant's burden of proof. ²

CONCLUSION AND ORDER

The decision of the BOE is affirmed. The TVM of the subject property as of January 1, 2023, is \$259,800.

Application for Review

² For over 150 years, Missouri law has recognized the self-evident proposition that "if there be no evidence sufficient in law to make a prima facie case on this issue, plaintiff cannot be entitled to recover." *Callahan v. Warne*, 40 Mo. 131, 135 (Mo. 1867).

A party may file with the STC 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, 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, as well as 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 said taxes have been disbursed pursuant to a court order under the provisions of section 139.031.

SO ORDERED July 10, 2025.
STATE TAX COMMISSION OF MISSOURI

Benjamin C. Slawson
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 July 11th, 2025.

Complainant(s) and/or Counsel for Complainant(s), the County Assessor and/or Counsel for Respondent and County Collector.

Stacy M. Ingle
Legal Assistant