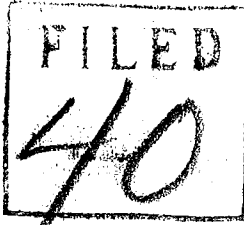


PUBLIC RECORDS:
ASSESSOR OF ST. LOUIS CITY:

Assessment lists and assessment books maintained in office of assessor of City of St. Louis are public records open to public inspection.



May 18, 1955

Honorable William E. Hilsman
Member, Missouri State Senate
State Capitol Building
Jefferson City, Missouri

Dear Senator Hilsman:

The following opinion is rendered in reply to your inquiry reading as follows:

"May I have your formal opinion on the question of whether the assessor of the City of St. Louis, Missouri, can refuse members of the public the privilege of inspection of assessment lists and assessment books on file in his office."

Section 82.550, RSMo 1949 provides for the appointment of an assessor for the City of St. Louis, and such officer's qualifications and general duties are outlined in Section 82.560, RSMo 1949, which provides:

"The assessor shall have the qualifications provided with regard to the mayor; receive such salary as may be fixed by the charter or by ordinance; and before entering upon the duties of his office shall take an oath similar to that required by law of county assessors. He shall be the head of the assessment division; appoint the deputy assessors and employees in his division; preserve all maps, plats, books and papers belonging to said division; cause all plats to be prepared, altered and corrected as required by law; receive lists, statements or returns of property; and furnish blanks and information to those desiring to appeal to the board of equalization."

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The foregoing statute discloses that assessment lists are to be a part of the records of the public office of assessor. Section 82.570, RSMo 1949, providing how the costs and expenses of assessments shall be paid, contains this additional proviso:

" * * * provided further, that in all cities in this state not in any county the assessor shall perform the duties now performed by county clerks in extending taxes on the assessment books and such other services pertaining thereto."

Generally speaking, the public has a common law right to inspect all public records. This common law right is expressed by the Supreme Court of Missouri in *State vs. Henderson*, 169 S.W. (2d) 389, 350 Mo. 968, where the Court said, l.c. 392:

"In all instances where, by law or regulation, a document is required to be filed in a public office, it is a public record and the public has a right to inspect it. 53 Corpus Juris, Section 1, Pages 604 and 605; *Clement v. Graham*, 78 Vt. 290, 63 A. 146, Ann. Cas. 1913E, 1208; *Robison v. Fishback*, 175 Ind. 132, 93 N.E. 666, L.R.A. 1917B, 1179, Ann. Cas. 1913B, 1271; *State ex rel. Eggers v. Brown*, 345 Mo. 430, 134 S.W. 2d 28."

However, this common law right of inspection is limited to some extent. The right of the public is not such that they may interfere with the operation of the office where the public records are kept. This limitation is expressed by the Supreme Court of Missouri in *State ex rel. Eggers vs. Brown*, 134 S.W. (2d) 28, l.c. 32, as follows:

" * * * The special commissioner did not hold, and neither do we, that relator's right to inspect and copy the records is an unlimited right. It is subject

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to such reasonable regulations as respondents may impose to prevent undue interference with the work of the employees of the office, and to prevent undue interference with members of the public being served at the office."

We have found no statutory rule applicable to the office of assessor of the City of St. Louis which tends to modify the rules announced in the cases cited above, and consequently such rules are to be applied in this instance.

CONCLUSION

It is the opinion of this office that assessment lists and assessment books in custody of the assessor of the City of St. Louis are public records which are to be available for inspection by members of the public when such inspection will not interfere with the orderly operation of such office.

Yours very truly,

Julian L. O'Malley
Acting Attorney General

JEO'M:vlw