

**21st JUDICIAL CIRCUIT
MUNICIPAL DIVISION COURT REVIEW REPORT**

BELLEFONTAINE NEIGHBORS MUNICIPAL DIVISION

INTRODUCTION

This report was prepared following a review by the Supreme Court Municipal Monitor for the 21st Judicial Circuit. The review took place on October 24, 2025, and was attended by Court Administrator Jaleesa King and Municipal Judge Danelle Duffy.

The review was conducted to determine, but not limited to, compliance with Supreme Court Rules, Court Operating Rules, Missouri State Statutes, and state and local reporting requirements. Please note, this is a review of substantial compliance, not an in-depth audit. To the extent of our limited review, the court appears to be in compliance with all minimum operating standards with the exception of those specifically identified below.

The report provides descriptions of some noncompliance observations that do not comply with various laws, rules, and regulations. Corrective action requirements follow each description and represent what the court can do to improve the issue described.

MINIMUM OPERATING STANDARDS FOR MUNICIPAL DIVISIONS AND MUNICIPAL DIVISION JUDGES - RULE 37.04 APPENDIX A

Minimum Operating Standard # 1: Municipal divisions and their judges shall ensure that when individuals must be held in jail in the interests of justice, this is done strictly in accordance with the principles of due process of law, including:

A. Municipal Divisions

- The municipal division is in compliance with the following requirements of section 479.360.1, RSMo:
 - Procedures exist to prevent defendants from being held longer than 48 hours on minor traffic violations and 72 hours on other violations without being heard by a judge in person, by telephone, or via video conferencing.
 - The municipal division has made reasonable efforts to communicate to local law enforcement the 24-hour rule: "Defendants in municipal custody shall not be held more than twenty-four hours without a warrant after arrest." See also section 544.170.1, RSMo.
 - No additional charge is issued for failure to appear for a minor traffic violation.

Noncompliance Observation

The judge stated during the review that while defendants are not held longer than 48 hours on minor traffic violations and 72 hours on other violations without being heard by a judge, she does not have any written procedures or administrative orders in place.

Recommended Corrective Action

It is suggested the municipal judge develop written procedures in accordance with Section 479.360.1, RSMo.

Note: The judge stated during the review that she is going to draft an administrative order outlining the requisite procedures and provide a copy to law enforcement.

Noncompliance Observation

Bellefontaine Neighbors Ordinance Section 18.34 FAILURE TO APPEAR ON CHARGED OFFENSE

(a) In addition to the forfeiture of any security which was given or pledged for the release of any person charged with an offense in the municipal division of the county circuit court, it shall be unlawful for any person who has been charged with an offense in the municipal division of the county circuit court to willfully fail to appear before such court as required.

(b) Any person violating any of the provisions of this section shall, upon conviction thereof, be deemed guilty of a misdemeanor and subject to punishment as provided in section 1-10 of this Code of Ordinances except that the maximum fine cannot exceed the maximum fine permitted on the municipal ordinance violation on which he had been charged and on which he had failed to appear. This penalty shall not diminish in any way the contempt powers of the municipal judge.

Recommended Corrective Action

It is suggested Section 18.34 be reviewed and amended to follow current statutory authority and language, specifically that which states, "No additional charge shall be issued for failure to appear for a minor traffic violation." 479.360(6) RSMo.

Minimum Operating Standard # 4: Municipal divisions and their judges shall neither assess nor collect unauthorized fines, costs or surcharges.

A. Municipal Divisions

- The violation bureau schedule of fines and costs is prominently posted at the place where fines are to be paid. Rule 37.49(d).

Noncompliance Observation

The Violation Bureau Schedule of Fines posted on the website and at the window where the fines are paid is not current. The posted fine schedule is from 2020.

Recommended Corrective Action

It is suggested the division post the current Statewide Uniform Fine Schedule (updated as of September 2025) on the division's webpage and at the payment window where fines and costs are paid. It is further recommended that an additional column be added

for costs and total amount due or that a sentence be added that identifies the amount of the costs at the bottom of the schedule.

- Only court costs (fees, miscellaneous charges, and surcharges as defined at section 488.010, RSMo.) authorized by state statute are assessed. The OSCA bench card on municipal division court costs shall be used as a reference. Sections 479.260.1, 479.360(5), and 488.012, RSMo.; COR 21.01.

Noncompliance Observation

Bellefontaine Neighbors Ordinance Section 18.19 JAILING OF DEFENDANTS

If, in the opinion of the municipal judge, the city has no suitable and safe place of confinement, the municipal judge may commit the defendant to the county jail or other suitable and safe place, and it shall be the duty of the sheriff or officer in charge, if space for the prisoner is available in the county jail or such other jail upon receipt of a warrant of commitment from the judge to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board of such prisoner at the same rate as may not or hereafter be allowed to such sheriff for the keeping of such prisoner in his custody. **The same shall be taxed as cost to be paid by the defendant in addition to all other court costs as are provided in this ordinance.**

Recommended Corrective Action

It is suggested a review of Section 18.19 be made with regard to current statutory authority and language, specifically that which references assessing costs for the confinement of any defendant. See, SC97604 *State of Missouri v. George Richey*, and SC97630, *State of Missouri v. John B. Wright*, which held that "board bills" are not to be taxed as court costs.

It is further suggested that the OSCA bench card on municipal division court costs be used as a reference for all court costs. Sections 479.260.1, 479.360(5), and 488.012, RSMo; COR 21.01.

Note: There is no statutory authorization for collection of costs for the issuance of a warrant, a commitment, a summons or for the assessment of mileage when served.

Minimum Operating Standard # 4: Municipal divisions and their judges shall neither assess nor collect unauthorized fines, costs or surcharges.

B. Municipal Divisions

- The municipal division has taken reasonable steps to ensure that, where applicable, the schedule of fines and costs is provided to an accused at the same time as a violation notice. Rule 37.33(b).

SCR 37.33(b) When a violation has been designated by the court to be within the authority of a local violations bureau pursuant to Rule 37.49, the accused shall also be provided the following information:

- (1) The specified fine and costs for the violation; and
- (2) That a person must respond to the violation notice by:
 - (A) Paying the specified fine and court costs; or
 - (B) Pleading not guilty and appearing at trial.

Noncompliance Observation

Bellefontaine Neighbors tickets do not provide the accused with the schedule of fines and costs at the same time as a violation notice.

Recommended Corrective Action

It is recommended that the division provide the policing agency with the information to provide to the accused with above information required by SCR 37.33(b). Suggestions include placing a TVB Schedule QR code on the ticket, a link to the division's website, or providing law enforcement with a separate document to provide to the accused.

Minimum Operating Standard # 6: Municipal divisions shall be operated in a manner reasonably convenient to the public and in facilities sufficient to the purpose.

- The municipal division allows payments online and makes available free, online access to information about pending cases, outstanding warrants, and scheduled municipal division dockets.

Noncompliance Observation

The website is extremely outdated. The former judge and clerk are still listed on the division's website.

Recommended Corrective Action

It is recommended that the division update the website with current information.

WEBPAGE INFORMATION

➤ Does the division have a web site	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
➤ Is there a link to case.net on court website?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
➤ Is the division clerk, hours, location, etc. provided?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
➤ Is the division calendar provided?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
➤ Is the current VB Fine Schedule provided?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

○ *Note: The fine schedule was recently updated in September 2025.*

➤ If so, are the fine/costs accurate with VB Committee? Yes No

○ *Note: The fine schedule was recently updated in September 2025.*

Minimum Operating Standard # 7: Municipal divisions shall be operated in a manner that upholds the constitutional principles of separation of powers and the integrity of the judiciary as a separate and independent branch of government.

Municipal division facility's exterior and interior signage, design, functionality, and other factors convey an appearance to the public that it is a separate and independent branch of government.

Noncompliance Observation

The court clerk's office is housed within the city's clerk's office.

Recommended Corrective Action

It is recommended that the court clerk be provided a separate and distinct office space to reinforce the constitutional principle of separation of powers. Housing the court clerk in an independent workspace ensures that the court's operations are clearly perceived as autonomous from city administration, thereby preserving the integrity of the judiciary as a separate and independent branch of government.

Noncompliance Observation

As noted above, the municipal division clerk is housed within the city clerk's office. The exterior signage identifying the location of the division is considerably small and not

noticeable. The division's interior signage is positioned in a way that does not clearly identify the court clerk's office and Traffic Violations Bureau.

Recommended Corrective Action

It is recommended that the TVB sign be moved closer to the payment window and positioned so that it is clearly visible by individuals as they approach the clerk's window. It is further recommended that a larger sign be placed near the City Hall building and/or that the municipal division court location be displayed in the City's marquee box to identify the location of the municipal division at the same address as City Hall.

Minimum Operating Standard # 9: Municipal division judges shall advise litigants of their rights in court.

- Defendants are given advice of rights pursuant to Rules 37.47, 37.48, 37.50, and 37.58.

Noncompliance Observation

The division has two screens in the courtroom which they are not using to display the Notice of Rights.

Recommended Corrective Action

It is recommended that the division utilize the courtroom screens to prominently display the Notice of Rights for all attendees. Additionally, the judge should include in her opening statement an offer to verbally explain the Notice of Rights for any individual who may need assistance understanding the written information.

Note: The Judge indicated during the review that she was going to begin showing the Notice of Rights on the screens during court.

- The judge assures that a "Notice of Rights in Municipal Division," in a form approved by or substantially similar to that approved by the Supreme Court, is provided to all defendants. This notice of rights is displayed prominently wherever the municipal clerk transacts business with the public and in the facility where proceedings in the municipal division are held. This notice of rights in the municipal division is made available as a handout for those appearing before the municipal division and is displayed on each public information website operated by the municipal division or on behalf of the municipal division.

Noncompliance Observation

The notice of rights poster board is not displayed in a form approved by or substantially similar to that approved by the Supreme Court on the website or in the facility where proceedings of the municipal division are held. In addition, the Notice of Rights is not made available in Spanish.

Recommended Corrective Action

It is suggested the division display the Supreme Court approved "Notice of Rights in Municipal Division" on poster boards and/or scrolling screens in the courtroom. In addition, the Notice of Rights in Municipal Division brochure should be displayed on each public information website operated by the municipal division.

Note: An editable, non-formatted Word document of the brochure is available in English and Spanish on the CIC for your use if you require substantial revisions.

Note: The judge stated that she would make the Spanish brochures available during court.

Minimum Operating Standard # 10: Municipal divisions shall be well-managed and accountable to the law, with appropriate oversight of municipal division operations provided by the circuit court presiding judge of the judicial circuit.

♦ Generally

- The municipal division has a functional clerk's office that organizes and preserves the judicial records of the municipal division in a prudent and organized manner and in compliance with applicable laws and supreme court rules.

Noncompliance Observation

There are municipal division records stored in a storage shed on the city's property. Open records are not separated from Closed records. The records are not stored in locked file cabinets. The storage shed is also believed to contain city records. The court clerk recently reported that the city clerk soon will soon be provided with a key to the shed.

Recommended Corrective Action

Division records should be maintained in compliance with COR 4.22.1.

To the extent that the city shares the shed, it is suggested that a locking file cabinets be allocated for housing the division's files.

4.22 FILE MAINTENANCE/ SECURITY

1) File Storage

- a) *Court files shall be stored in secure areas that are free from excessive heat, moisture, and threats of destruction from fire, insects, rodents, birds and other animals.*
- b) *Access to case files by other than court personnel shall be restricted.*
- c) *Courts shall designate separate storage areas for:*
 - (1) *Active cases;*
 - (2) *Disposed cases;*
 - (3) *Confidential cases;*

...

COR 4.24 Confidential Records

- 1) *Confidential records shall be maintained so as to be inaccessible to the general public. These records may include sealed or expunged records. The following, including court docket sheets and indexes for these matters, are confidential:*
 - a) *Case records that are closed to the public by chapter 610, RSMo.*

Municipal Clerk Manual 5.1 Confidential or "Closed" records are records to be maintained in a manner making them inaccessible to the general public. The records are accessible only to the defendant, court personnel, and specific agencies for specific purpose.

Confidential Criminal Records Under Chapter 610 (Sections 610.105, 610.106, 610.110, 610.115, and 610.120, RSMo)

All confidential records shall be removed from the records of the court and maintained separately. If an individual is arrested and the charges are subsequently nolle prossed, dismissed or the accused is found not guilty or the imposition of sentence is suspended, the official records shall become confidential (closed) when the case is finally terminated, except that the court's judgment or order or the final action taken by the prosecutor may be accessed. Record of a final disposition of a case otherwise closed under section 610.105, RSMo (for example, dismissal of a case) shall be accessible only at a court facility in the jurisdiction in which the case was filed. COR 2.08(c)(5)

- RECORDS RETENTION, TRANSFER, PRESERVATION AND DESTRUCTION PROCEDURES

Noncompliance Observation

The clerk is unaware if the division is current on its records destruction.

Recommended Corrective Action

It is recommended that the division determine the status of retention periods for the division's cases and apply for an order from the presiding judge, if appropriate.

See, COR 8 LINK: <https://www.courts.mo.gov/Manuals/TOC/>
MUNICIPAL RESOURCES LINK 5.2 RECORDS RETENTION AND DESTRUCTION:
<https://www.courts.mo.gov/Manuals/TOC/>

Once a case has been properly indexed and has reached its record retention period, the court may then proceed with the record destruction request process. Records shall not be destroyed until a signed order has been received from the presiding judge. It is recommended Court Operating Rule 8 be reviewed to assist in retention and destruction of records. It is suggested to begin with the oldest files to create a uniform system/schedule for the retention, transfer and destruction of records.

- The municipal division has a functional clerk's office that handles bookkeeping and money handling obligations of the municipal division in a prudent and organized manner and in compliance with the current recommendations of the Office of State Courts Administrator and the Missouri state auditor.

Noncompliance Observation

It was reported that previous clerks were instructed to place payments received by the division into "the vault" located in the city clerk's office. It is unknown if those funds were being deposited into the division's bank accounts or the city's bank accounts. OSCA is currently reviewing the division's banking records in an attempt to locate missing funds and reconcile the division's bank accounts. Bank statements dating back to 2023 have been provided to OSCA to assist in this matter.

Recommended Corrective Action

It is suggested to secure all cash and checks received in a location that is inaccessible to the public and allow access to authorized personnel only. Payments should be secured in a locked location that is out of reach and out of sight of the public until they are deposited. For additional information refer to Municipal Case Processing 4.5 – Recommended Accounting Procedures for Municipal Divisions.

Note: The current court administrator ceased this practice and is following appropriate municipal accounting procedures.

♦ **Chapter 479, RSMo**

- Nonjudicial personnel have been provided to ensure proper functioning of the municipal division. Section 479.060.1, RSMo.

Noncompliance Observation

During the Municipal Court review, it was observed that the court clerk's office has several boxes of case files awaiting proper filing. Furthermore, there is a storage shed on the property that contains additional court records. The court currently employs two part-time clerks (one at 30 hours and one at 15 hours) making it difficult for either clerk to address the existing backlog while also managing ongoing day-to-day duties and court dockets.

Recommended Corrective Action

It is recommended that the court consider hiring an additional part time or full time clerk to assist in organizing and maintaining the court's records in accordance with the MOS standards.

479.060 RSMo. *Clerks, courtroom, other employees — municipalities to provide for, when. — 1. Where municipal violations are to be tried before a municipal judge or judges, the governing body of the municipality shall provide by ordinance for a clerk or clerks and such other nonjudicial personnel as may be required for the proper functioning of the municipal division or divisions and shall provide a suitable courtroom in which to hold court. The salaries of the judges, clerks and other nonjudicial personnel and other expenses incidental to the operation of the municipal divisions shall be paid by the municipality.*

- A written policy for reporting intoxication-related traffic offenses to the central repository has been **adopted** and **provided** to OSCA and the highway patrol. Section 479.172.1 and 2, RSMo.

Noncompliance Observation

The division has not adopted and provided to OSCA and the highway patrol a written policy for reporting intoxication-related traffic offenses to the central repository.

Recommended Corrective Action

It is recommended that the division adopt a written policy and provide the same to OSCA and the highway patrol.

- Semiannual disposition report of intoxication-related traffic offenses provided to the circuit court *en banc*. Section 479.172.3, RSMo.

Noncompliance Observation

It is unknown whether the division has provided to the circuit court the January 2025 – June 2025 semiannual disposition report of intoxication-related traffic offenses as this report was not attached the municipal judge's MOS Certification.

Recommended Corrective Action

It is recommended that the division clerk confirm whether the report has been provided to the circuit court.

♦ Open Records and Other Recordkeeping Matters (Article I, § 14, Constitution of Missouri; Court Operating Rules 2, 4 and 8; sections 483.065, 483.075, 483.082 RSMo)

- The municipal division maintains complete and accurate records of municipal division proceedings, including warrants outstanding, bonds posted, case files and dispositions.

Non-Compliance Observation and/or Possible Attention Needed

- 1773 cases on the Cognos Past Events without Outcome Report;
- 76 pages of cases identified on the Cognos Report, Pending Cases with No Scheduled Events Report;
- 4 cases identified on the Cognos Cases Disposed without a Sentence Report;
- 13 cases identified on the Cognos Electronic Traffic Report Problem Log.

Recommended Corrective Action

It is suggested the division review the Past Events without Outcome Report immediately following the completion of court to ensure all events were closed properly and outcomes are reported accurately. It is further suggested the Pending Cases with No Scheduled Events Report is reviewed monthly to ensure movement of cases. *Note: scheduling LIB cases and cases in warrant status for a court date 24 months out will prevent them from appearing on this report.*

It is suggested the division review the Electronic Traffic Report Problem Log immediately following the completion of each court docket to ensure the Records of Conviction report correctly to DOR.

It is further suggested that the division review the Cognos Report Cases Disposed without Sentence immediately following the completion of each court docket to ensure that sentences have been properly added to case entries where required.

- The municipal division ensures that the proper disposition of cases is documented in manual and electronic records and sufficient documentation is maintained to support all case actions

Non-Compliance Observation

The division clerk is not presenting plea agreements from Plead and Pay to the municipal judge for approval.

Recommended Corrective Action

It is suggested that all plea agreements be presented to the municipal division judge for signature and approval in accordance with Supreme Court Rule 37.58(e). The division clerk should run the Cognos Report Cases Disposed by Written Guilty Plea on at least a quarterly basis and provide the report to the judge to review, date and initial indicating that the judge has verified proper disposition. This report will include cases disposed through plead and pay.

Supreme Court Rules 37.58 Pleas

(e) Plea Agreement Procedure. The judge shall not participate in any plea agreement discussions, but after a plea agreement has been reached the judge may discuss the agreement with the attorneys including any alternative that would be acceptable.

*(2) Disclosure of Plea Agreement – Court's Actions Thereon. If the parties have reached a plea agreement, the judge shall require the disclosure of the agreement **in open court** or, on a showing of good cause, *in camera* at the time the plea is offered. If the agreement is pursuant to Rule 37.58(e)(1)(B), the judge shall advise the defendant that the plea cannot be withdrawn if the judge does not adopt the recommendation or request. Thereupon the judge may accept or reject the agreement or may defer a decision as to the acceptance or rejection until there has been an opportunity to consider the presentence report.*

(f) Determining Accuracy of Plea. The judge shall not enter a judgment upon a plea of guilty without first determining that there is a factual basis for the plea.

♦ Financial and Bookkeeping (section 483.075.1, RSMo)

- The municipal division performs monthly bank reconciliations, resolves reconciling items, and makes appropriate, documented adjustments to accounting records timely.

Noncompliance Observation

Bank reconciliations are not current. Bank reconciliations are in draft form from November 2023 to March 2024 in the Show Me Courts case processing system. OCSA is continuing with its efforts to reconcile the division's bank accounts.

Recommended Corrective Action

Upon final reconciliation by OSCA, it is suggested the reconciliation and balancing of all accounting records occur at least monthly to verify all receipts and disbursements are documented properly. This reconciliation should be performed by the municipal division clerk. Per the Manager of the Accounting & Court Review Services section, best practice is to leave two (2) months in draft to ensure there are no additional issues.

- The municipal division has established procedures to routinely generate and review the accrued costs list for accuracy and properly follows up on all amounts due.

Noncompliance Observation

The division does not generate an accounts receivable listing.

Corrective Requirement Action

It is suggested to follow the recommendation outlined in the Municipal Clerk Manual, Section 4.5 Recommended Accounting Procedures for Municipal Divisions, Uncollected Costs and Fines and COR 4.57.

- The municipal division obtains signed payment plans from all defendants and ensures payment plans are established in the case management system in accordance with court operating rules where applicable.

Noncompliance Observation

During the review, the judge indicated that payment plans for the following violations are not considered part of the court debt collection program per her administrative order: no proof of insurance, speeding greater than 19 mph over the speed limit, driving while suspended, any violation that occurs in a construction zone or school zone, DWI, DUI, leaving the scene of an accident, and any other offense the judge deems applicable. The judge stated that payments remain with the court for said violations. Currently there is \$21,281.00 of outstanding costs not associated to a payment plan.

Recommended Corrective Action

It is suggested the division follow COR 21.06, 21.07 and 21.09.

COR 21.09 PAYMENT PLANS

*The court en banc for each circuit using the approved statewide case management system **shall** establish payment plan policies and procedures. The policies and procedures should address, at a minimum, the effective date of the plan, the minimum payment due at case disposition or prior to granting a payment plan, the minimum monthly payment to ensure the repayment time frame is reasonable, and obtaining the debtor's social security number under Court Operating Rule 4.*

It is suggested to follow the recommendation outlined in the Municipal Clerk Manual, Section 4.5 Recommended Accounting Procedures for Municipal Divisions, Uncollected Costs and Fines with regard to COR 21.06, 21.07 and 21.09. Delinquent costs that are associated to a payment plan are turned over to Debt Collection and Tax Offset.

COR 21.07 Participation in Court Debt Collection Program

*All divisions of the circuit courts using the approved statewide case management system **shall** participate in the Missouri court debt collection program for the collection of accounts receivable.*

Municipal divisions using the approved statewide case management system shall participate in the Missouri court debt collection program within six months of implementation of the approved statewide case management system and related accounting functionality.

Participation in the program requires such divisions to create payment plans in the approved statewide case management system for all amounts not paid in full at case disposition.

COR 21.06 Participation in Missouri Court Tax Offset Program

*All divisions of the circuit court using the approved statewide case management system **shall** participate in the Missouri court tax offset program for collection of delinquent court costs and fines.*

Municipal divisions using the approved statewide case management system shall participate in Missouri court tax offset program within six months of the implementation of the approved statewide case management system and the related accounting functionality.

Participation in the program requires such divisions to create payment plans in the approved statewide case management system for all amounts not paid in full at case disposition and to have the debtors' social security number recorded accurately in the approved statewide case management system in order to transfer the debt to the Missouri Department of Revenue.

- The municipal division prepares monthly lists of liabilities and reconciles the lists to the bank account and/or city fund balance, promptly investigates and resolves differences, and has established procedures to review the status of liabilities to determine the appropriate disposition of funds held.

Noncompliance Observation

There are nine outstanding checks from March 2025 – May 2025 that have not cleared.

Recommended Corrective Action

The clerk should determine whether said checks have been received by the proper parties or whether stop payments and reissuance are needed.

- ❖ When community service is performed, a non-monetary receipt is given to defendant.

Noncompliance Observation

The division is not currently providing a non-monetary receipt to defendants for community service.

Recommended Corrective Action

It is recommended that the division begin providing a non-monetary receipt to defendants for community service.

Non-compliance Observation

There are six pages of cases identified on the Cognos Fee Adjustment Report.

Recommended Corrective Action

It is recommended the division utilize the Text Box (to provide detailed additional information supporting the reason for the adjustment) when making adjustments and/or corrections to court costs/fines for purposes of an auditing tool and to assist the municipal judge in her periodic review of this report for financial oversight.

- Municipal Judge MOS Certification due by September 1, 2025

Noncompliance Observation

The Municipal Judge failed to upload the January 1, 2025 – June 30, 2025 semi-annual DWI Intoxication Report with her MOS Certification.

Recommended Corrective Action

It is recommended that for future certifications, the Municipal ensures that she uploads all requisite reports with her MOS Certification. It is further recommended that the Municipal Judge immediately forward to the undersigned the January 1, 2025 – June 30, 2025 semi-annual DWI Intoxication Report.

Shevon L. Harris-Holyfield

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