

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

ST. LOUIS ASSOCIATION)	
OF REALTORS,)	No. ED94475
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	
)	Honorable Mary Elizabeth Ott
CITY OF FERGUSON,)	
)	
Respondent.)	FILED: March 15, 2011

St. Louis Association of Realtors (SLAR) appeals from the trial court's dismissal of its Petition for Declaratory Judgment challenging the constitutionality of certain portions of the City of Ferguson's Municipal Code. In its Order and Judgment dismissing the petition, the trial court determined that SLAR lacked standing to challenge the municipal ordinances that established a fee and licensing structure for residential rental property located within the Ferguson city limits.

AFFIRMED.

Division Four holds: Because SLAR fails to meet the requirements to assert associational standing on behalf of its members, we affirm the trial court's Order and Judgment. While we recognize the standing of the few individual SLAR members who claim injury here, we are not persuaded that their individual claims are pertinent to SLAR's area of competence or reason for existence. SLAR's interests in challenging the City's Licensing Program are not germane to SLAR's organizational purpose of promoting, enhancing and safeguarding the real estate profession, or promoting the interest of real estate dealers. Thus, the trial court did not err in finding SLAR to be without standing to pursue its Petition.

Opinion by:

Kurt S. Odenwald, P.J.

Kenneth M. Romines, J., Dissents in separate opinion

Robert G. Wilkins, Sp. J., Concur

Attorney for Appellant: Stephen C. Murphy and Joseph F. Devereux, III

Attorneys for Respondent: Kevin M. O'Keefe and Stephanie E. Karr

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