

**Summary of SC90324, *City of Springfield, Missouri v. Adolph Belt Jr.***

Appeal from the Greene County circuit court, Judge Mark Fitzsimmons  
Argued and submitted Jan. 27, 2010; opinion issued March 2, 2010

**Attorneys:** Belt was represented by Jason T. Umbarger, an attorney in the solo practice of law in Springfield, (417) 865-4600, and the city was represented by Assistant City Attorney Johnnie J. Burgess of Springfield, (417) 864-1899.

*This summary is not part of the opinion of the Court. It has been prepared by the communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.*

**Overview:** A man challenges both a red-light camera violation and the process by which a fine was imposed on him. In a unanimous decision written by Judge Michael A. Wolff, the Supreme Court of Missouri vacates the administrative decision, as the proceeding below is void. State statutes prohibit the city from establishing an administrative proceeding for moving violations such as the one here. Instead, such cases must be heard by a local associate circuit judge or municipal judge or at a county municipal court, if one exists in the county where the city is located.

**Facts:** In July 2008, the city of Springfield notified Adolph Belt Jr. that, in April 2008, a motor vehicle registered in his name had been photographed running a red light by a traffic camera. In the citation issued to Belt, the city alleged the images of his car were evidence of a violation of the city code and informed Belt he either could pay a \$100 fine or, if he wished to contest the citation, “to request a court date.” If he appeared “in court,” the citation informed Belt the minimum he could be charged was a \$100 penalty. Following Belt’s request for a court date, he received a notice informing him he would have a “contested hearing” at the “Springfield Municipal Court” in August 2008 and that the law governing the hearing would include chapter 536, RSMo. The notice informed him that, if he failed to appear and contest the case, the city’s municipal prosecutor’s office would represent the city and the “Hearing Officer” likely would enter a judgment against him. The person presiding over Belt’s hearing, continued at his request to September 2008, was Springfield’s municipal judge, who signed the findings of fact and conclusions of law in Belt’s case as “Hearing Examiner.” The hearing examiner found the city had shown that the vehicle was operated in violation of the red-light ordinance, that Belt owned the vehicle, and that the evidence did not support Belt’s assertion that the yellow light lasted for fewer than 4.5 seconds. The hearing examiner imposed a \$100 penalty against Belt. Belt then appealed the hearing examiner’s determination, asking the circuit court for a trial de novo (where the court considers the evidence anew). The circuit court dismissed the case, finding it lacked jurisdiction to hear a request for a trial de novo. Belt appeals.

**ADMINISTRATIVE DECISION VACATED.**

**Court en banc holds:** The hearing examiner had no authority to penalize Belt for his vehicle’s violation of the red-light ordinance, and the administrative proceeding that occurred in this case is void. Springfield’s administrative system for prosecuting violations of its red-light ordinance violates section 479.010, RSMo Supp. 2009, which provides that violations of municipal

ordinances shall be heard and determined only before divisions of the circuit court. Section 479.040, RSMo Supp. 2009, outlines the choices from which a city such as Springfield may choose to have violations heard and determined: by an associate circuit judge of the circuit in which the city is located; by a municipal judge; or at a county municipal court if one is created in the county where the city is located. No provision is made for a city such as Springfield to have an administrative tribunal hear and determine moving violations such as Springfield's red-light ordinance. The only administrative procedure the legislature has authorized for violations of municipal ordinances is for parking and other nonmoving violations in the cities of Kansas City and St. Louis. In addition, that the hearing examiner here also is a municipal judge would appear to violate section 479.020.6, RSMo Supp. 2009, which prohibits municipal judges from holding any other office in the municipality in which the person serves as a municipal judge. The decision penalizing Belt \$100 for violating the city's red-light ordinance is vacated.