



City of Broken Arrow

Request for Action

File #: 17-2385, Version: 1

Broken Arrow City Council
Meeting of: 07-03-2017

To: **Mayor and City Council**
From: **Office of the City Attorney**
Title:

Consideration, discussion and possible approval of Resolution No. 1030, a Resolution of Necessity to file a Small Claims action against Deep, LLC dba Luxury Inn & Suites, 1401 N. Elm Place, Broken Arrow, Oklahoma 74012 for failure to report and pay Hotel Occupancy Tax owing for the period of January 2016 through December 2016

Background:

According to the Broken Arrow Code Sec. 22-112 there is levied an excise tax of four percent (4%) upon the gross proceeds or gross receipts derived from all rent for every occupancy of a room or rooms in a hotel in this city. The hotel operator is responsible for tax collections. The hotel operator is also required to file with the city manager, a report of occupancy, and of rents, and of the taxes payable thereon for each month. The return is to be filed within the first 15 days after the end of each month.

DEEP, LLC, is the owner of and is doing business as the Luxury Inn and Suites, a hotel located 1401 N. Elm Place, Broken Arrow, Oklahoma. DEEP, LLC is managed by Mon Tu Patel. DEEP, LLC has failed to file any returns for taxes collected and due for the period of January 2016 through December 2016. DEEP, LLC has also failed to pay any hotel occupancy tax during that period of time. Mon Tu Patel has been informed of this issue, but has made no response to repeated demands for payment.

At this time the best course of action to collect the taxes may be for the City to file a Small Claims Action against DEEP, LLC for the arrearage in taxes of approximately \$7,500 for the period of January 2016 through December 2016.

Cost: **Filing fees and Costs**

Prepared By: **Beth Anne Childs, City Attorney**

Reviewed By: **Assistant City Manager-Administration**
Finance Department

Approved By: **Michael L. Spurgeon, City Manager**

Attachments: Resolution No. 1030

Recommendation:

Approve Resolution No. 1030