



# City of Broken Arrow

## Request for Action

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**File #: 19-756, Version: 1**

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**Broken Arrow City Council  
Meeting of: 06-17-2019**

**Title:**

Consideration, discussion and possible approval of Resolution No. 1240, a Resolution of Necessity to file a Small Claims action against Deep LLC-Luxury Inn & Suites located at 1401 N. Elm Pl Broken Arrow OK 74012 74012 for failure to report and or pay Hotel Occupancy Tax owing for the period of December 2016 through March 2019

**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.

Montu Patel, is the owner of and is doing business as Deep LLC- Luxury Inn & Suites, a hotel located at 1401 N. Elm Pl, Broken Arrow, Oklahoma 74012. Mr. Patel has failed to pay such tax from December 2016 to May 2018 and September 2018 to March 2019 and has failed to file reports for July 2017, December 2017, September 2018, November 2018, December 2018, January 2019, February 2019 and March 2019. The City has monthly written Mr. Patel demanding that he file the returns and pay the outstanding occupancy taxes owed but he has refused to comply. It is estimated \$9,670.40 is currently owed for the period of December 2017 through March 2019.

As the Council is aware, the Small Claims process provides rapid resolution in civil litigation. The Legal Department recommends that the City pursue the Small Claims court in the amount of \$9,670.40.

**Cost:** Filing fees and Cost

**Funding Source:** Fund 27 Convention & Visitor Bureau

**Requested By:** Cynthia S. Arnold, Finance Director

**Approved By:** City Manager's Office

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**Attachments:** Resolution 1240

**Recommendation:**

Approve Resolution No. 1240 and authorize its execution.