



DEPARTMENTAL CORRESPONDENCE



OFFICE OF THE CITY ATTORNEY

Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
A&P Commissioners

CC: City Council
Casey Jones, Prosecuting Attorney

FROM: Kit Williams, City Attorney

DATE: July 2, 2015

RE: Overdue HMR collection efforts

The City Prosecutor reported on 34 active Hotel, Motel and Restaurant overdue tax collection cases for June 2015 as shown on his attached report. Four of these cases had no delinquent balance, but were still active. Nine of these cases were closed as full payment of overdue HMR taxes have been made or the Fayetteville Police Deputy could not serve the summons and purged it after four years. The City Prosecutor's Office collected \$2,412.56 in overdue HMR taxes in June. Year to date collections total \$24,947.13 which equals more than \$4,100.00 per month.

This will be the last report of the City Prosecutor's prosecution collection efforts for managers of businesses that have failed to properly and timely pay the required HMR taxes. The Legislature has exempted Hotel, Motel and Restaurant taxes from the Freedom of Information Act, and the Arkansas Attorney General has opined that the City may not voluntarily release this information. We shall probably release a monthly total of the City Prosecutor's efforts, but no names of businesses or managers nor specific amounts of taxes owed or payments of overdue taxes will be listed.

Clinton K. Jones – City Prosecutor
Brian Thomas – Deputy City Prosecutor



Mandy Finklea – Office Administrator
prosecutor@fayetteville-ar.gov

OFFICE OF THE CITY PROSECUTOR

MEMO

TO: K. Williams
Fayetteville City Attorney

FROM: Casey Jones
Fayetteville City Prosecutor

DATE: July 1, 2015

RE: Status of Active HMR cases

A handwritten signature in black ink, appearing to be "CJ", is written over the "FROM:" line of the memo.

* When a Criminal Summons is issued for a violation and the Defendant subsequently pays the delinquent balance the Criminal Summons remains active and is then routinely dismissed by the Judge at arraignment if the Defendant is still current and not in violation.

- | | | | |
|----|--|---------------------|--|
| 1. | Aquafire Restaurant
& Bistro
Business Closed | Sherri D. Simpkins | Active Criminal Summons
Delinquent Balance: \$4,039.00 |
| 2. | Baller Foodtruck | Kurt L. Young | Paid in Full
Case Closed |
| 3. | Bariola's Pizza
Business Closed | Mark E. Howard | Trial Date: 3/4/15 - Settled
Delinquent Balance: \$1,190.00 |
| 4. | Best Frickin Chicken | William C. Scott | Paid: \$600.00
Delinquent Balance: \$1,834.00 |
| 5. | Bucks of Asia | Quyten T. Ho | Active Criminal Summons
Delinquent Balance: No Forms |
| 6. | Bugsy's | Sarah L. Varga | Arraignment: 7/6/15
Paid: \$235.10
Delinquent Balance: -0- |
| 7. | Café Delta Soul
Business Closed | Michael L. Vaughn | Pending FTPF Criminal Summons
Delinquent Balance: \$1,006.11 |
| 8. | Dickson Street Social Club | Stephen J. Schleiff | Active Criminal Summons
Delinquent Balance: No Forms |

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9.	Domino's Pizza Business Closed	Lloyd W. Hardison	Trial Date: 7/15/15 Paid: \$150.00 Delinquent Balance: \$440.66
10.	El Paso Mexican Grill & Cantina Business Closed	Martin Reyes	Active Criminal Summons Delinquent Balance: \$1,003.43
11.	Green Room	Laurie L. Fuller Rustin E. Fuller	Paid: \$429.00 Delinquent Balance: -0- Case Closed
12.	Guesthouse Hotel & Suites	Katherine E. Wilkerson	Active Criminal Summons Delinquent Balance: No Forms
13.	Hogwild Pizzeria Business Closed	David S. Mackey	Trial 7/8/15 Paid: \$50.00 Delinquent Balance: No Forms
14.	Hookah Java Café & Lounge	Melanie E. Vergura	Active Criminal Summons Delinquent Balance: No Forms
15.	La Finca Mexican Restaurant	Sandra L. Cisneros	Guilty @ Arraignment Delinquent Balance: -0- Case Closed
16.	Louie's Grill & Bar Business Closed	Mark S. Martinez	Pending FTPF Criminal Summons Delinquent Balance: \$13,000.00
17.	Mama Dean's Soul Food Business Closed	Meneria D. Morrison	Paid in Full Case Closed
18.	Mordours Pizza	Mark E. Howard	Paid: -0- Delinquent Balance: \$550.00
19.	Order 57	Toula J. Abu-Hamdan	Delinquent Balance: -0- Case Closed
20.	Pho Quyen	Quyen T. Ho	Active Criminal Summons Delinquent Balance: -0-
21.	Ryleigh's	Sarah L. Varga	Arraignment: 7/6/15 Paid: \$459.85 Delinquent Balance: -0-

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22.	Seafood Market Bar/Grill Business Closed	Craig E. Dowd	Trial Date: 7/22/15 Paid: \$50.00 Delinquent Balance: \$3,067.60
23.	Shanghai Chinese and China Garden Businesses Closed	Hsiao L. J. Shen	Criminal Summons purged by FPD Delinquent Balance: \$3,090.00 Case Closed
24.	Shipley Donuts	Sou Sokunthea	Active Criminal Summons Delinquent Balance: No Forms
25.	Sideways	Sarah L. Varga	Arraignment: 7/6/15 Paid: \$438.61 Delinquent Balance: -0-
26.	Sipamouane Twin Kitchen Business Closed	Jeffrey Sipamouane	Active FTAS Warrant Delinquent Balance: No Forms
27.	Stone Pony	William E. Gran	Active Criminal Summons Delinquent Balance: \$715.90
28.	Sumo Sushi & Steak Business Closed	Seung H. Kang Jong P. Park	Active Criminal Summons Active Criminal Summons Delinquent Balance: No Forms
29.	Taiwan Chinese	Yong S. Lin	Trial Date: 7/8/15 Delinquent Balance: \$1,610.00
30.	Taste Bar & Grill Business Closed	Sheryl D. Edwards	Active Criminal Summons Delinquent Balance: No Forms
31.	Thai Diner	Michael A. Khanty	Paid in Full Case Closed
32.	Tim's Pizza (North) Business Closed	Michael A. Stephens	Paid in Full Case Closed
33.	Uncle Gaylord's Business Closed	Hiram F. Brandon	Active Contempt Delinquent Balance: \$508.12
34.	WOW Japanese Bistro Business Closed	Chong N. Kim	Criminal Summons purged by FPD Delinquent Balance: \$2,527.00 Case Closed

TOTAL: \$2,412.56

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: S3/26/15

A Bill

HOUSE BILL 1941

5 By: Representative Neal
6

For An Act To Be Entitled

8 AN ACT TO EXEMPT CERTAIN ADVERTISING AND PROMOTION
9 TAX RECORDS FROM BEING RELEASED UNDER THE FREEDOM OF
10 INFORMATION ACT OF 1967; AND FOR OTHER PURPOSES.
11

Subtitle

12
13
14 TO EXEMPT CERTAIN ADVERTISING AND
15 PROMOTION TAX RECORDS FROM BEING RELEASED
16 UNDER THE FREEDOM OF INFORMATION ACT OF
17 1967.
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19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 25-19-105(b), concerning records not open
23 to the public under the Freedom of Information Act of 1967, § 25-19-101 et
24 seq., is amended to add an additional subdivision to read as follows:

25 (20)(A) Information related to taxes collected by particular
26 entities under § 26-74-501 et seq.; the Advertising and Promotion Commission
27 Act, § 26-75-601 et seq.; and § 26-75-701 et seq.

28 (B) However, this exemption does not apply to information
29 or other records regarding the total taxes collected under § 26-74-501 et
30 seq.; the Advertising and Promotion Commission Act, § 26-75-601 et seq.; and
31 § 26-75-701 et seq. in the county or municipality as a whole.
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33 /s/Neal
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