

April 25, 2024

INTENDED FOR ADDRESSEE(S) ONLY

HOLIDAY INN EXPRESS
Sid Villegas
9750 Key Pointe Ave,
Hesperia, CA 92345

Re: Notice of Delinquent Transient Occupancy Taxes

Dear Operator,

Our office represents the City of Hesperia ("City") as its City Attorney. This letter is meant to notify you of the delinquent transient occupancy tax ("TOT") owed by Holiday Inn Express ("Operator") for the period of November 2023 through January 2024.

The City has sent various delinquency correspondence to you regarding Operator's failure to pay the outstanding balance of TOT. Your ***estimated*** outstanding amount is approximately eighty-four thousand seven hundred thirty-nine dollars and fifty-seven cents (\$84,739.57).¹ In addition to the monthly amount, the delinquency of the TOT also carries with it penalties and interest, as set forth in Hesperia Municipal Code Section 3.10.060 *et seq.* Every penalty imposed and such interest accrued becomes a part of the unpaid TOT due and owed to the City.

Based on the TOT estimate of \$84,739.57, the current outstanding balance of unpaid TOT, including all penalties and interest, owed by Operator to the City for the period of November 2023 through January 2024 is equal to **\$103,388.24**. Please remit this payment amount as soon as possible **within the next 30 days**.

If Operator fails to remit the total outstanding balance of unpaid TOT, including all penalties and interest, the City will have no choice but to take further legal actions against Operator. Such legal actions include, but are not limited to, the following:

¹ TOT amount is based upon an average of actual Operator TOT return forms submitted by Operator between October 2022 – September 2023. Because Operator has not submitted said forms for the period in question, the City is unable to provide an accurate assessment of TOT owed by Operator.

- Revocation or suspension of Operator's business license for failure to comply with the City's applicable laws;
- Placement of liens against Operator in the amount of unpaid TOT, inclusive of penalties and interest;
- Litigation in civil and/or criminal court against Operator to recover the owed TOT, penalties, and interest.

Accordingly, you have thirty (30) days from the date of this letter (by May 27, 2024) to remit to the City the total outstanding balance of unpaid TOT, including all penalties and interest. Along with the full payment, you are required to submit all of Operator's proper financial statements to verify the actual amount of TOT owed.

Failure to remit payment in full by the foregoing date would require the City to move forward with further enforcement action, including the revocation of Operator's business license, recordation of liens, as well as commencing any other legal proceedings against Operator that the City deems appropriate.

To prevent further enforcement against your establishment, we strongly request you contact Casey Brooksher at 760-947-1813 or me, Pam Lee, at 949-223-1170 or via email at plee@awattorneys.com. We look forward to hearing from you, and thank you for your anticipated cooperation.

Sincerely,

ALESHIRE & WYNDER, LLP



Pam K. Lee
City Attorney, City of Hesperia

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Enclosure

Holiday Inn Express
Delinquent TOT Amount

Year	Period	Quarter	Tax	TOT Amount*	Late	Penalty 1	Penalty 2	Interest	Total
2023	Nov*	2		30,260.00	2/1/2024	3,026.00	3,328.60	347.99	36,962.59
2023	Dec	2		27,536.18	1/31/2024	2,753.62	3,028.98	321.26	33,640.04
2024	Jan	3		26,943.39	2/29/2024	2,694.34	2,963.77	184.11	32,785.61
						-	-	-	-
				84,739.57		8,473.96	9,321.35	853.36	103,388.24
*TOT Amount based upon monthly average of payment for the period of October 2022 to September 2023									
				Base Tax	84,739.57				
				Penalties	17,795.31				
				Monthly Interest	853.36				
				NSF Fee	-				
				Total Taxes, Penalties & Interest	103,388.24				