



Alcohol and Tobacco Control State of Louisiana

ATC Press Release

Orleans Judge Orders ATC to Issue Permits to Businesses Owning \$751,824.68 in Sales Taxes

June 23, 2014

New Orleans, LA: The Louisiana Office of Alcohol and Tobacco Control (ATC) and its Commissioner Troy Hebert were ordered to issue renewal permits to two businesses who owe the State hundreds of thousands of dollars in unpaid sales taxes, penalties, and interest, despite the fact that state law explicitly prohibits ATC from doing so.

Orleans Civil District Court Judge Sidney H. Cates, IV issued an order last week requiring ATC to immediately renew the alcohol permits of two convenience stores in New Orleans, currently owned by Robert Harvey. ATC denied these two permits three weeks ago after receiving information from the Louisiana Department of Revenue that the two businesses owed hundreds of thousands of dollars in unpaid state sales taxes.

During the time that the Department of Revenue determined that these sales taxes were owed, the businesses were owned by Omar Hamdan, a convicted felon, and his wife, Fatmah Hamdan. Following an administrative hearing by ATC, the businesses were subsequently transferred to their attorney, Robert Harvey.

The two businesses involved and the amount of sales taxes owed are:

- Alberta, Inc. d/b/a Chicken Box Cafeteria and Market, located at 3101 Elysian Fields, New Orleans, Louisiana 70122, which owes approximately \$463,664.45; and
- B Xpress Elysian Fields, LLC d/b/a B Xpress Elysian Fields, located at 3032 Elysian Fields, New Orleans, Louisiana 70122, which owes approximately \$288,160.23.

Because state law requires ATC to suspend all alcohol permits when the Department of Revenue determines that a sales tax liability exists, ATC argued to Judge Cates that it had no discretion under the law and had to deny the permits. Judge Cates disagreed, ordering ATC to allow the businesses to continue to operate.

ATC has filed a motion to appeal this decision to the appellate court and asked that last week's decision be suspended until the appellate court can review it.

For more information, please contact:

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