

# CITY OF SUNNYVALE

*The Heart of Silicon Valley* <sup>SM</sup>

456 WEST OLIVE AVENUE

SUNNYVALE, CALIFORNIA 94086

(408) 730-7480

*Office of the City Manager*

January 30, 2015

Shah Enterprises, Inc.  
Sundowner Inn  
C.K. Shah, Owner  
504 Ross Dr  
Sunnyvale, CA 94089

Re: Transient Occupancy Tax (TOT) Penalty and Interest –Sundowner/Days Inn

Dear Mr. Shah:

A hearing was held with me on January 22, 2015, regarding your request for a waiver of penalty and interest assessed on the Sundowner/Days Inn. Your TOT payment for the month of August 2014 was due in our office on or before September 30, 2014. Your payment was received on October 1, 2014. That check was returned by your bank unpaid and a replacement check was received on October 7, 2014. You were assessed a penalty of \$2,780.97 and interest of \$64.89 as a result.

At the hearing you stated that you had been out of town and you planned to bring in the TOT payment before the due date but you were out of the country on a scheduled trip and your return flight was delayed by 1 ½ days.

The TOT payment has been late before; most recently in July 2012. The previous City Manager waived 50% of the penalty and interest assessment on that payment. This waiver was granted based on your assurance that all future payments will be delivered on time. Prior to that waiver, penalty and interest for a late TOT payment for the month of January 2011 was waived in full by the previous City Manager. In both cases, we emphasized the importance for you to allow enough time to submit the payment in a timely manner. The Finance Department has also waived penalties and/or interest in the past several years as well. The City has been very generous with past waivers. No information provided at this hearing was compelling enough to waive either the penalty or interest again.

We do appreciate the long history you have of operating a successful business in our community. If you would like to pursue paying us electronically via the Federal wire system, please contact Juan Castro at 408-730-7656.

If you wish to appeal this decision, you may request a hearing on the amount assessed by submitting a written request for a hearing with the City Council within 15 business days of this letter. Please mail your request to:

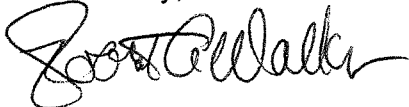
City Clerk/TOT hearing request  
City of Sunnyvale  
P.O. Box 3707  
Sunnyvale, CA 94088-3707

Please include a copy of this letter with your request for a hearing. The City Council shall fix a time and place for hearing your appeal. The findings of the City Council shall be final and conclusive. Any amount determined by the City Council to be due shall be immediately due and payable.

If the request for a hearing is not made within 15 business days, the total amount assessed of \$2,845.86 shall become final and conclusive.

Please contact me at 408-730-7480 if you have any questions.

Sincerely,



for Deanna J. Santana  
City Manager

cc: Grace Leung, Director of Finance  
Therese Balbo, Finance Manager