



Alcohol and Tobacco Control State of Louisiana

Appellate Court Rules in Favor of ATC Over Businesses Owning Over \$750,000 in Sales Taxes

December 29, 2015

Baton Rouge, La. – After hearing extensive testimony from both parties, the Fourth Circuit Court of Appeals issued a finding that the two rulings issued nearly two years ago by Orleans Civil District Court Judge Sidney H. Cates IV were improper and that the Louisiana Office of Alcohol and Tobacco Control (ATC) should not have been prohibited from enforcing its revocation because of illegal ownership or that neither the actions of ATC nor Commissioner Troy Hebert in withholding the alcoholic beverage permits due to the taxes owed constituted contempt of court.

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

- Aberta, Inc. d/b/a Chicken Box Cafeteria and Market, located at 3101 Elysian Fields, New Orleans, Louisiana, 70122, which owes approximately \$463,664.45.
- 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.

“This is a court battle that has been ongoing,” said Commissioner Hebert. “I’m glad to see that the right decision was made in this case.”

During the time that the Department of Revenue determined that the sales taxes were owed, the businesses were both owned by Omar Hamdan, a convicted felon, and his wife, Fatmah Hamdan.

On June 20, 2014, Orleans Civil District Court Judge Cates ordered ATC to issue alcoholic beverage permits to two businesses alleged to owe the state \$751,824.68 dollars in sales taxes and held Commissioner Hebert in contempt for withholding the permits.

Previously, on December 30, 2013, Judge Cates had ruled that ATC could not enforce Hebert’s revocation (based on a determination that the true owner is a convicted felon) of the alcoholic beverage permits held by the two businesses. The Judge further prohibited ATC from “taking any action whatsoever” against the businesses, thereby preventing the agency from performing its duty to effectively protect the public safety and welfare through the regulation of the sale of alcoholic beverages for the past two years. ATC immediately appealed both rulings to the 4th Circuit Court of Appeals.

For more information, please contact:

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