**Online Travel Companies v. Government Entities: Litigation Update**

Prepared by the Honesty in Travel Taxes Coalition

Contact: Marty Morris - 202.302.7296

Online travel companies (“OTCs”) such as Expedia, Orbitz, Priceline, Hotels.com, and Travelocity sell hotel room reservations over the telephone and Internet. They are seeking a federal preemption from all state and local taxes imposed on hotel rooms when the reservations are purchased through their businesses.

The Honesty in Travel Taxes Coalition opposes this preemption because it is contrary to public policy; it will drain state and local revenues that support schools, public safety, and tourism development; and it will result in unfair competition and unfair taxation among sellers of hotel rooms. The minimum annual revenue loss that state and local governments would incur from the OTCs alone due to their legislative proposal would exceed $1 billion. The revenue loss is likely to increase significantly if hotels adopt the business model of the OTCs and could become an annual revenue loss to state and local governments of $8.5 billion.

We ask Members of Congress to oppose any legislation that would preempt state and local hotel tax authority or that would bar the right of states and localities to recover unpaid hotel taxes from OTCs. We also ask for regular order if such legislation is ever considered.

This update identifies litigation involving OTCs and government entities as to whether the OTCs have an obligation to collect and remit hotel taxes. It presents decisions as per the date indicated and as to the issues noted, regardless of whom the decision favors. The list also includes claims against the OTCs involving deceptive trade practices, but does not include cases that were dismissed on jurisdictional grounds, which most commonly have resulted in an order that the parties must first exhaust administrative remedies before proceeding to court.

**I. Decisions on the Merits**

The following cases were decided on the merits, meaning a decision was made after consideration of evidence presented by all parties. Generally speaking, the judges and juries involved in these decisions considered two key questions:

* were the OTCs subject to statutes, ordinances, or other authorities that required them to collect and remit or pay state or local hotel taxes; and
* if the OTCs were required to collect and remit or pay hotel taxes, is the proper tax base the marked up retail rates that the OTCs charge and collect from their customers, the hotel guests, or is it the discounted wholesale rates agreed to between the OTCs and their suppliers, the hotels?

**A. Decisions on the Merits in the Governments' Favor**

1. In *City of San Antonio v. Hotels.com*, Civil No. SA-06-CA-381-OG (W.D. Tex. Oct. 30, 2009), a jury entered a unanimous verdict for over $20 million in unpaid hotel taxes against certain OTCs in favor of a class of over 170 Texas cities. On July 1, 2011, the court signed findings of fact and conclusions of law in the case. *See* 2011 U.S. Dist. LEXIS 72665. An appeal by the OTCs to the 5th Circuit Court of Appeals is expected.
2. After a hearing, the San Francisco Tax Administrator determined that OTCs were “operators” of hotels under the applicable ordinance. The San Francisco Office of the Treasurer and Tax Collector affirmed the decision. *See* San Francisco Office of the Treasurer's letter dated April 30, 2009 to Expedia, Inc. Expedia and other OTCs have filed suit to overturn the decision and seek a refund of the money found owed and paid.
3. On January 18, 2011, in a decision that for the first time addressed whether OTCs have substantial nexus in the states where they sell hotel rooms, the South Carolina Supreme Court ruled for the state and concluded that the controlling statute “imposes a sales tax on the gross proceeds received by Travelscape in exchange for furnishing hotel accommodations in South Carolina.” The court also concluded that there was no violation of the Commerce Clause on the basis of insufficient contacts with the state because Travelscape employees and representatives visited South Carolina to enable Travelscape to establish and maintain hotel relationships and those relationships helped Travelscape to establish and maintain a market in the state for its sales. *See Travelscape, LLC v. South Carolina Department of Revenue*, 705 S.E. 2d 28 (S.C. 2011).
4. On January 30, 2009, the Indiana Department of Revenue denied Expedia's protest to a tax assessment and ruled that it should have remitted taxes on the total amounts collected from its customers for the rental of hotel rooms. *See* Department of State Revenue, Letter of Findings No. 08-0434, Jan. 30, 2009.
5. In a final decision that is no longer subject to appeal, the Georgia Supreme Court upheld an injunction against Expedia to compel it to pay hotel taxes on the total amount received from its customers. This state’s highest court found that OTCs agreed to collect hotel taxes through their contracts with the hotels and by virtue of these agreements were duty bound to collect and remit hotel taxes to the appropriate government entity. *See Expedia, Inc. v. City of Columbus*, 681 S.E. 2d 122 (Ga. June 15, 2009). *See also Hotels.com v. City of Columbus*, 2009 Ga. LEXIS 506 (Ga. Oct. 5, 2009) (companion case).
6. On May 16, 2011, the Georgia Supreme Court affirmed a lower court’s decision in favor of the City of Atlanta and enjoined 17 OTCs to collect and remit hotel tax on the total amount disclosed to customers as the room rate. The court found that, consistent with the decision in *Expedia, Inc. v. City of Columbus*, 681 S.E. 2d 122 (2009) (see #6 above), the OTCs’ contract terms meant in practice that they were third-party tax collectors. The court upheld the trial court’s determination that Atlanta could not bring claims for back taxes under its ordinance, but also found that the OTCs held collected taxes in trust for the benefit of Atlanta. *See* *City of Atlanta v. Hotels.com*, 2011 Ga. LEXIS 386 (May 16, 2011). On January 10, 2012, a Georgia court ruled that Atlanta may proceed with other claims that were not resolved by the state Supreme Court’s decision, including a claim of conversion that asserts taxes were collected by the OTCs and not remitted. *See City of Atlanta v. Hotels.com*, Ga. Superior Court, No. 2006CV114732, January 10, 2012.
7. In *Village of Rosemont v. Priceline.com Inc.*, No. 1:09-cv-04438 (E.D. Ill., Oct. 14, 2011), the court ruled for the Village and against the OTCs after hearing cross motions for summary judgment and held that the OTCs had an obligation to collect and remit the village’s hotel tax. “Because the customer cannot access his hotel room unless and until he pays the OTC’s entire charge, the OTCs are owners who receive ‘consideration for … rental[s],’ within the meaning of the Ordinance.” In addition, the court held that the proper tax base was the full retail price charged by the OTCs “because the customer cannot occupy the hotel room unless he pays the additional [fees and markup charged by the OTCs].” The court also rejected all of the federal and state constitutional challenges raised by the OTCs, including claims that the OTCs did not have substantial nexus with the Village under the Commerce Clause, and that the Internet Tax Freedom Act’s prohibition against discriminatory taxes would be violated if OTCs following the merchant model had to collect tax while travel agents who were compensated through a commission were not.

**B. Decisions on the Merits in the OTCs' Favor**

1. On February 2, 2010, the Superior Court of California overturned the decision of Anaheim's Hearing Officer that the OTC's were liable under the Anaheim ordinance for hotel taxes. In its reversal, the Superior Court found that, under the controlling authority, "rent" is not defined to mean the amounts paid by the guests, but is defined to mean the amounts charged by hotel operators, and determined that the term "operator" means a proprietor of a hotel. The court concluded, therefore, that the taxable rent is the amount charged by the hotel to the OTC for the room (i.e., the wholesale/discount rate). *See Priceline.com Inc. v. Anaheim*, Cal. Super. Ct., No. JCCP 4472, Feb. 1, 2010. An appeal by the city is pending before the court of appeals.
2. On February 2, 2012, a state appellate court affirmed the decision of the Philadelphia Tax Review Board that Expedia does not fall within the definition of "operator" under the Philadelphia Hotel Room Rental Tax Code because it does not acquire the “right to rent or lease” hotel accommodations. *See Philadelphia v. Philadelphia Tax Review Board*, Pennsylvania Commonwealth Court, No. 216 C.D. 2011, February 2, 2012.
3. In *City of Houston v. Hotels.com LP*, No. 14-10-00349-CV, \_\_\_ S.W.3d.\_\_\_ (Tex.App.—Houston [14th Dist.] 2011, pet. filed), the Texas Court of Appeals ruled for the OTCs and held that the language of the city’s ordinance imposed tax on the “cost of occupancy,” which required that three conditions be met and which could reasonably be interpreted to mean tax was due “on the amount paid to the hotel on the occupant’s behalf for the right to use a room ordinarily used for sleeping.” The court concluded that only the amount paid by the OTC to the hotel, and not any amount paid by a consumer to the OTC, met the three conditions outlined in the ordinance.
4. On March 1, 2010, a federal district court judge issued a memorandum opinion and order in favor of the OTCs in *City of Gallup, New Mexico v. Hotels.com, L.P., et al.* 2009 U.S. Dist. LEXIS 126818 (Case No. CV 07-644 JEC/RLP). The court had previously held that the OTCs were not liable for any additional occupancy taxes because the tax is imposed on “vendors” and the court concluded that the term vendors meant hotel operators who furnish lodging. *See* Case No. 06-0549 (Doc. 54).
5. On January 20, 2011, a Court denied motions for summary judgment filed by Orange County Florida and the County Comptroller on the basis that they failed to provide evidence that OTCs were in the business of renting accommodations and that the controlling authorities did not plainly indicate an intention that the fees charged by the OTCs were subject to tax. *See Orange County v. Expedia Inc.*, Case No.: 48-2006-CA-2104-O, In the District Court in the Ninth Judicial Circuit, in and for Orange County, Florida. A confidential settlement, suspected to be between $5-10 million, was reached between Orange County and Expedia and approved by the Orange County commissioners by a vote of 5-2. *See* “Orange commissioners sign off on secret Expedia deal,” by David Damron, *Orlando Sentinel*, October 18, 2011, [www.orlandosentinel.com](http://www.orlandosentinel.com). Still pending are claims by Orange County against Orbitz.
6. *City of Birmingham, et al., v. Orbitz, Inc., et al.*, No. CV-09-3607 JSV (Circuit Court of Jefferson County, Alabama, March 24, 2011) (granting summary judgment to the OTCs and holding that the plain language of the controlling authorities did not allow for taxation of the fees charged by OTCs to their customers and that the OTCs were not engaged in the business of renting or furnishing rooms in hotels).
7. In *City of Bowling Green, Kentucky v. Hotels.com*, 2011 Ky. App. LEXIS 80 (April 29, 2011), the state court of appeals ruled that the trial court correctly dismissed the city’s claim that the OTCs should pay the transient room taxes they charge the consumer because the applicable statute only imposes such a requirement on bricks and mortar establishments and the Kentucky General Assembly would have to change the law for OTCs to be liable.
8. On September 6, 2011, a California Superior Court judge vacated the May 2010 decision of a San Diego administrative hearing officer’s ruling in favor of the city, and held that OTCs were not “operators” of hotels as that term was used in the relevant city ordinances. Therefore, OTCs were only required to collect and remit hotel occupancy taxes on the discounted room rates they paid to the hotels, not the retail rates charged to their customers. An appeal of the decision is expected. *See Transient Occupancy Tax Cases*, Superior Court of the State of California, County of Los Angeles, Case No. JCCP 4472, Notice of Rulings Regarding OTCs’ Petition for Writ of Mandate.
9. Expedia has prevailed before a state court of appeals by asserting that the City of New York did not have authority to change its laws in 2009 to require OTCs to collect and remit tax based on the retail rate of rooms sold by OTCs, including amounts the OTCs consider to be nontaxable facilitation fees. However, the court noted that the legislature changed state law in 2010 such that the city regulations challenged by Expedia have been legal since that time, so the OTCs must collect tax on the retail rate of the rooms as of the date of the state law change. *See Expedia, Inc. v. City of N.Y. Dept. of Finance*, N.Y. App. Div., No. 6174, 650761/09, Nov.29, 2011.
10. *City of Goodlettsville v. Priceline.com, Inc., et al.*, M.D. Tenn., No. 3:08-cv-00561 (February 21, 2012). The federal district court had previously denied the OTCs’ motion to dismiss in 2009 based on the pleadings before it and granted a motion for class certification of 129 cities and counties in Tennessee. After full discovery was completed and the parties argued cross motions for summary judgment, the court determined that the facts about the merchant model and the OTCs’ business practices were not as originally presented and the controlling statutes as applied to the facts only required that hotel tax be remitted on the wholesale room rate. The court concluded that the OTCs did not fit the definition of “operator” since they did not have possession and/or physical control of the hotel premises, and noted recently decided cases in which a similar decision was reached. The court also explained that it was the responsibility of the legislature to make any changes to the controlling statutes to cause tax to be due on the retail rate when consumers book hotel rooms through OTCs.

**C. Split Decisions**

1. *Mayor and City Council of Baltimore v. Priceline.com., Inc., et al.*, Civil Action No. MJG-08-3319 (D. Md.). Priceline and Expedia settled with city, resulting in a recovery of more than $2 million, which covers taxes due through June 30, 2014. After that date, the city of Baltimore can once again pursue claims for unpaid taxes. On August 2, 2011, the federal district court entered a split decision on cross-motions for summary judgment that were filed by the city and the remaining OTCs. The court found that the OTCs were not liable for taxes under the pre-2007 ordinance, which only imposed tax on amounts paid to owners and operators of hotels, but found the OTCs liable under the post-2007 ordinance, which modified the definition of owner or operator to include any intermediary “with which a hotel has contracted to arrange for the rental of a hotel room for sleeping accommodations.” The court asked the parties to argue at a later date whether the proper tax base under the post-2007 ordinance was the discounted or retail room rate.

**II. Motions to Dismiss filed by OTCs**

The following cases reflect the courts’ decisions after a motion to dismiss was filed by the OTCs prior to a full evidentiary hearing or trial on the merits. These cases involved the review of the taxing jurisdiction’s complaints, including the facts alleged surrounding the OTCs' rental of hotel rooms, and the language of the applicable hotel tax authorities, followed by a determination whether the governmental entities’ stated claims for hotel taxes may proceed. Other actions, to the extent they have occurred, are noted.

**A. Decisions Denying OTCs’ Motions to Dismiss**

The courts in these cases generally held that the governmental entities properly stated claims that the OTCs are subject to the controlling authorities and must collect and remit or pay taxes to the government entities on the marked up room rates charged to their customers and, therefore, the cases should not be dismissed.

1. *The County of Monroe, Florida v. Priceline.com., Inc., et al.,* 2009 U.S. Dist. LEXIS 117602 (S.D. Fla. Dec. 17, 2009). A class action was certified by the court on March 15, 2010 for all counties in Florida that enacted a hotel tax and had not received tax due on the amount received by the OTCs as consideration for the rooms they rented in those counties. The Court further ruled that exhaustion of administrative remedies before filing suit was futile. On August 2, 2010, Monroe County asked the court to grant preliminary approval to a master settlement agreement in which the OTCs would pay $6.5 million to over 30 counties, but the agreement does not settle the question of whether there is any future obligation by the OTCs to collect and remit hotel taxes and there was no admission of liability for unpaid taxes by the OTCs. On January 6, 2011, the court granted final approval of the settlement. *See Monroe County, Fla. v. Priceline.com Inc.,* S.D. Fla., No 09-10004-CIV-Moore/Simonton).
2. *Jefferson City v. Hotels.com, L.P., et al.*, 07AC-CC0055 (Cir. Ct. Cole Cty. June 19, 2008).
3. *Wake County v. Hotels.com, L.P., et al.*, 06 CVS 16256 (Sup. Ct., Wake County, N.C. May 15, 2008).
4. *Horry County v. Hotels.com, L.P., et al.*, 2007 CP26-0737 (Ct. Comm. Pleas, Cty. of Horry, S.C. Mar. 18, 2008).
5. *City of Myrtle Beach v. Hotels.com, L.P., et al.*, 2007 CP26-0738 (Ct. Comm. Pleas, Cty. of Horry, S.C., Mar. 18, 2008).
6. *City of Branson v. Hotels.com*, Case No. 106cc5164 (Green Cty., Nov. 26, 2007).
7. *Wake County v. Hotels.com*, 2007 NCBC LEXIS 35 (Super. Ct., Nov. 20, 2007).
8. In *City of Charleston, S.C. v. Hotels.com*; 520 F. Supp. 2d 757 (D.S.C. 2007), the court found that “if consumers access a website, use it to book a hotel room, pay the website directly, and never pay the hotel, or interact with the hotel at all until they arrive, the Court cannot accept [the OTCs’] assertion that they do not furnish accommodations to consumers.” *See also* 586 F. Supp. 538 (D. S.C. 2008) (denying Hotels.com’s motion for reconsideration and certificate of appealability).
9. *City of North Myrtle Beach v. Hotels.com L.P.*, 2007 U.S. Dist. LEXIS 85886 (D.S.C. Sept 30. 2007). The parties agreed to settle the matter in October 2010 with the OTCs agreeing to pay of $900,000 to the cities of Charleston, North Myrtle Beach, and Mt. Pleasant in exchange for an agreement that the cities not seek payment of hotel taxes for the next two years.
10. *City of Chicago v. Hotels.com L.P.*, No. 05-L-051003 (Cir. Ct. Cook Cty, Ill. Sept. 27, 2007).
11. *Leon County v. Hotels.com, L.P.*, 2006 U.S. Dist. LEXIS 88253 (S.D. Fla. Dec. 6, 2006).
12. *City of Fairview Heights v. Orbitz, Inc.*, 2006 U.S. Dist. LEXIS 47085 (S.D. III. July 12, 2006).
13. *City of Rome, Georgia v. Hotels.com, et al.*, 2006 U.S. Dist. LEXIS 56369 (N.D. Ga. May 8, 2006); on March, 21, 2011, a class of 259 local governments was certified to proceed in the case.
14. *Baltimore County v. Priceline et al*, No. MJG-10-1104 (In the United States District Court for the District of Maryland, March 1, 2011). The Court did not dismiss most of the claims asserted by the County and held that the OTCs were obligated to collect a 2003 version of the County’s transient occupancy tax ordinance that applied to “the room rental paid by a transient for sleeping accommodations” because the collection obligation applied to “a person receiving payment for the room rental.” The Court left open the question whether tax was due on the room rate charged by the hotel to the OTC, or the total amount charged to the customer for the room, including any amount the OTC collected above and beyond the amount charged by the hotel for the room.
15. *County of Lawrence v. Hotels.com LP,* 2011 Pa. Commw. Unpub. LEXIS 625 (August 3, 2011) (holding that failure to exhaust administrative remedies did not preclude the county from proceeding with its request for a declaratory judgment so a judge could determine if the OTCs are subject to the applicable hotel tax ordinance).
16. *District of Columbia v. Expedia Inc.*, D.C. Super. Ct., No 2011 CA 002117 B (October 12, 2011) (ruling that although it made no findings of fact with respect to the ultimate resolution of the case, and although the relevant law before it was ambiguous, the law was reasonably interpreted to allow the District’s claims to proceed as to why the OTCs must collect and remit tax on the full retail room priced charged to customers both before and after an April 8, 2011 law change).
17. In *Montana Department of Revenue v. Priceline.com*, Mont. Dist. Ct., No. CDV-2010-1056, a federal district court on December 1, 2011 denied the OTC’s motion to dismiss after determining that there were questions of fact that needed to be developed through the discovery process and that waiting to proceed when the parties had a chance to file motions for summary judgment was more appropriate.

**B. Decisions Granting OTCs' Motions to Dismiss**

1. *Louisville/Jefferson County Metro Gov't v. Hotels.com.,* 2008 U.S. Dist. LEXIS 76415 (W.D. Ky. Sept. 26, 2008), *aff'd*, 2009 U.S. App. LEXIS 28189 (6th Cir. Dec. 22, 2009) (holding that the applicable ordinance only applies to hotels, motels, or similar accommodations businesses which have ownership of or physical control over hotel rooms).
2. *Pitt County v. Hotels.com, et al*, No. 4:06-cv-30-BO (E.D.N.C. Aug. 12, 2007), *aff'd*, 553 F.3d 308 (4th Cir. Jan. 14, 2009) (holding that the applicable ordinance onlyapplies to a hotel, motel, or similar type of business which physically provides hotel rooms).
3. *City of Orange, Texas v. Hotels.com.*, Civil Action No.1:06-cv-413 (E.D. Tex. Sept. 5, 2007) (holding that the applicable ordinance onlyapplies to hotels or motels).
4. *City of Findlay v. Hotels.com, et al.*, 441 F. Supp. 2d 855 (N.D. Ohio, July 26, 2006) (holding that the OTCs had no direct obligation to collect or remit taxes under the controlling ordinance, but leaving open the question whether the OTCs collected tax that was not remitted). On November 18, 2010, the court further held that there was no evidence that the OTCs retained money that had been labeled as taxes to consumers and, therefore, under controlling authorities, there was no finding of tax collected but not remitted. *See* Case No. 3:05 CV 7443, 2010 U.S. Dist. LEXIS 122460.
5. *Hamilton County, Ohio v. Hotels.com, et al.*, 2011 U.S. Dist LEXIS 83520 (N.D. Ohio, July 29, 2011) (holding that the controlling authorities and analysis in *City of Findlay,* see case #4, was applicable to this matter and ordering that the case be dismissed).
6. *State of Oklahoma v. Priceline.com, Inc.*, Okla. Dist. Ct., No. CJ-2010-8952 (decision from the bench March 11, 2011) (dismissing with prejudice a claim that OTCs were obligated to collect the state’s sales tax imposed on the gross receipts of gross proceeds of each sale of the service of furnishing rooms by a hotel, apartment hotel, public rooming house, motel, public lodging house, or tourist camp because such statutory language indicates the obligation to collect hotel taxes is only on “brick and mortar” entities).
7. *City of Santa Monica v. Expedia, Inc.*, Los Angeles Superior Court – West District, Case No. SC108568 (March 16, 2011). The Court entered an opinion and order on the joint demurrer of the OTCs, which is in the nature of a motion to dismiss, to all causes of action asserted because the transient occupancy tax as defined by the Santa Monica Municipal Code only applied to the amount paid to the hotel for room occupancy, regardless if a different amount was paid to an intermediary.
8. *St. Louis County v. Prestige Travel, Inc.*, 2011 Mo. LEXIS 198 (Supreme Court of Missouri, June 28, 2011) (holding that only operators of hotels and similar establishments were responsible for collecting tax and that OTCs were not operators under the controlling authorities; also noting that the Missouri legislature passed a law during the pendency of the case that was intended to clarify existing law that tax is only due on amounts actually received by an operator and not to amounts charged by travel agents or intermediaries as fees for their services).

**III. Deceptive Trade Practices & Similar Claims**

1. *Christe, et al v. Hotels.com, et al*, 2010 U.S. Dist LEXIS 120769 (S.D. New York, Nov. 15, 2010). In response to motions to dismiss for failure to state a claim filed by the OTCs, the court dismissed most, but not all, claims of statutory deceptive trade practices and common law protections against conversion, breach of contract, and breach of fiduciary duty. The court also transferred some claims to other courts for resolution.
2. *In re: Expedia Hotel Tax and Fees Litigation*, Case No: 05-2-02060-1 SEA, Order on Cross Motions for Summary Judgment. On May 28, 2009, a Washington State judge found that Expedia breached its contract with customers between 2003 and 2006 by charging service fees under false pretenses and ordered a return of over $184 million in such fees. The court found that profits, not costs, were the true subject of the fees charged by Expedia. The case has been settled.

**IV. Settlements**

This section identifies cases in which the government entities and OTCs decided to settle and there were no other significant events reported after the cases were originally filed.

1. In Michigan, the commissioner of four counties – Genessee, Calhoun, Ingham, and Saginaw – all voted to approve a settlement in which various OTCs agreed to pay a total of $350,000 to the four counties in exchange for the counties agreeing not pursue the OTCs for disputed hotel taxes between October 2011, when the agreement was signed, and June 30, 2015. The agreement included provisions that the counties would not issue any press release or hold any press conference about the agreement, would instruct employees not to publically comment on the settlement, and would notify counsel for the OTCs if any public record request was filed requesting a copy of the agreement. BNA obtained a copy of the agreement and reported on it after filing a Freedom of Information Act request with Saginaw County in November 2011.
2. Palm Beach County, Florida is reported to have reached a settlement in which OTCs are agreeing to pay nearly $2 million, with no admission of any wrongdoing and no requirement that the OTCs change the way taxes due on hotel rooms are computed. The agreement gives the Florida Legislature two years to decide the issue, or the County will proceed with a lawsuit to determine if the OTCs must collect tax on amounts they consider to be nontaxable service fees. *See* “Online travel companies to pay nearly $2 million to Palm Beach County in hotel tax dispute,” by Doreen Hemlock, *Sun Sentinel*, January 30, 2012.
3. In 2008 and 2009, the Manager of the Tourist Development Tax Section of Broward County, Florida upheld assessments against Expedia, Priceline, Orbitz, and Travelocity for over $6 million. The OTCs posted bonds and filed suit in Leon County, Florida to challenge the award. On or about February 28, 2012, the county approved a settlement of the claims against the Travelocity group in which $400,000 will be paid by Travelocity with no admission of wrongdoing or liability. In addition, Travelocity will not be liable for collecting hotel tax between February 1, 2012 and January 31, 2013. Thereafter, the county may once again pursue claims against the Travelocity group. Claims against the other OTC remain pending.