

NO. 2009 V-0017

STATE OF TEXAS  
Plaintiff

v.

STARLIGHT INTERNATIONAL, INC.  
D/B/A RODEWAY INN;  
HSIANG-TING HUANG; and  
WEI-CHENG KAO,  
Defendants.

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IN THE DISTRICT COURT OF

AUSTIN COUNTY, TEXAS

155th JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION AND APPLICATION  
FOR TEMPORARY AND PERMANENT INJUNCTION**

TO THE HONORABLE DISTRICT JUDGE:

COMES NOW, Plaintiff, the State of Texas, acting by and through its Attorney General, GREG ABBOTT, and complains of Defendants STARLIGHT INTERNATIONAL, INC., a domestic corporation doing business as RODEWAY INN, HSIANG-TING HUANG, also known as ANGEL HUANG, and WEI-CHENG KAO, also known as MICHAEL KAO. Plaintiff alleges that, following the Texas Governor's disaster declaration due to Hurricane Ike, Defendants engaged in unlawful price gouging by demanding and charging an excessive price for lodging. In support thereof, Plaintiff respectfully shows the following:

**I. DISCOVERY**

1.1 Pursuant to Tex. R. Civ. P. 190.3, discovery is intended to be conducted under a Level 2 discovery control plan.

**II. JURISDICTION**

2.1 This action is brought by Attorney General GREG ABBOTT, through his Consumer Protection and Public Health Division, in the name of the STATE OF TEXAS, and in the public interest under the authority granted him by section 17.47, TEXAS DECEPTIVE TRADE PRACTICES – CONSUMER PROTECTION ACT, TEX. BUS. & COM. CODE ANN. § 17.41, *et seq.* (“DTPA”), alleging that Defendants have engaged in false, misleading, or deceptive acts or practices in the conduct of trade and commerce as defined in, and declared unlawful by, DTPA sections 17.46(a) and (b).

2.2 Plaintiff seeks to enjoin Defendants from further violations of the provisions of the DTPA, pursuant to DTPA § 17.47(a).

2.3 Plaintiff seeks civil penalties up to \$20,000 for each act or practice calculated to acquire or deprive money or other property from a consumer in violation of the DTPA, pursuant to DTPA § 17.47(c)(1). In addition, Plaintiff seeks civil penalties up to \$250,000 for each act or practice calculated to acquire or deprive money or other property from a consumer aged 65 years or older when the act or practice occurred, pursuant to section 17.47(c)(2).

2.4 Plaintiff seeks reasonable attorney’s fees and court costs for prosecuting this action, as authorized by Texas Government Code § 402.006(c).

### **III. DEFENDANTS**

3.1 **Defendant STARLIGHT INTERNATIONAL, INC.** is a Texas corporation doing business as “Rodeway Inn” in Sealy, Texas. Defendant may be served with process by serving its registered agent, **Andy C. Lai, 7322 Southwest Freeway, Suite 868, Houston, Texas 77074.**

**SERVICE OF PROCESS IS HEREBY REQUESTED.**

**3.2 Defendant HSIANG-TING HUANG** is the Director and President of Starlight International, Inc., and may be served with process at **26507 Sandy Arbor Lane, Katy, Texas 77494. SERVICE OF PROCESS IS HEREBY REQUESTED**

**3.3 Defendant WEI-CHENG KAO** is a Director of Starlight International, Inc., and may be served with process at **26507 Sandy Arbor Lane, Katy, Texas 77494. SERVICE OF PROCESS IS HEREBY REQUESTED**

#### IV. VENUE

**4.1** Venue lies in Austin County, Texas for the following reasons:

- A. The violations alleged occurred in Austin County. *See* TEX. CIVIL PRAC. & REM. CODE § 15.002.
- B. Defendants are doing business in Austin County. *See* TEX. BUS. & COM. CODE § 17.47(b).

#### V. PUBLIC INTEREST

**5.1** Defendants have caused injury, loss and damage to the State of Texas and have caused adverse effects to legitimate business enterprises, which lawfully conduct trade and commerce in this State. The Attorney General is of the opinion and believes that these proceedings are in the public interest in accordance with DTPA § 17.47(a).

#### VI. TRADE AND COMMERCE

**6.1** Defendants have, at all times described below, engaged in conduct constituting “trade” and “commerce,” as those terms are defined in section 17.45(6) of the DTPA.

## VII. PRE-SUIT NOTICE

7.1 Defendants were contacted and informed of the unlawful conduct alleged herein at least seven days prior to filing suit, pursuant to DTPA § 17.47(a).

## VIII. ACTS OF AGENTS

8.1 When it is alleged that Defendants did any act, it is meant that Defendants performed or participated in such act or thing, or Defendants' officers, agents or employees performed or participated the act or thing and were authorized to do so by Defendants.

## IX. STATEMENT OF FACTS

9.1 On September 8, 2008 and pursuant to TEX. GOV'T CODE § 418.014, the Texas Governor declared a state of disaster from Hurricane Ike. *See Exhibit A* (Governor's Declaration), attached and incorporated herein for all purposes. The Governor's Declaration covered Austin County along with 98 other counties.

9.2 On September 12, 2008 and pursuant to TEX. GOV'T CODE § 418.020, the Texas Governor waived the collection of state and local hotel/motel taxes for evacuees of Hurricane Ike, retroactive to September 8, 2008. *See Exhibit B* (Governor's Waiver), attached and incorporated herein for all purposes.

9.3 Executive orders, proclamations, and regulations issued by the Governor have the force and effect of law. *See* TEX. GOV'T CODE § 418.012.

9.4 State and federal officials urged residents of certain Texas counties to evacuate their homes, and an estimated 1.2 million people heeded the warning, causing thousands of evacuees to seek lodging in hotels and motels.

9.5 Defendants engaged in price-gouging by charging and demanding excessive prices for lodging, thus taking advantage of the disaster victims. Defendants' prices were well in excess of Defendants' typical price for accommodations.<sup>1</sup> In particular, for a room normally costing \$49.55 per night, Defendants demanded and charged the disaster victims \$68.95 per night. Likewise, for a room normally costing about \$57.00 per night, Defendants demanded and charged the disaster victims \$75.00 per night. Prior to the disaster declaration, the Defendants charged guests an additional \$5.00 for every extra guest over the first two guests. During the disaster, the Defendants demanded and charged the disaster victims an additional \$10.00 for every extra guest over the first two guests, and in some instances over the first guest alone.

9.6 In violation of the waiver issued by the Governor, Defendants continued to charge and collect state and local hotel occupancy taxes from Hurricane Ike disaster victims.

9.7 Upon information and belief, Defendant HSIANG TING HUANG is the sole shareholder, officer and director of Defendant STARLIGHT INTERNATIONAL, INC.

## **X. VIOLATIONS**

10.1 Plaintiff incorporates Paragraphs 1.1 through 9.7, as if fully set forth herein.

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<sup>1</sup>“Normal price” means the average price charged per room over the two-month period immediately preceding the Governor's declaration.

**10.2** Defendants have engaged in false, misleading, or deceptive acts or practices in the conduct of trade or commerce, in violation of DTPA § 17.46(a).

**10.3** Defendants have engaged in false, misleading, or deceptive acts or practices in the conduct of trade or commerce by taking advantage of a disaster, declared by the governor under Chapter 418 of the Government Code, through offering, demanding, selling and/or leasing fuel, food, medicine, or other necessity at an exorbitant or excessive price, in violation of DTPA §§ 17.46(b)(27) (A) and (B).

**10.4** Defendants have collected State and local hotel occupancy taxes in violation of the proclamation waiving the collection of those taxes, which was made by governor under Chapter 418, Government Code.

#### **XI. INJURY TO CONSUMERS**

**11.1** Defendants' acts and practices were unlawful and have caused harm to the disaster victims and consumers of Texas.

#### **XII. CONDITIONS PRECEDENT**

**12.1** All conditions precedent to Defendants' liability and Plaintiff's right to recover have occurred or have been waived.

#### **XIII. DISGORGEMENT**

**13.1** Defendants' assets are subject to the equitable remedy of disgorgement. Defendants should be ordered to disgorge all monies fraudulently taken from individuals together with all of the proceeds, profits, income, interest and accessions thereto. Such disgorgement should be for the benefit of victimized consumers and the State of Texas.

#### XIV. TRIAL BY JURY

14.1 Plaintiff herein requests a jury trial and tenders the jury fee to the Austin County District Clerk's office pursuant to TEX. R. CIV. P. 216 and TEX. GOV'T. CODE ANN. §51.604.

#### XV. PRAYER

15.1 WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited according to law to appear and answer herein; that after due notice and hearing, a TEMPORARY INJUNCTION be issued; and that after due notice and trial, a PERMANENT INJUNCTION be issued. Plaintiff prays that the Court will issue an order as follows:

In the pursuit and conduct of trade or commerce within the STATE OF TEXAS, Defendants, their officers, agents, servants, employees and attorneys and any other person in active concert or participation with the Defendants are hereby restrained and enjoined as follows:

- A. Taking advantage of any disaster, declared by the Governor under Chapter 418 of the Government Code, by offering accommodations or other necessities at an exorbitant or excessive price, to wit: charging in excess of ten percent (10%) of the normal price, for the two-month period immediately preceding the disaster for those goods and services.<sup>2</sup>
- B. Taking advantage of any disaster, declared by the Governor under Chapter 418 of the Government Code, by demanding an exorbitant or excessive price in connection with the sale of accommodations or lodging, to wit: charging

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<sup>2</sup> "Normal price," for the purposes of the injunctive language, means the average price charged over the two-month period immediately preceding the Governor's declaration. See Footnote 1, *supra*, for further information.

in excess of ten percent (10%) of the normal price, for the two-month period immediately preceding the disaster for those goods and services.

- C. Collecting state and local taxes from disaster victims during a disaster declared by the Governor of Texas when such taxes have been waived by the Governor pursuant to Chapter 418 of the Government Code.
- D. Violating any regulation, proclamation, declaration, or executive order made by the Governor pursuant to Chapter 418 of the Government Code.
- E. Failing to provide a sales-tax-exemption certificate to any disaster victim any time the Governor waives the Hotel Occupancy Tax pursuant to Chapter 418 of the Government Code.
- F. Failing to obtain a sales-tax-exemption certificate from evacuees.
- G. Failing to maintain a registration system to record the identity and contact information from guests of the hotel or motel including the guests' names, addresses, the length of their stay, and the price charged per day.
- H. Altering, destroying or mutilating records ordered to be kept pursuant to Subparagraph E above for a three year period after the event, provided the matter is not in litigation. If the matter is in litigation, records shall not be altered, destroyed or mutilated until a three year period following the entry of a final judgment, not subject to further appeal.

15.2 Plaintiff further requests that this Court award damages and restitution of monies paid by consumers.

**15.3** Plaintiff further requests that Defendants be ordered to pay to the State of Texas:

- A.** Civil penalties of up to \$20,000.00 per violation of the DTPA, pursuant to DTPA § 17.47(c)(1);
- B.** Civil penalties of up to \$250,000 per violation of the DTPA, when the act or practice that acquired or deprived money or other property from consumers who were 65 years of age or older when the act or practice occurred, pursuant to DTPA § 17.47(c)(2);
- C.** Pre-judgment and post-judgment interest on all awards of restitution, damages, or civil penalties, as provided by law;
- D.** All costs of Court, costs of investigation, and reasonable attorney's fees pursuant to Texas Government Code § 402.006(c) and TEX. CIV. PRAC. & REM. CODE § 22.003; and
- E.** Decree that all fines, penalties or forfeitures are not dischargeable in bankruptcy, pursuant to 11 U.S.C. § 523(a)(7).

**15.4** Plaintiff prays for all further relief, at law or inequity, to which it is justly entitled.

Respectfully submitted,

GREG ABBOTT  
Attorney General of Texas

C. ANDREW WEBER  
First Assistant Attorney General

JEFF L. ROSE  
Deputy First Assistant Attorney General

PAUL D. CARMONA  
Chief, Consumer Protection & Public Health  
Division



ROBERT A. LEMUS  
State Bar No. 24052225  
ROSEMARIE M. DONNELLY  
State Bar No. 05983020

JOHN OWENS  
State Bar No. 15379200  
Assistant Attorneys General  
Consumer Protection & Public Health Division  
808 Travis, Suite 300  
Houston, Texas 77002  
(713) 223-5886, ext. 103  
FAX (713) 223-5821  
**SPIN NO. 99999928**  
**ATTORNEYS FOR THE STATE OF TEXAS**

**Exhibit A**

**PROCLAMATION**  
BY THE  
**Governor of the State of Texas**

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TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, RICK PERRY, Governor of the State of Texas, did issue an Emergency Disaster Proclamation on September 8, 2008, as Hurricane Ike posed a threat of imminent disaster along the Texas Coast and in specified counties in Texas. The disaster proclamation was subsequently renewed through February 4, 2009, in the wake of Hurricane Ike.

WHEREAS, Hurricane Ike struck the State of Texas on September 13, 2008, causing substantial destruction in South and East Texas.

WHEREAS, Hurricane Ike continues to create a state of disaster for the people in the State of Texas.

WHEREAS, the state of disaster includes the counties of Anderson, Angelina, Aransas, Archer, Austin, Bell, Bexar, Bowie, Brazoria, Brazos, Burleson, Calhoun, Cass, Chambers, Cherokee, Collin, Colorado, Comal, Coryell, Dallas, Denton, Ellis, El Paso, Fort Bend, Franklin, Freestone, Galveston, Grayson, Gregg, Grimes, Hardin, Harris, Harrison, Henderson, Hill, Hopkins, Houston, Hunt, Jackson, Jasper, Jefferson, Johnson, Kaufman, Lamar, Lavaca, Leon, Liberty, Limestone, Lubbock, Madison, Marion, Matagorda, McLennan, Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Parker, Polk, Potter, Randall, Robertson, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Tarrant, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Waller, Walker, Washington, Webb, Wharton, Williamson, Wise and Wood.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the disaster proclamation and direct that all necessary measures, both public and private, as authorized under Section 418.017 of the code, be implemented to meet that disaster.

As provided in Section 418.016 of the code, all rules and regulations that may inhibit or prevent prompt response to this threat are suspended for the duration of the incident.

The renewal of the disaster proclamation becomes effective on February 5, 2009, and shall remain in effect until March 6, 2009, unless renewed or terminated.

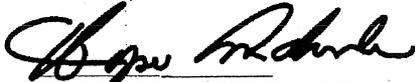
In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 4th day of February, 2009.

  
RICK PERRY  
Governor

Attested by:

  
ESPERANZA "HOPE" ANDRADE  
Secretary of State

FILED IN THE OFFICE OF  
SECRETARY OF STATE  
O'CLOCK

FEB 04 2009

**PROCLAMATION**  
BY THE  
**Governor of the State of Texas**

---

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, RICK PERRY, Governor of the State of Texas, did issue an Emergency Disaster Proclamation on September 8, 2008, as Hurricane Ike posed a threat of imminent disaster along the Texas Coast and in specified counties in Texas. The disaster proclamation was subsequently renewed through January 5, 2009, in the wake of Hurricane Ike.

WHEREAS, Hurricane Ike struck the State of Texas on September 13, 2008, causing substantial destruction in South and East Texas.

WHEREAS, Hurricane Ike continues to create a state of disaster for the people in the State of Texas.

WHEREAS, the state of disaster includes the counties of Anderson, Angelina, Aransas, Archer, Austin, Bell, Bexar, Bowie, Brazoria, Brazos, Burleson, Calhoun, Cass, Chambers, Cherokee, Collin, Colorado, Comal, Coryell, Dallas, Denton, Ellis, El Paso, Fort Bend, Franklin, Freestone, Galveston, Grayson, Gregg, Grimes, Hardin, Harris, Harrison, Henderson, Hill, Hopkins, Houston, Hunt, Jackson, Jasper, Jefferson, Johnson, Kaufman, Lamar, Lavaca, Leon, Liberty, Limestone, Lubbock, Madison, Marion, Matagorda, McLennan, Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Parker, Polk, Potter, Randall, Robertson, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Tarrant, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Waller, Walker, Washington, Webb, Wharton, Williamson, Wise and Wood.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the disaster proclamation and direct that all necessary measures, both public and private as authorized under Section 418.017 of the code, be implemented to meet that disaster.

As provided in Section 418.016 of the code, all rules and regulations that may inhibit or prevent prompt response to this threat are suspended for the duration of the incident.

The renewal of the disaster proclamation becomes effective on January 6, 2009, and shall remain in effect until February 4, 2009, unless renewed or terminated.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 2nd day of January, 2009.



*Rick Perry*  
RICK PERRY  
Governor

Attested by:

*Esperanza Andrade*  
ESPERANZA "HOPE" ANDRADE  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
O'CLOCK

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## Gov. Perry Issues Another Disaster Extension of Hurricane Ike

December 05, 2008

I, RICK PERRY, Governor of the State of Texas, did issue an Emergency Disaster Proclamation on September 8, 2008, as Hurricane Ike posed a threat of imminent disaster along the Texas Coast and in specified counties in Texas. The disaster proclamation was subsequently renewed through December 6, 2008, in the wake of Hurricane Ike.

WHEREAS, Hurricane Ike struck the State of Texas on September 13, 2008, causing substantial destruction in South and East Texas.

WHEREAS, Hurricane Ike continues to create a state of disaster for the people in the State of Texas.

WHEREAS, the state of disaster includes the counties of Anderson, Angelina, Aransas, Archer, Austin, Bell, Bexar, Bowie, Brazoria, Brazos, Burleson, Calhoun, Cass, Chambers, Cherokee, Collin, Colorado, Comal, Coryell, Dallas, Denton, Ellis, El Paso, Fort Bend, Franklin, Freestone, Galveston, Grayson, Gregg, Grimes, Hardin, Harris, Harrison, Henderson, Hill, Hopkins, Houston, Hunt, Jackson, Jasper, Jefferson, Johnson, Kaufman, Lamar, Lavaca, Leon, Liberty, Limestone, Lubbock, Madison, Marion, Matagorda, McLennan, Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Parker, Polk, Potter, Randall, Robertson, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Tarrant, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Waller, Walker, Washington, Webb, Wharton, Williamson, Wise and Wood.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the disaster proclamation and direct that all necessary measures, both public and private as authorized under Section 418.017 of the code, be implemented to meet that disaster.

As provided in Section 418.016 of the code, all rules and regulations that may inhibit or prevent prompt response to this threat are suspended for the duration of the incident.

The renewal of the disaster proclamation becomes effective on December 7, 2008, and shall remain in effect until January 5, 2008, unless renewed or terminated.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 15th day of December, 2008.

**RICK PERRY**

Governor

Attested by:

**ESPERANZA "HOPE" ANDRADE**

Secretary of State  
governor.state.tx.us/news/.../11712/

2/9/2009  
Secretary of State

Office of the Governor - Rick Perry

**PROCLAMATION**  
BY THE  
**Governor of the State of Texas**

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TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, RICK PERRY, Governor of the State of Texas, did issue an Emergency Disaster Proclamation on September 8, 2008, as Hurricane Ike posed a threat of imminent disaster along the Texas Coast and in specified counties in Texas. The disaster proclamation was subsequently renewed through November 6, 2008, in the wake of Hurricane Ike.

WHEREAS, Hurricane Ike struck the State of Texas on September 13, 2008, causing substantial destruction in South and East Texas.

WHEREAS, Hurricane Ike continues to create a state of disaster for the people in the State of Texas.

WHEREAS, the state of disaster includes the counties of Anderson, Angelina, Aransas, Archer, Austin, Bell, Bexar, Bowie, Brazoria, Brazos, Burlison, Calhoun, Cass, Chambers, Cherokee, Collin, Colorado, Comal, Coryell, Dallas, Denton, Ellis, El Paso, Fort Bend, Franklin, Freestone, Galveston, Grayson, Gregg, Grimes, Hardin, Harris, Harrison, Henderson, Hill, Hopkins, Houston, Hunt, Jackson, Jasper, Jefferson, Johnson, Kaufman, Lamar, Lavaca, Leon, Liberty, Limestone, Lubbock, Madison, Marion, Matagorda, McLennan, Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Parker, Polk, Potter, Randall, Robertson, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Tarrant, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Waller, Walker, Washington, Webb, Wharton, Williamson, Wise and Wood.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the disaster proclamation and direct that all necessary measures, both public and private as authorized under Section 418.017 of the code, be implemented to meet that disaster.

As provided in Section 418.016 of the code, all rules and regulations that may inhibit or prevent prompt response to this threat are suspended for the duration of the incident.

The renewal of the disaster proclamation becomes effective on November 7, 2008, and shall remain in effect until December 6, 2008, unless renewed or terminated.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 6th day of November, 2008.

*Rick Perry*

RICK PERRY  
Governor

Attested by:

*Esperanza Andrade*  
ESPERANZA "HOPE" ANDRADE  
Secretary of State

FILED IN THE OFFICE OF THE  
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NOV 06 2008

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## Governor Perry issues proclamation to extend state of disaster due to Hurricane Ike

October 07, 2008

### TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, **RICK PERRY**, Governor of the State of Texas, did issue an Emergency Disaster Proclamation on September 8, 2008, as Hurricane Ike posed a threat of imminent disaster along the Texas Coast and in specified counties in Texas.

**WHEREAS**, Hurricane Ike struck the State of Texas on September 13, 2008, causing substantial destruction in South and East Texas;

**WHEREAS**, Hurricane Ike continues to create a state of disaster for the people in the State of Texas.

**WHEREAS**, the state of disaster includes the counties of Anderson, Angelina, Aransas, Archer, Austin, Bell, Bexar, Bowie, Brazoria, Brazos, Burleson, Calhoun, Cass, Chambers, Cherokee, Collin, Colorado, Comal, Coryell, Dallas, Denton, Ellis, El Paso, Fort Bend, Franklin, Freestone, Galveston, Grayson, Gregg, Grimes, Hardin, Harris, Harrison, Henderson, Hill, Hopkins, Houston, Hunt, Jackson, Jasper, Jefferson, Johnson, Kaufman, Lamar, Lavaca, Leon, Liberty, Limestone, Lubbock, Madison, Marion, Matagorda, McLennan, Milam, Montgomery, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Parker, Polk, Potter, Randall, Robertson, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Tarrant, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Waller, Walker, Washington, Webb, Wharton, Williamson, Wise and Wood.

**THEREFORE**, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the disaster proclamation and direct that all necessary measures, both public and private as authorized under Section 418.017 of the code, be implemented to meet that disaster.

As provided in Section 418.016 of the code, all rules and regulations that may inhibit or prevent prompt response to this threat are suspended for the duration of the incident.

The renewal of the disaster proclamation becomes effective on October 8, 2008, and shall remain in effect until November 6, 2008, unless renewed or terminated.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

**IN TESTIMONY WHEREOF**, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 7th day of October, 2008.

**RICK PERRY**

Governor

2/9/2009

Office of the Governor - Rick Perry

Attested by:

**ESPERANZA "HOPE" ANDRADE**

Secretary of Statf

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## Governor Perry Amends Proclamation to Include More Counties

September 12, 2008

### TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, RICK PERRY, Governor of Texas, do hereby amend my September 7, 2008, proclamation to include Burleson, Coryell, Freestone, Grimes, Houston, Madison, Milam, Leon, Robertson, Rusk and Washington Counties, certifying that these counties are under imminent threat of disaster as a result of Hurricane Ike.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby declare a state of disaster based on the existence of such threat and direct that all necessary measures both public and private as authorized under Section 418.017 of the code be implemented to meet that threat.

As provided in section 418.016, all rules and regulations that may inhibit or prevent prompt response to this threat are suspended for the duration of the state of disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 12th day of September, 2008.

**RICK PERRY**

Governor

Attested by:

**ESPERANZA "HOPE" ANDRADE**

Secretary of State

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## Governor Declares Disaster in preparation for Hurricane Ike

September 08, 2008

### TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, RICK PERRY, Governor of Texas, do hereby certify that Hurricane Ike poses a threat of imminent disaster along the Texas Coast and in the counties of Anderson, Angelina, Aransas, Archer, Austin, Bee, Bell, Bexar, Bowie, Brazoria, Brazos, Brooks, Calhoun, Cameron, Cass, Chambers, Cherokee, Collin, Colorado, Comal, Dallas, Denton, DeWitt, Ellis, El Paso, Fort Bend, Franklin, Galveston, Goliad, Grayson, Gregg, Hardin, Harris, Harrison, Henderson, Hidalgo, Hill, Hopkins, Hunt, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Kaufman, Kenedy, Kleberg, Lamar, Lavaca, Liberty, Lubbock, Matagorda, McLennan, Montgomery, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Parker, Polk, Potter, Randall, Refugio, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Starr, Tarrant, Titus, Tom Green, Travis, Trinity, Tyler, Van Zandt, Victoria, Waller, Walker, Webb, Wharton, Willacy, Williamson, Wise and Wood beginning September 7, 2008 and continuing.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby declare a state of disaster based on the existence of such threat and direct that all necessary measures both public and private as authorized under Section 418.017 of the code be implemented to meet that threat.

As provided in Section 418.016, all rules and regulations that may inhibit or prevent prompt response to this threat are suspended for the duration of the state of disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 8th day of September, 2008.

**RICK PERRY**

Governor

Attested by:

**ESPERANZA "HOPE" ANDRADE**

Secretary of State

## **Exhibit B**

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## Gov. Perry Extends Suspension of the Collection of All State and Local Hotel Occupancy Tax

October 15, 2008

I, RICK PERRY, Governor of the State of Texas, do hereby amend my September 17, 2008 Proclamation, which suspended the collection of all state and local hotel occupancy taxes.

WHEREAS, I did issue an Emergency Disaster Proclamation on September 8, 2008, as Hurricane Ike posed a threat of imminent disaster along the Texas Coast and in specified Texas counties;

WHEREAS, I renewed the Emergency Disaster Proclamation, causing it to remain in effect until November 6, 2008;

WHEREAS, Hurricane Ike struck the State of Texas on September 13, 2008, causing substantial destruction in South and East Texas; and

WHEREAS, Hurricane Ike continues to create a temporary housing emergency in the State of Texas.

THEREFORE, in accordance with the Emergency Disaster Proclamation and with the authority vested in me by Section 418.020 of the Texas Government Code, I do hereby suspend the collection of all state and local hotel occupancy taxes under Chapters 156, 351 and 352 of the Texas Tax Code, Chapters 334, 335 and 383 of the Local Government Code, as well as any other state law authority that authorizes a local hotel occupancy tax, from the victims of Hurricane Ike, for a period beginning on September 8, 2008, and ending on October 27, 2008.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 15th day of October, 2008.

**RICK PERRY**

Governor

Attested by:

**ESPERANZA "HOPE" ANDRADE**

Secretary of State

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## Governor Perry Orders Amends His Sept 12th Proclamation of State and Local Occupancy Taxes

September 17, 2008

### TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, RICK PERRY, Governor of the State of Texas, do hereby amend my September 12, 2008, Proclamation, which suspended the collection of all state and local hotel occupancy taxes.

WHEREAS, I did issue an Emergency Disaster Proclamation on September 8, 2008, as Hurricane Ike posed a threat of imminent disaster along the Texas Coast and in specified Texas counties;

WHEREAS, extensive damage in Texas as a result of Hurricane Ike has caused widespread power outages; and

WHEREAS, the expeditious restoration of electrical services is crucial for the health, safety, and welfare of the citizens of Texas, and for the preservation of life and property in the recovery efforts from the devastating effects of Hurricane Ike; and

WHEREAS, Hurricane Ike struck the State of Texas on September 13, 2008, causing substantial destruction in South and East Texas; and

WHEREAS, Hurricane Ike continues to create a temporary housing emergency in the State of Texas.

THEREFORE, in accordance with the Emergency Disaster Proclamation and with the authority vested in me by Section 418.020 of the Texas Government Code, I do hereby suspend the collection of all state and local hotel occupancy taxes under Chapters 156, 351 and 352 of the Texas Tax Code, Chapters 334, 335 and 383 of the Local Government Code, as well as any other state law authority that authorizes a local hotel occupancy tax, from the victims of Hurricane Ike, for a period beginning on September 8, 2008, and ending on October 14, 2008.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 17th day of September, 2008.

**RICK PERRY**

Governor

Attested by:

**ESPERANZA "HOPE" ANDRADE**

Secretary of State

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## Governor Issues Proclamation suspending Hotel, Motel, and Venue Taxes for 14 days

September 12, 2008

### TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, RICK PERRY, Governor of the State of Texas, did issue an Emergency Disaster Proclamation on September 8, 2008, which certifies that Hurricane Ike poses a threat of imminent disaster along the Texas Coast and in specified Texas counties.

WHEREFORE, the threat of imminent disaster caused by Hurricane Ike is creating a temporary housing emergency in the State of Texas.

THEREFORE, in accordance with the Emergency Disaster Proclamation and with the authority vested in me by Section 418.020 of the Texas Government Code, I do hereby suspend the collection of all state and local hotel and motel taxes under Chapters 156, 351 and 352 of the Texas Tax Code from the victims of Hurricane Ike for a period of 14 days, beginning September 8, 2008.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 11th day of September, 2008.

**RICK PERRY**

Governor

Attested by:

**ESPERANZA "HOPE" ANDRADE**

Secretary of State

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## Gov. Perry suspends hotel and motel taxes for 14 days

September 10, 2008

### TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, RICK PERRY, Governor of the State of Texas, did issue an Emergency Disaster Proclamation on September 8, 2008, which certifies that Hurricane Ike poses a threat of imminent disaster along the Texas Coast and in specified Texas counties.

WHEREFORE, the threat of imminent disaster caused by Hurricane Ike is creating a temporary housing emergency in the State of Texas.

THEREFORE, in accordance with the Emergency Disaster Proclamation and with the authority vested in me by Section 418.020 of the Texas Government Code, I do hereby suspend the collection of all state and local hotel and motel taxes under Chapters 156, 351 and 352 of the Texas Tax Code from the victims of Hurricane Ike for a period of 14 days, beginning September 8, 2008.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my Office in the City of Austin, Texas, this the 11th day of September, 2008.

RICK PERRY  
Governor

Attested by:

ESPERANZA "HOPE" ANDRADE  
Secretary of State