Artists Not Exempt From City Sales Tax

Local artists pushing for exemption

By Christina Fuoco-Karasinski
The News

APACHE JUNCTION- When selling artwork on the street or in a gallery, Apache Junction artists are subject to paying sales tax on all transactions, according to the city attorney.

"Right now they can display their artwork anywhere on public property," said City Attorney Joel Stern. "We're not going to stop them from doing that. But under the law, they are liable for taxes. If they make the transaction, they are supposed to collect the taxes."

However, he said, the city does not have the manpower to attend to every transaction to ensure this is happening.

"We don't go out and send sales tax inspectors to watch the artists. That just is not happening," he said. "The artists are wrong. They're just plainly wrong on that issue."

Stern said the handful of artists who have spoken during the City Council meeting's Call to the Public have not cited one case that states artists are exempt from paying sales tax.

"Not one case — that includes White v. Sparks," Stern said. "That case is a totally different issue. That does not relate to sales tax at all. That case involves the prejudgment of city officials of what is art, what can be displayed and sold in a town square. That is all that case talks about. It's a valid case, but it has nothing to do with the tax laws."

In White v. City of Sparks, painter Steven White challenged the constitutionality of a Nevada city ordinance that required him to obtain a permit before selling his paintings in public parks. The Ninth Circuit sided with the artist, finding: "So long as it is an artist's self-expression, a painting will be protected under the First Amendment, because it expresses the artist's perspective." The court rejected the city's argument that the sale of the paintings removes them from the ambit of protected expression.

The artists, Stern said, are pushing for the passage of Option X from the League of Cities and Towns' Model City Tax Code, which would remove some artists from the sales tax scheme. It says, at www.modelcitytaxcode.org/articles/4-465.htm, "sales of paintings, sculptures or similar works of fine art, provided that such works of fine art are sold by the original artist; and provided further that sales of 'art creations,' such as jewelry, macrame, glasswork, pottery, woodwork, metalwork, furniture, and clothing, when such 'art creations' have a dual purpose, both aesthetic and utilitarian, are not exempt, whether sold by the artist or by another."

"They would be exempt by ordinance," he said. "Seven cities have done it. That's it. There have been discussions about that in public, but no council member has really wanted anybody else to put it on the agenda."

Stern explained that Dan Barr, a First Amendment attorney, said the city has done nothing to violate any artist's rights.

Adults Over Age 50 Wanted For Study

Healthy aging study needs input

Sun Health Research Institute's Center for Healthy Aging and the West campus of Arizona State University are seeking Valley residents ages 50 and older for ongoing participation in a study that examines the link between longevity and healthy aging.

Of special need in the Longevity Study are individuals from various cultures and backgrounds, people ages 50 to 85, and those who are 98 years or older.

"The purpose of this project is to gain a better understanding of the many factors involved in healthy aging. The best place to start is with people who've accomplished it," says Walter Nieri, MD, director of the Sun Health Research Institute's Center for Healthy Aging.

"From this project, we seek to build wellness models that emphasize what individuals and the communities in which they live have done right to achieve longevity."

Individuals can expect the interview to take between one and two hours. The study includes several interviews conducted through a variety of methods including by phone, in person or a self-administered questionnaire.

Interviewers are specially selected, screened, and trained graduate students and professionals interested in the field of aging and work on a team with David W. Coon, PhD, Associate Professor of Psychology at the West campus of Arizona State University.

"Our long-term goal is to periodically follow up with younger participants to evaluate their extent of healthy aging through the decades," Dr. Coon explains.

The Longevity Project seeks participation of people from all cultures and backgrounds, including Hispanic, African American, Asian, and Native American.

If you or someone you know is living in Arizona age 50 and older who is interested in participating, please call the Longevity Project hotline at 623/815-7677.

Sun Health Research Institute's Center for Healthy Aging was established to provide older adults with information, education and resources necessary to age gracefully and in a healthy manner.

Child ID And Safety Event Saturday

Police sponsored event Saturday, May 31

By Jill Jones
The News

APACHE JUNCTION- The Apache Junction Police Department (AJPD) will be holding a child ID and safety event on Saturday, May 31, in conjunction with the National Center for Missing and Exploited Children (NCMEC) National Missing Children's Day (May 25) and in support of the (NCMEC) Take 25 Program.

The Take 25 Program is a safety campaign designed to encourage parents to take 25 minutes for open and candid communication with their children about safety at school, home, on the Internet and other places their children may frequent.

The AJPD event will be held at the Apache Junction Public Library, 1177 N. Idaho Road, on Saturday, May 31 from 10 a.m. to 1 p.m. AJPD personnel will provide child identification and educational materials regarding Internet safety and safety at school, home and outside the home.

take 25 sm

Make time to talk about child safety.

AJPD is just one of the many law enforcement agencies across the nation and state that will be holding special events. The Phoenix Mercury and NCMEC have teamed up to hold a special Take 25 event at U.S. Airways Center at the Phoenix Mercury game on June 3, with special Take 25 ticket packages. The packages include a pre-game talk with federal and local law enforcement agencies and a Mercury Championship Rally Towel.

For more information on the Phoenix Mercury Take 25 event Contact Nick Myers at 602-379-7547 or nmyers@suns.com.

NCMEC urges parents and guardians of children to heed the following safety tips:

- Keep an up-to-date, good-quality photo of you child accessible so that it can be provided in case of an emergency.
- Never let young children go places alone and be clear about the places and homes they are allowed to visit.
- Know where your children are and who they are with at all times.
- Never leave a child unattended in a vehicle, whether it is running or not.
- Talk openly with your children about safety. Use teachable moments at a mall or park.

For more information visit www.missingkids.com or www.take25.org.

Obituaries

Rio Maryann Miller

Rio Maryann Miller, 18 days old, of Apache Junction, passed away on Tuesday, May 13, 2008. Baby Miller, an infant, was born in Mesa, AZ. She is survived by her parents Jeff and Miyuki; brothers Hanzo and Sessyu. Arrangements were entrusted to Apache Junction Mortuary.

Mary Emily Tomazin

Mary "Emily" Tomazin, 42, of Apache Junction passed away on May 22, 2008 due to complications from a lingering illness.

Beloved wife, mother and daughter— Emily was born in Phoenix on August 25, 1965. She graduated from Apache Junction High School in 1983 where she starred on the girl's track team. She later attended Central Arizona College in Apache Junction.

Emily was the former production manager for the *Apache Junction/Gold Canyon News*.

She is survived by friends and family; husband David, daughters Larissa and Meghan, son Richard, grandson David, her mother Robin Barker, stepfather Ed Barker, grandmother Jean Nydegger, sister Trisha Barwick, brothers Martin and Alan Barwick (Tiffany), father Neil Barwick, stepmother Terry Barwick, nieces and nephews, all of Apache Junction.

The family celebrated Emily's life during a service on Memorial Day.

Apache Junction Mortuary handled the arrangements.

Bye, bye, Miss American Pie.

City Court

Apache Junction City Magistrate Court
300 E. Superstition Blvd.
Judge David Alexander, Presiding

May 20 - Ann Weichbrodt, 44, of AJ, guilty of furnishing alcohol to minors. Sentenced to 36 months unsupervised probation, complete Pinal County Project by September 15, 2008, $309 fine, can be released from probation in 18 months if all terms are met.

May 20 - Theresa Wright, 43, of AJ, guilty of shoplifting. Sentenced to 36 months unsupervised probation, 15 days jail suspended, complete LifeSkills by August 15, 2008, $393 fine, can be released from probation in 12 months if all terms are met.

May 20 - Sandeep Raj, 24, of Chandler, guilty of furnishing tobacco to minor x2. Sentenced to $155 fine.

May 20 - George Parasmo, 48, of Tempe, guilty of shoplifting. Sentenced to 36 months unsupervised probation, 15 days jail suspended, complete LifeSkills by August 20, 2008, $393 fine, can be released from probation in 12 months if all terms are met.

May 20 - Xavier Ramirez, 21, of AJ, guilty of underage drinking. Sentenced to 20 days jail.

May 20 - Jennifer Ross, 24, of Phoenix, guilty of driving suspended, failure to appear. Sentenced to 15 days jail, $789 jail fee.

May 20 - William Sanders, 19, of Gilbert, guilty of shoplifting. Sentenced to 36 months unsupervised probation, 30 days jail suspended, $393 fine, can be released from probation in 12 months if all terms are met.

May 20 - June Tanner, 49, of AJ, guilty of unlicensed dog. Sentenced to 12 months unsupervised probation, $50 fine.

May 20 - John Tinnel, 40, of AJ, guilty of driving suspended. Sentenced to 36 months unsupervised probation, $577 fine.

May 20 - Rusty Waller, 20, of Phoenix, guilty of underage alcohol consumption. Sentenced to 36 months unsupervised probation, complete LifeSkills by August 20, 2008, $209 fine.

May 20 - Melinde Bright, 40, of AJ, guilty of dog at large. Sentenced to 36 months unsupervised probation, $105.07 restitution, $455 fine.

May 20 - Vanessa Caillouette, 36, of AJ, guilty of open container in vehicle. Sentenced to 12 months unsupervised probation, $109 fine, can be released from probation in 6 months if all terms are met.

May 20 - Stephanie Garrett, 20, Mesa, guilty of driving suspended. Sentenced to 36 months unsupervised probation, $577 fine.

May 20 - Jared Holler, 21, of Mesa, guilty of driving suspended, speeding. Sentenced to 36 months unsupervised probation, $364 fine.

May 20 - Jesus Huizar, 47, of AJ, guilty of driving suspended. Sentenced to 36 months unsupervised probation, $577 fine.

May 20 - Tina Hurst, 44, of AJ, guilty of driving suspended. Sentenced to 36 months unsupervised probation, $577 fine.

May 20 - David Marquez, 44, of AJ, guilty of disorderly conduct. Sentenced to 36 months unsupervised probation, attend 1 AA meeting per week for 6 months, $109 fine, can be released from probation in 12 months if all terms are met.

May 20 - Adam Monico, 24, of Gold Canyon, guilty of driving suspended. Sentenced to 36 months unsupervised probation, $577 fine.

May 21 - Jordan Casillas, 19, of AJ, guilty of underage drinking, driving. Sentenced to 36 months unsupervised probation, complete LifeSkills by August 21, 2008, 1 MADD panel. $125 attorney fee, $109 fine, can be released from probation in 12 months if all terms are met.

May 21 - Robert Morgas, 39, of AJ, guilty of littering, failure to appear. Sentenced to 24 months unsupervised probation, 10 hours community service by June 30, 2008, $109 fine.

May 21 - Oscar Santana Mundo, 26, of Tempe, guilty of shoplifting. Sentenced to 36 months unsupervised probation, 15 days jail suspended, complete LifeSkills by August 21, 2008, $393 fine, can be released from probation in 12 months if all terms are met.

May 21 - Sharon Ehrlichman, 69, of AJ, guilty of leaving the scene. Sentenced to 24 months unsupervised probation, $209 fine.

May 21 - Timothy Philbee, 48, of AJ, guilty of driving suspended. Sentenced to 36 months unsupervised probation, $393 fine.

Sheriff's Record

The Pinal County Sheriff's Department
Sheriff Chris Vasquez, Pinal County Sheriff

Arrests

May 16 - Rickie Lee Duddy, 23, of AJ, was arrested for court summons.

May 20 - Clinton C. Pennington, 26, of AJ, was arrested for possession or use of dangerous drugs.

Police Record

The Apache Junction Police Department
Captain Thomas Kelly
May 14 - May 20, 2008

Arrests

May 14 - Elizabeth A. Galloway, 47, of the 600 block of South Cornwall Drive, was arrested for possession of marijuana, prescription drug violation, promoting prison contraband, false reporting to law enforcement.

May 15 - Christopher R. Garvey, 32, of the 1600 block of North Ironwood Drive, was arrested for shoplifting from Four Sons.

May 15 - Joe A. Koriski, 44 of the 2700 block of West Country Club Gables, Phoenix, was arrested for possession of dangerous drugs, possession of drug paraphernalia, resisting arrest and a felony MCSO warrant.

May 16 - Joseph A. Padilla, 27, of the 900 block of South Royal Palm Road, was arrested for DUI, DUI w/bac of .08 or more and extreme DUI w/bac .15 or above.

May 16 - Edward Morales, 46, of the 2700 block of West Virginia Street, was arrested for possession of dangerous drugs and possession of drug paraphernalia.

May 17 - Joshua D. Vandyke, 21, of the 600 block of North Delaware Drive, was arrested for disorderly conduct.

May 18 - Gregary A.Hyslop, 47, of the 4200 block of North San Marcos Drive, was arrested for possession of dangerous drugs, possession of drug paraphernalia and a misdemeanor Apache Junction PD warrant.

May 20 - Rick S. Sagaser, Jr., 36, of the 1300 block of South Mesa Drive, Mesa was arrested for armed robbery, theft of means of transportation and a Mesa PD warrant. Jennie M. Ferguson, 20, of the 1400 block of East Arcadia Avenue, was arrested for armed robbery, theft of means of transportation and a Tempe warrant and a Mesa warrant.

May 20 - Timothy J. Baker, 32, of the 100 block of South 11th Place, Mesa, was arrested for assault.

Incidents

May 15 - Reported burglaries from two autos in the 900 block of South Royal Palm Road. A Pioneer car stereo, Kenwood car stereo and 50 CDs were stolen from the vehicles.

May 16 - Reported criminal damage to two motorcycles in the 900 block of South Royal Palm Road. The motorcycles were pushed over, causing minor scratches and additional damage of the turn signals and crank case.

May 17 - Reported a residential burglary in the 400 block of East Kachina Avenue. Inventory of stolen items is pending.

May 19 - Reported criminal damage to a motor vehicle in the 2300 block of South Vista Drive. Vehicle windows were smashed amounting to approximately $250 in damages.

May 20 - Reported a non residential burglary in the 2200 block of West Broadway Avenue. A Dell laptop was stolen.

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Layaways Welcome
480.982.0300

PUBLIC MEETING

The next meeting of the Pinal County District 2 Transportation Advisory Committee is scheduled for Wednesday, June 4, 2008, 5:00 p.m. at the Pinal County Complex, Building F, Ocotillo Room, Florence, Arizona.

The Advisory Committee is responsible for updating the 5-Year Transportation Plan. These meetings are for final adoption of a preliminary plan to be presented to the Pinal County Board of Supervisors.

Notice of Public Hearing

Pertaining to Revisions to Pinal County Air Quality Rules

In response to a new mandate under A.R.S. §49-474-01 as amended by Section 16 of Laws 2007, Chapter 292 ("Senate Bill 1552") the District proposes that the Board of Supervisors consider proposed revisions to the Pinal County Air Quality Control District Code of Regulations.

The objective is to reduce particulate emissions by achieving stabilization of vacant lots. The proposed revisions only apply to the 36-square mile Apache Junction Township, also identified as Township 1 North, Range 8 East, Gila & Salt River Base and Meridian. The revisions include a process for the County to issue a notice directed to a property owner. The notice will in effect direct the owner to stabilize the offending surface. The notice will provide that if the owner does not effect stabilization within 30 days, the County may enter, stabilize the lot, and subsequently recover its costs from the owner. The revisions also provide a process for an owner to appeal such an order. The Board will also consider designation of these revisions for inclusion within the Arizona State Implementation Plan, namely the nonattainment area plan required under Section 189 of the Clean Air Act.

The Pinal County Board of Supervisors will hold a public hearing at 9:30 a.m. on June 18, 2008, to consider the proposed revisions. The hearing will be held in the Board of Supervisors Hearing Room, 31 North Pinal St., Building A, Florence, Arizona.

Copies of the proposed revisions are available on-line in the May 16, 2008 edition of the Arizona Administrative Register. See at www.azsos.gov. The proposal may also be inspected at the Pinal County Air Quality offices, at the address below.

Those wishing further information regarding any aspect of this proposal may contact Scott DiBiase, Planning Manager, Pinal County Air Quality, 31 North Pinal Street, Florence, AZ 85232, or by calling 520-866-6929

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