

Union County State's Attorney

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Press Release - For Immediate Release

Defendant's Name: Robert J. Kramer
Age: 64
City and State of residence: Lennox, SD
Criminal File Number: 14-271
Offenses Charged: Ct 1) Failure To Pay Sales Tax SDCL §10-45-48.1(2) (M1) 1/2
Ct 2) Failure To Pay Sales Tax SDCL §10-45-48.1(2) (M1) 1/2
Ct 3) Failure To Pay Sales Tax SDCL §10-45-48.1(2) (M1) 1/2
Ct 4) Failure To File Sales Tax Returns SDCL §10-45-48.1(4) (M1) 1/2
Ct 5) Failure To File Sales Tax Returns SDCL §10-45-48.1(4) (M1) 1/2
Ct 6) Failure To File Sales Tax Returns SDCL §10-45-48.1(4) (M1) 1/2
Ct 7) Failure To Pay Sales Tax SDCL §10-45-48.1(8)(2) (F6) 2/4
Ct 8) Failure To File Sales Tax Returns SDCL §10-45-48.1(8)(4) (F6) 2/4
Incident Date: April 2013 – February 2014
Date of Arrest: October 31, 2014
Date of Indictment: July 16, 2014
Date of Arraignment: November 17, 2014
Date of Sentence: November 17, 2014
Convicted of: Ct. 1) Failure to pay Sales Tax, 10-45-48.1(2) (M1)
Ct. 3) Failure to pay Sales Tax, 10-45-48.1(2) (M1)
Arresting Officer: SD Dept. of Rev Agent – Adam Masko;
Bond: \$2,000 Cash Only
Defendant's Attorney: Eric Ronke

Case Synopsis:

This case involves Robert Kramer, as the licensed owner of Flowers by Bob retail florist who has a store front in Beresford and Tea South Dakota. Starting in April of 2013 and ending in February of 2013, Robert Kramer failed to file his South Dakota sales tax returns. During the same period of time Robert Kramer also failed to pay his sales tax returns with the State of South Dakota. Sales tax is the amount of money that each person or business that is required to collect sales tax on goods and services. There after the vender is required to submit a regular return, based upon their preference and status with the Department of Revenue and submit the taxes that the vender had collected on behalf of the State of South Dakota. The monies that were collected and not paid in these cases are neither the vender's money nor part of the vender's profits. The monies collected are tax dollars. As of November 17, 2014, Robert Kramer owned \$3,913.68 in taxes and interest.

Sentencing Synopsis:

On each charge of Failure to pay Sales Tax, Robert Kramer received a thirty (30) suspended sentence on the terms and condition that he shall have no similar offenses in the next year. Additionally Robert Kramer was ordered to pay restitution on the day of sentencing and pursuant to the plea agreement, \$3,913.68, which also included the accrued interest on the outstanding taxes. Kramer was also ordered to pay \$916 dollars in fines on each count along with court costs on each offense.

Criminal History Synopsis:

This is Robert Kramer's first tax offense charged, however, due to his business practices, the State was advised that this is not first time at either location that Mr. Kramer has had his tax license suspended, and as such, the Department of Revenue will not allow Mr. Kramer to have a sales tax license anymore. Mr. Kramer's flower shops are now being run and managed by his son who now has the responsibility to collect and remit all taxes.