

September 21, 2020

Matthew H. Scott
Matthew H. Scott Investments LLC
P.O. Box 1551
Fort Smith AR 72902

Emailed to: matt@krcofs.com
Sign Registration No. 7466
Sign File No 1076-11
US-64, Sequoyah County

Dear Mr. Scott:

We received your affidavit stating that you do not have a valid lease with Ashby St. Outdoor, LLC now doing business as Lamar Advertising Company of Fort Smith to maintain a sign on your property. However, it appears that Ashby St. Outdoor/Lamar feels that they do. As you can see from the enclosed copy of response that our office received from Mr. Samuels with Lamar Advertising Company of Fort Smith, he challenges the affidavit you sent this office.

Therefore at this time, we feel that this matter has become a dispute between yourself and Ashby St. Outdoor/Lamar. We are suspending the Permit and the 90-day removal date until the matter has been resolved in a court of competent jurisdiction. We have enclosed an excerpt from the Oklahoma Administrative Code that substantiates this decision.

I am sorry that we could not assist you at this time, however, if you have any questions please feel free to contact this office at (405)521-3005.

Respectfully,



Barbara Hoppes
Transportation Manager
Outdoor Advertising Control Branch

BH/

Enclosures

cc: Adam Samuels; Ashby St. Outdoor, LLC – 1855 Shelby Lane – Fayetteville AR 72704

Barbara Hoppes

From: Adam Samuels <asamuels@lamar.com>
Sent: Monday, September 21, 2020 2:41 PM
To: Barbara Hoppes
Subject: [EXTERNAL] Billboard #7466

Ms. Hoppes,

Concerning Permit #7466 in Sequoyah County, OK.
We received a certified letter stating that the lease was mute.

The Lease however states the written notice of termination given not less than sixty (60) days prior to such anniversary.

So yes ma'am we conclude that we have a valid lease.

However we do plan on terminating our Permit # and removing the sign in 2021.

Thank you ma'am

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Adam Samuels / Real Estate Manager

Lamar Advertising Company of Fort Smith / NW Arkansas (#433 & 434)

1855 Shelby Lane, Fayetteville, AR 72704

Office: 479.442.0300 ext. 8006 // Mobile: 479.263.6614

lamar.com

OAC 730:35 DEPARTMENT OF TRANSPORTATION

SUBCHAPTER 5. HIGHWAY ADVERTISING CONTROL

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[Authority: 69 O.S. § 1271 et seq.; 23 U.S.C. § 131, 135; 23 CFR Part 750, 751]

number, the name and address of the owner and such additional information as the Department considers necessary to properly identify the particular outdoor advertising sign, display, or device.

(d) The registration tag is to be affixed to the applicable outdoor advertising sign, display or device so as to be conspicuous and visible from the main traveled way within a period not to exceed sixty (60) days of its issuance. On or after July 1, 1973, any outdoor advertising sign, display or device located within the controlled areas, and which does not display its applicable registration tag may be considered by the Department to be unregistered, thus illegal, and subject to removal by the Department in accordance with provisions of law; provided further, that the Department may institute and pursue to a conclusion such other proceedings, criminal and civil in enforcement of the provisions of the Act and this rule as are provided by the law and this rule, which may include revocation of the company's license to do business.

(e) The registration of an outdoor advertising sign, display, or device shall be permanent for the registered sign as long as the sign remains in conformance with requirements of law and these rules; provided, however, that lost, stolen or destroyed registration tags or certificates may be replaced by the Department, such replacement tags or certificates to bear the same registration numbers as the originals. The replacement cost will be a fee of twenty-five dollars (\$25.00) for the registration tag, and a fee of twenty-five dollars (\$25.00) for the registration certificate.

(f) Upon change of ownership of any registered outdoor advertising sign, display, or device, the new owner shall, within ninety (90) days, notify the Department by presenting to the Department the current applicable registration certificate executed as provided for thereon, and request a transfer of registration. Provide a copy of a current lease, assignment of an assignable lease, or proof of current payment between the land owner(s) and the new owner of the sign. A new registration certificate issued by the Department shall provide for an assignment of registration, such assignment to be executed by the assignor and acknowledged by a Notary Public. A fee of twenty-five dollars (\$25.00) will be charged by the Department for a transfer of registration. Failure to request transfer within ninety (90) days shall be grounds for the Department to determine that the sign is illegal and subject to removal.

[Source: Amended at 10 Ok Reg 4695, eff 10-11-93; Amended at 17 Ok Reg 1384, eff 5-11-00]

730:35-5-6. Permits for outdoor advertising signs, displays, and devices

(a) All signs, except for signs considered exempt, (see 730:35-5-14) that are adjacent to or located within six hundred sixty (660) feet of the right-of-way, and visible from the main traveled way of an Interstate or Federal-aid Primary highway in the state, are required to be registered and permitted by the Department.

(b) Application forms to register and permit sign locations are provided by the Department, prior to the construction or relocation of any sign. The application form is to be filled out in its entirety, notarized and submitted to the Department, along with the application fee (\$100.00), two (2) photographs of the proposed site location and a copy of the current lease agreement with landowner of the site location. Upon receipt of all

required data, the Department will then process the application as expeditiously as possible. The applicant shall be notified of the Department's decision on the application and the reasons therefore, if denied, within sixty (60) days of receipt of the completed application. If approved, the sign location is assigned a registration number and issued a registration certificate (title), permit, and tag.

(c) Permits for new signs shall be renewed every two (2) years from the date of issuance thereof, and permit renewal invoice shall be accompanied by a twenty dollar (\$20.00) fee. The Department may require additional documentation to accompany any renewal(s) if deemed necessary.

(d) Failure to renew a permit when required shall cause the non-permitted outdoor advertising device to be in violation of these regulations and subject to removal according to law.

(e) The holder of a permit shall, during the term thereof, have the right to change the advertising copy, ornamentation, or trim on the outdoor advertising structure or device for which it was issued without payment of any additional fee.

(f) Educational, veterans, religious, charitable, governmental or civic organizations, not operated for profit, shall obtain a permit in accordance with the provisions of this Subchapter for each outdoor advertising sign, display, or device having more than eight (8) square feet in area

maintained or erected; provided, however, that no permit renewal fee shall be charged.

(g) Submission of false information in an application or in support of an application shall be sufficient grounds to deny or cancel the permit, renewal, or transfer.

(h) Upon failure of the permit holder to make lease payments or other agreed upon compensation to the land owner, or when the lease for the use of the land is canceled for any other lawful reason, the Department shall, upon submission of a sworn affidavit and such other proper documentation as may be necessary, revoke the outdoor advertising permit. In the event that the lessee presents a sworn affidavit or other proper documentation that the lease remains valid, the Department shall accept no new applications, issue further permits or renew existing permits on the property until the lease expires or its validity is determined in a court of competent jurisdiction. Priority shall be to the existing permit holder.

(i) In the event that the Outdoor Advertising Control Branch determines that the permit should not be issued, renewed, or transferred, the applicant shall be so notified in writing. The letter shall state specifically the grounds upon which the requested action is to be denied.

(j) If a sign structure has not been completed within one hundred eighty (180) days of the issuance of the permit, a permanent marker shall be erected to allow for placement of the registration tag.

[Source: Amended at 10 Ok Reg 4695, eff 10-11-93; Amended at 11 Ok Reg 4697, eff 8-16-94 (emergency); Amended at 12 Ok Reg 1287, eff 5-11-95; Amended at 17 Ok Reg 1384, eff 5-11-00; Amended at 26 Ok Reg 1703, eff 7-1-09]

730:35-5-7. Failure to provide complete information

Failure of the applicant to provide full and complete information on any licensing, registration, or permit form required by this subchapter may result in the non-issuance of