

# **Dorchester County Business License Appeals Handbook**

**A Guide to Dorchester County's  
Business License Appeal Requirements**

**Dorchester County  
Business Services  
St George, South Carolina**

# Appeal Procedures

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## Table of Contents

General Information.....	2
Making an Appeal.....	2
Receiving an Appeal.....	3
Preparing for the Appeal Hearing: .....	4
Holding the Appeal Hearing .....	5

### General Information

- The right to appeal, and the process to do so, is in Section 16 of Ordinance 21-29 in the Dorchester County Code of Ordinances.
- Businesses have ten (10) business days (from receipt of a notice of denial, suspension, or revocation) to submit an Appeals Submission Form to request an appeal.
- Appeals are made to the Public Safety, Health & Human Services Committee, through the Clerk to County Council. While efforts will be made to assist businesses make an appeal in accordance with the business license ordinance, any decision regarding the appeal must be made by County Council.
- The Public Safety, Health & Human Services Committee is not authorized nor responsible for addressing appeals based in whole or in part on anything other than questions of fact relating to the ordinances governing the Business Services Department. Constitutional questions, for example, are not the purview of the Public Safety, Health & Human Services Committee.

### Making an Appeal

- **If a business expresses an interest, whether in writing, in person, or by phone, to appeal, that business shall immediately be provided, either in person or by mail, with an Appeals Submission Form. The completion and return of this form is required to serve as a written notice of request to appeal.**
- In order to submit a valid appeal, a business must complete and return the Appeals Submission Form within ten (10) calendar days of when the notice of denial, suspension, or intent to revoke was received.
- All documents required for an appeal shall be provided at one time to the Public Safety, Health & Human Services Committee, through the Clerk to County Council.

## Receiving an Appeal

Once a completed Appeals Submission Form has been received, the Clerk to County Council will ensure that no more than ten (10) calendar days has passed since the notice of denial, suspension or revocation was received.

- An Appeal Log will be kept for tracking appeals.
- Mail the appellant business a letter confirming receipt of the appeal via certified mail.
- Mail/email the Public Safety, Health & Human Services Committee a copy of the Appeal Submission Form and any accompanying documentation. Forward the e-mail to the business, confirming to the business that the Appeals Submission Form was sent to the Committee.
- Notify all necessary parties in writing of the appeal and the need to schedule a date and time for the hearing.

The meeting shall be scheduled within thirty (30) calendar days of receiving the appeal, or as soon as reasonably possible. "As soon as reasonably possible" may be more or less than the thirty calendar days, but every effort will be made to schedule the hearing as soon as all members of the Committee and the necessary County staff can attend.

The following individuals need to be contacted:

1. The three members of the Public Safety, Health & Human Services Committee
2. The Deputy County Attorney
3. The Director of Business Services
4. The Deputy Administrator/Chief Financial Officer
5. Any County employee involved with this business regarding this issue.

Before confirming the date and time, be sure to confirm that County Council Chambers is available.

- Once the date and time for the hearing has been scheduled, send a meeting request to the following individuals:
  1. The three members of the Public Safety, Health & Human Services Committee
  2. The Deputy County Attorney
  3. The Director of Business Services
  4. The Deputy Administrator/Chief Financial Officer
  5. Any County employee involved with this business regarding this issue.
- Once the hearing has been scheduled, the business shall be notified in writing of the date and time of the appeal as well as the procedures for the appeal. A copy of the e-mail or letter shall be kept in the file as a record.

If an appeal does not meet these requirements, the Clerk to County Council shall notify the business and forward the appeal to the Public Safety, Health & Human Services Committee, notifying them that the requirements of the ordinance were not met, and denial of the appeal is recommended.

### Preparing for the Appeal Hearing

1. As soon as the date/time is scheduled, contact the Clerk to County Council to include the appeal meeting date/time on the Council calendar. (This does mean that this is a public meeting, and Council members and members of the public are invited to attend, although they may not participate.)
2. Posting – An agenda must also be posted for 24 hours leading up to the meeting. See the template for an appeal hearing agenda, update it, and print to post the day before the hearing. The Agenda should be posted in the following locations:
  - Beside the elevators on the first floor of the Kenneth F Waggoner Building
  - On the County Council page of the County’s website
3. Arrange for the meeting to be recorded. Clerk to County Council will coordinate with the IT Department to ensure the meeting is recorded.
4. Prepare the correspondence with and documents to the Public Safety, Health & Human Services Committee and the business in the following order. (Copies of each letter are saved in the Appeals folder.)
  - Step 1 – Send “Receipt of Appeal” letter following receipt of completed form.
  - Step 2 – Send Notification of Appeal Date & Procedure
  - Step 3 – Send Appeal Transmittal Letter to Committee (and to the business)
  - Step 4 – Send County Response to Appeal

Be aware that the Appeal Transmittal Letter and the County’s Response to Appeal documents should be sent to the Committee, the business, and the appropriate staff **at least fifteen calendar days prior to the meeting.**

5. Whatever is sent to the Committee shall also be sent to the following individuals:
  - The Deputy County Attorney
  - The Director of Business Services
  - The Deputy Administrator/Chief Financial Officer
  - Any County employee involved with this business regarding this issue, such as but not limited to the Chief Building Official, Fire Marshal, Director of Planning & Zoning.

## Holding the Appeal Hearing

The Public Safety, Health & Human Services Committee meetings should be recorded. These tapes should follow the retention policy.

- The meeting shall be recorded, and the minutes transcribed.
- The Public Safety, Health & Human Services Committee shall consider the appeal and by majority vote of members present render a decision based on findings of fact. The decision of the Committee shall be the **final decision of the County**.
  - The Committee's Rendering Decision Form shall be used for this purpose and may be completed by the Committee or the Deputy County Attorney.
  - The decision shall be served to all parties involved, or their representatives, within fifteen (15) calendar days, or as soon as reasonably possible.
  - All decisions shall be delivered using certified mail to confirm receipt and date of receipt.
- Appeals from the Committee may be made to the Dorchester County Clerk of Common Pleas, 1<sup>st</sup> Judicial Circuit.