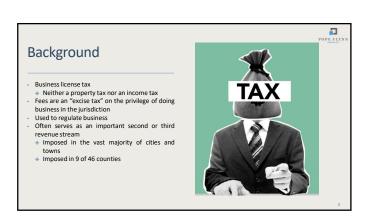
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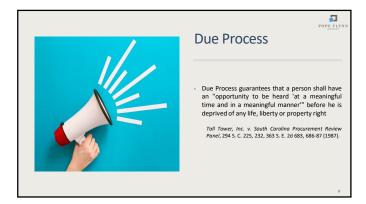


Background The inconsistent administration of business licenses has historically caused discord within the business community Standardization of the Business License Tax Act 176 ultimately passed and established the standardized business license tax in South Carolina Signed into law on September 30, 2020 Codified at Section 6-1-400 – 420 Effective January 1, 2022 Act 176 required the use of standardized business license practices Billing, collection, appeals, etc.

Equal Protection and Due Process Article I, Section 3 of the South Carolina Constitution provides that no "person [shall] be deprived of life, liberty or property without due process of law, nor shall any person be denied the equal protection of the law...."



Hypothetical #1 - What might rational basis be for a special subclassification for the following? - Grocery store in a food desert - New industry to be annexed into town - Full-service restaurant in a town that otherwise only has fast food



	POPE PLYN
	Due Process
1. 2.	Procedural due process requires that before any decree or order may affect a person's rights as to life, liberty, or property the person whose rights are affected is entitled to: Notification of a hearing, and An opportunity to be heard before an impartial tribunal
*	In some circumstances, the opportunity to confront and cross-examine witnesses and to have access to evidence is also a due process right which requires procedural safeguards The supreme court has ruled that fundamental fairness is required but this is generally a flexible concept and depends on the circumstances involved
	Due process is critical in an assessment appeal and business license denial or revocation process
	Who hears appeals? council or an appeals board?

Assessment and Appeal Process	
Taxing jurisdictions may make an assessment of the business license tax due when a taxpayer fails or refuses to obtain a license, provides insufficient information, or does not make income records available locally for audit	
	
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STATE OF MODIFICACIONA) BOTHOR OF MODIFIER CO.	
CERT (FORWIGH) OF BOOMESS LICENSE TAX Does of Marker. Survey Called	
\$3,764.0 No.; Jant Lerent No. South Carrier On 64 5-4 1000, provides Not if a supayer filled or refuses to pay a business Source Sau	
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This assessment Securities of particular for adjustment in and in the Markaj puintedirent within the Markaj puintedirent within the Markaj puintedirent was also may be a fine and purpose or present a markaj puintedirent was a fine of particular puinted p	
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[Pendile score or the rate of 50 per north until purvent is made in Mu] Once: Learne Inspector 11	

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Assessment and Appeal Process	
Business license official serves notice of assessment on written notice of hearing and rules of evidence or written notice.	
the taxpayer by mail or personal service. 3. If adjustment is requested an informal conference must the appeal form procedure a) Hearing must be withing 30 days after receipt of the appeal form	
be held within 15 days 4. Within 5 days of the informal conference the business license official must issue the final assessment via mail or 4. Written decision explaining the basis of the decision	
personal service provided to the taxpayer 5. Taxpayer may appeal the final assessment within 30 days a) Must include findings of facts and conclusions and	
a) As a condition of appeal, the taxpayer must pay at least 80% of the business license tax under protest 9. Taxpayer has 30 days after the postmark or personal	
service of the written decision to appeal to the ALC	

When all of the parties and winsesses have been heard, the parties may be given the opportunity to present brief final arguments lasting no more than five (5) minutes each. The Board shall then vote and issue its ruling as to the Appeal on the record. A writing Order of the Board shall be provided to all parties within fifteen (15) business days. Any person whose interests are directly or materially affected by the decision of the Board, regardless if a previous party of the appeal, shall have the right to appeal the Board's decision to the Court of Common Pleas for in the County. (2) The parties may be given an opportunity to present brief opening statements lasting no more than five (5) minutes each, Parties shall present their evidence as follows: a. The party with the burden of proof – the City – will be the first to present Bragery with the basis of proof—to Co. While the first by sense of the Co. While the first by sense of the Co. While the Co. Whi



Assessment and Appeal Process

- ▶ How does Council (or the appeals board) take
- action?

 Is executive session permitted? What about to receive legal advice?
- receive legal advice?

 Does the majority vote have to occur at the hearing?

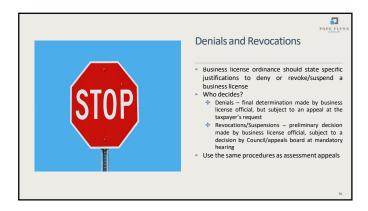
 * Strongly consider the reasoning behind delaying the decision; does it uphold the spirit of the law?

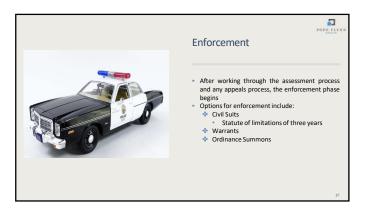
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Hypothetical #2

Mater applied for a business license and stating he operated an auto sales business. After several months you notice that this classification seems incorrect and instead Mater seems to be operating an automotive repair shop. Why would an individual purposefully misclassify? How should you address the problem? What evidence can you use to establish correct classification? What findings of fact might Council need to make as a basis for its decision?







Hypothetical #3	
Sally owns a gift shop in town for which she properly pays her business license tax and has for years. During the COVID lockdown she picked up baking as a new skill. She has started selling her treats and uses the gift shop as a pickup location. Does she need to pay business license taxes on the revenue from her "side hustle"? How	
many years back can you look for unreported revenues?	
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