

## **Section 13: APPEAL SECTION**

### **13.1 APPEAL**

Anyone denied a business license or certificate or whose license or certificate has been suspended shall have the right to appeal to the City Council or its designee. Any appeal must be submitted by the applicant, the responsible person or entity, or legal counsel for either whom:

(a) documents the relationship with the applicant or responsible person or entity; or (b) is licensed or authorized by the State of Utah to do so, and makes the assertion of an agency relationship. The following procedures and requirements shall apply:

- (1) Any appeal must be submitted in writing to the Town Clerk with a copy to the License Officer within ten (10) business days of the decision from which the appeal is taken. Such appeal shall describe in detail the nature of the appeal, the action complained of and the grounds for appeal.
- (2) Upon request of the applicant or registered solicitor, within one business day, the City will make available any information upon which it relied in making the determination to either deny or suspend the License or Certificate.
- (3) The appeals officer shall review, de novo (as if no decision had been made), all written information submitted by the applicant or registered solicitor to the licensing officer, any additional information relied upon by the licensing officer as the basis for denial, suspension or revocation, and any additional information supplied by the City or applicant. Any additional information submitted by any party to the appeal to the appeals officer shall be simultaneously submitted to the opposing party. If desired, any party shall have three (3) business days to submit rebuttal documentation to the appeals officer regarding the additional information submitted by the opposing party.
- (4) The appeals officer will render a decision no later than fifteen (15) calendar days from the date the appeal was taken, unless an extension of time is agreed upon by the parties. In the event that any party to the appeal submits rebuttal information as allowed in 13.1(3) the fifteen (15) calendar days shall be extended to include the additional three (3) days for rebuttal.
  - a. The denial or suspension of the license or certificate shall be reversed by the appeals officer if upon review of the written appeal and information submitted, the appeals officer finds that the licensing officer made a material mistake of law or fact in denying or suspending the applicant's license or certificate.
  - b. If the written appeal and information submitted indicates that the licensing officer properly denied or suspended the license or certificate of the applicant, the denial or suspension of the license or certificate shall be affirmed and constitute a determination that the suspended license or certificate is revoked.

- c. The decision of the appeals officer shall be delivered to the applicant by the means designated in the completed appeal application, or as otherwise agreed upon when the appeal was filed.
- (5) After the ruling of the appeals officer, the applicant is deemed to have exhausted all administrative remedies with the City.
- (6) Nothing herein shall impede or interfere with the applicant's or City's right to seek relief in a court of competent jurisdiction.