

careful consideration of the evidence presented, the applicable law, and the Church's concerns, Petitioner's application for a permit and license is granted subject to the conditions below.

FINDINGS OF FACT

Having observed the witnesses and exhibits presented at the hearing and closely passing upon their credibility, and taking into consideration the burden of persuasion by the parties, the Court makes the following Findings of Fact by a preponderance of the evidence:

1. Petitioner has been registered with the South Carolina Secretary of State's Office since June 24, 2020, as a domestic limited liability company. Gavin J. Smith along with two others own the business.

2. On March 1, 2021, an application was made to the Department for an on-premises beer and wine permit and for a restaurant liquor by the drink license for a location at 102 Main Street, Lexington, South Carolina, in Lexington County.

3. As a result of the application, the South Carolina Law Enforcement Division (SLED) conducted a standard investigation of the location to determine compliance with the statutory requirements for licensure including section 61-6-120 of the South Carolina Code which provides the Department shall not grant or issue a license if the place of business is within three hundred feet of any church. S.C. Code Ann. § 61-6-120 (2009). Regulation 7-303 further outlines how the distance is to be measured. S.C. Code Regs. 7-303 (2011).

4. A senior special SLED agent with twenty years of experience¹ in alcohol licensing testified as to how she took measurements based upon the directives contained in section 61-6-120 and regulation 7-303. When the special agent measured the distance from the front door of the proposed location to the nearest point of entrance to the grounds of the Church by following the shortest route of pedestrian travel along the public thoroughfare, she found the location to be three-hundred and ten feet.

5. The SLED agent later measured the distance from the rear doors² of the proposed location which resulted in a distance of two-hundred and eight feet from the Church. A retired SLED agent testified on behalf of the Church and concurred in this measurement.

¹ The agent was most recently provided measurement training in 2019.

² One of the two doors will remain locked from the outside and is to be utilized as an emergency exit only. It will have panic hardware and will not be accessible from the exterior. The other door leads directly into the kitchen. It will be used for food service delivery and trash removal; it will not be utilized by the public.

6. SLED posted notice at the location indicating protests would be accepted through March 20, 2021. On February 24, 2021, the Department received a valid public protest against the permit and license from the Church.

7. By letters dated March 23, 2021, the Department requested additional information from Petitioner necessary to process the application. Petitioner failed to provide proof of liquor liability insurance, a retail sales tax license number, and a Grade A retail establishment permit from the Department of Health and Environmental Control (DHEC).

8. On May 6, 2021, the Church timely protested the denial of the license and permit. By letters dated May 6, 2021, the Department denied the issuance of the license and permit based upon receipt of a valid protest.

9. On July 20, 2021, the Department and Petitioner entered into a “Voluntary Agreement as to Restrictions “[t]hat a fence must enclose the rear entrance of the proposed location, and the fence gate must (a) remain closed while the business is operating, (b) be used solely by employees; and (c) be clearly marked for employee use only.”

10. Also on July 20, 2021, the Department issued a final determination denying the permit and license based upon: (1) the receipt of a timely and valid protest filed pursuant to sections 61-5-525³ and 61-6-1825;⁴ (2) Petitioner’s failure to demonstrate the requisite liability insurance required by section 61-2-145(a)⁵ of the South Carolina Code; (3) Petitioner’s failure to provide proof of a Grade A retail food establishment permit from the South Carolina Department of Health and Environmental Control required by section 61-6-1610(H)⁶ of the South Carolina Code; (4) Petitioner’s failure to requested information as required by sections 61-2-90(6);⁷ and (5) the Department’s inability to determine if the location was suitable.⁸

11. The only two issues in this case are whether the proposed location complies with section 61-6-120(A) and regulation 7-303; and whether the location is otherwise suitable.

12. At the hearing, Mr. Smith testified he and the two other business owners will have management responsibility for Petitioner although they intend to hire a manager at some point. The total project cost is anticipated to be \$1,000,000. The business will employ about forty-five

³ S.C. Code Ann. § 61-4-525 (2009).

⁴ S.C. Code Ann. § 61-6-1825 (2009).

⁵ S.C. Code Ann. § 61-2-145 (2009).

⁶ S.C. Code Ann. § 61-6-1610(H) (2009).

⁷ S.C. Code Ann. § 61-2-90 (2009).

⁸ S.C. Code Ann. § 61-4-520(5) (2009)

staff members although probably no more than twenty-five will be working at any given time. It will operate as a full-service restaurant and bar.⁹ Food will be served at all times the business is open and will be a regular and significant source of revenue. Petitioner will participate in food delivery through Uber Eats, Door Dash, etc. The menu will consist of foods from all over the country. Brunch will be served on Sundays.

13. Petitioner will have indoor and outdoor seating for two-hundred with a little more than half of the seating located indoors (the proposed location has two indoor structures on the premises). It will not admit more customers than it has the capacity to service with staff. The outdoor theme will be similar to a beer garden. One of Petitioner's principals is a landscaper and \$40,000 in landscaping is to be installed at the proposed location with string lights. The architect who designed the renovations testified the entire property will be surrounded by a fence approximately four feet high so as only to allow ingress and egress to the premises at two designated areas; the fence will allow visibility.

14. Petitioner has seventeen designated parking spaces. While the Church maintains that parking is insufficient to accommodate Petitioner's capacity, street parking is available as are other public lots and private lots (those private lots identified by Petitioner's landlord are available for Petitioner's use) in proximity to the proposed location. Petitioner will also have valet parking available to its customers. Petitioner's counsel also established that other similar establishments do not even have designated parking spaces.

15. The proposed location will have amplified music. A main stage will be located outdoors for live entertainment on Fridays and Saturdays, but Petitioner will not have live music on Wednesday evenings during the Church's bible study, or on Sunday when the Church holds its regular worship service. If the Church is willing to work with Petitioner, Petitioner will make every effort to ensure its music does not interrupt weddings and funerals, the latter of which are sometimes held outside. Petitioner will have its own custom designed speaker system in an effort to minimize sound being directed toward the Church. Live bands will utilize on-site sound equipment.

⁹ Mr. Smith said its servers will take safe serve classes, and everyone who purchases alcohol will be subject to having their identification card scanned regardless of the age of the customer. Scans will be performed upon ordering by handheld ordering devices.

16. Petitioner's intended hours of operation will be Tuesday through Thursday from 11:00 a.m. until 9:00 p.m.; Friday from 11:00 a.m. until 11:00 p.m.; Saturday from 10:00 a.m. until 11:00 p.m.; and Sunday from 10:00 a.m. until 9:00 p.m. The hours may be modified depending upon demand (such as closing at 6:00 p.m. on Sundays if it is not busy). The proposed location will be equipped with more than fifty security cameras covering both the interior and exterior. The police department is located two-tenths of a mile away.

17. Petitioner intends to be a good neighbor to the Church and in the community. Mr. Smith talked at length about plans to sponsor animal adoption events and little league teams.

18. On cross-examination, Mr. Smith conceded there is no way to prevent Petitioner from having any impact on the Church, but Petitioner is committed to reducing any adverse impact. As an example, Petitioner will not have live music on Sundays and Wednesdays when the Church has bible study and worship services. Mr. Smith will work with the Church to minimize noise during other church events. Petitioner plans to conduct regular trash sweeps to retrieve any trash blown onto the Church's parking lot from its or any other establishment and will prioritize trash sweeps being done on Tuesday and Saturday evenings prior to Wednesday bible study and Sunday services.

19. Pastor Jason T. Antley has been a pastor at the Church for six and one-half years. The Church is two-hundred years old. Its physical address is 119 N. Church Street, Lexington, South Carolina. The Church has about one-thousand and seven-hundred baptized members. Sundays are the Church's busiest days. Prior to the pandemic, attendance on Sundays was about four-hundred and five. Since the pandemic, its Sunday in-person attendance is about two-hundred and twenty-five. During the week, the Church operates a pre-school which is open from 8:00 a.m. to 2:00 p.m. The Church also hosts other activities during the week including three Alcohol Anonymous meetings including one during the day on Mondays, and two during the evenings on Wednesdays and Thursdays. The Church hosts events for its youth (such as periodic weekend teen "lock-ins") and senior members. It regularly uses its outside courtyard which it calls "The Grove," during the daytime for pre-school students, as well as for other events in the afternoon and evenings. The Church also loans its facilities to other groups for things like basketball practice on Friday evenings from 5:30 p.m. to 7:30 p.m., yoga classes, and flag practice.

20. Pastor Antley expressed concern that because silence is a part of its liturgy, noise would be disruptive to its regular worship services, and to the occasional wedding and funeral. In the last year, the Church has held five weddings and eleven funerals on-site.

21. Pastor Antley testified he had concerns about those attending its Alcoholic Anonymous meetings having to pass by Petitioner's premises (which will be serving alcohol) to get into the building. He said this might present a temptation to those attendees. However, there are several other alcohol establishments also in walking distance (including one that shares two property lines with the Church). There was no testimony those other permitted and licensed establishments had presented adverse impact on meeting attendees.

22. While the Court understands the Church's concerns, some of the testimony regarding those concerns is undermined by the withdrawal of the Church's objection to Libby's, an alcohol establishment that has an outside patio for music. Libby's shares two common borders with the Church. The Church represented it withdrew its objection to Libby's because Libby's agreed to withdraw its liquor by the drink request and agreed to sell only beer and wine.¹⁰ While statutorily, the requirements for a beer and wine permit and a restaurant liquor by the drink license differ, there was no testimony one type of alcohol was more or less likely to cause the potential problems the Church raised.

23. Also, the Icehouse Amphitheater located at 107 West Main Street, Lexington, South Carolina, is very close to the Church. The amphitheater can host large concerts at any time of day or night without limitation, thereby interfering with regular worship services, weddings, funerals, and other programming. Also, the amphitheater's sound system is much larger than Petitioner's. Pastor Antley testified up until recently, if there was a problem with noise from the amphitheater, a congregant who was the president of the Lexington Chamber of Commerce would simply contact the amphitheater and ask them to turn down the music. The Court can discern no difference between having someone call the amphitheater, and someone calling Petitioner, the latter of whom has already agreed not have live music at certain times.

¹⁰ Pastor Antley represented that Libby's is also closed on Sundays, and that it constructed a fence along a bordering area. Petitioner plans to erect a six- to eight-foot-high fence along the back side of its property which will serve as a barrier between its property and that of the Church. The fence will be constructed primarily of aluminum or wood.

24. Moreover, Pastor Antley conceded traffic in the area was also a large source of noise in the area and in particular at Church and Main Streets. Mr. Smith testified that the traffic count on Main Street is thirty-thousand a day.

25. Pastor Antley testified the parking lot closest to the Church has about fourteen spaces and the Church already has frequent parking issues.¹¹ If those spaces are utilized by those not visiting the Church, it will present problems of inadequate parking for church members and especially those who need to park closer to the Church's entry door (there is also a roundabout for drop off and pick up).¹² On cross-examination, Pastor Antley testified the Church has additional parking lots with a combined total of four to five hundred spaces which is sufficient to insure parking for church attendees.

26. Mr. Smith testified that while he cannot control where customers park no more than other local businesses including a nearby bar, Petitioner will encourage customers not to park at the Church through social media and advise customers of available parking.¹³ Petitioner will offer valet parking which Mr. Smith hopes will minimize customer parking at the Church's adjacent lot.

27. While it raised these issues on cross-examination, the Church provided no factual evidence¹⁴ to indicate the granting of a permit and license at the proposed location would result in intoxicated customers leaving the proposed location and loitering on Church property, "trashing" the Church's parking lot, using drugs in the Church's parking lot, vomiting on the Church's property, continuing to "party" in the Church's parking lot after hours, engaging in sexual activity in the Church's parking lot, sleeping or passing out in their cars parked in the Church's parking lot, or vandalizing the Church's cemetery. Also, the Church provided no factual evidence to

¹¹ While the Church has a sign posted stating unauthorized vehicles may be towed, it has never towed anyone.

¹² The Court notes that when Mr. Smith was asked whether Petitioner had any control over its patrons parking in the Church's parking lot, Mr. Smith testified Petitioner offered to purchase a gate for this particular lot so that the Church would have control over it but the Church did not respond. "The rule that precludes evidence regarding an offer to settle or compromise a claim does not prohibit such evidence when it is offered for a purpose other than proving liability for, the invalidity of, or the amount of, the claim or any other claim." 32 C.J.S. *Evidence* § 500 (November 2021 Update). Whether to allow evidence of a compromise or settlement offer for some purpose other than to prove liability or the invalidity of the claim or its amount is within the discretion of the trial court. *Id.* See also *Hall v. Palmetto Enterprises, II, Inc. of Clinton*, 282 S.C. 87, 317 S.E.2d 140 (Ct. App. 1984).

¹³ Mr. Smith owns a public relations firm.

¹⁴ Pastor Antley testified that the day before the hearing, he met with the owner of Cherry's Delight, a business in West Columbia, South Carolina. The business abuts Savage Craft Ale Works. Pastor Antley said that the owner stated some of the Church's concerns have materialized on her property as a result of Savage Craft Ale Works, and that she has not been able to get assistance in remedying the issues. This testimony constitutes inadmissible hearsay. Moreover, the owner had documented the issues as they had already occurred and were not based upon opinion or speculation.

indicate Petitioner's presence would result in a proliferation of homeless individuals digging through Petitioner's dumpster.¹⁵ Moreover, Mr. Smith testified if he were to find a homeless person digging through Petitioner's dumpster for food, he would offer him a meal. On cross-examination, Pastor Antley conceded he was unaware of an existing homelessness problem in downtown Lexington.

28. The Court asked if there were any restrictions the Court could place upon any permit or license that would satisfy the Church. Pastor Antley testified the Church appreciated Petitioner's efforts to work with the Church to address what might be some of the most basic problems, but the only way to fully address all of the Church's concerns would be for Petitioner to locate elsewhere.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Court concludes the following as a matter of law:

General

1. Section 1-23-600 of the South Carolina Code grants jurisdiction to this Court to hear contested cases under the Administrative Procedures Act. S.C. Code Ann. § 1-23-600 (Supp. 2020). The Administrative Law Court also has exclusive jurisdiction to adjudicate contested matters involving the regulation of alcoholic beverages under Title 61 of the South Carolina Code. *See* S.C. Code Ann. § 61-2-260 (2009) and S.C. Code Ann. § 12-60-1320 (2014).

2. A contested case hearing such as this is a trial de novo, in which "the whole case is tried as if no trial whatsoever had been had in the first instance," and the administrative law judge conducting the hearing is the sole finder of fact. *Marlboro Park Hosp. v. S.C. Dep't of Health & Envtl. Control*, 358 S.C. 573, 579, 595 S.E.2d 851, 854 (Ct. App. 2004) (quoting *Blizzard v. Miller*, 306 S.C. 373, 412 S.E.2d 406 (1991) and *Converse Power Corp. v. S.C. Dep't of Health & Envtl. Control*, 350 S.C. 39, 564 S.E.2d 341 (Ct. App. 2002)). The weight and credibility assigned to evidence presented at the hearing is within the province of the trier of fact. *S.C. Cable Television Ass'n v. S. Bell Tel. & Tel. Co.*, 308 S.C. 216, 222, 417 S.E.2d 586, 589 (1992).

¹⁵ The Church also expressed concern about Petitioner's dumpster that is located in an area adjacent to the education building. The dumpster will be enclosed by a brick and aluminum fencing and surrounded by plants and vines so as to conceal the dumpster area and reduce the odor. Petitioner will ensure the trash is regularly emptied and in the mornings. Petitioner likewise has an interest in there being no odor emanating from the dumpster as it has outdoor dining.

3. The standard of proof in administrative proceedings is a preponderance of the evidence unless otherwise specified. *Anonymous v. State Bd. of Med. Exam'r*, 329 S.C. 371, 375, 496 S.E.2d 17, 19 (1988). *See also* 2 Am.Jur.2d *Administrative Law* § 344 (November 2021 Update).

4. The weight and credibility assigned to evidence presented at a hearing is within the province of the trier of fact. *S.C. Cable Television Ass'n v. S. Bell Tel. & Tel. Co.*, 308 S.C. 216, 222, 417 S.E.2d 586, 589 (1992). Furthermore, a trial judge who observes a witness is in the best position to judge the witness's demeanor and veracity and to evaluate the credibility of his testimony. *Woodall v. Woodall*, 322 S.C. 7, 10, 471 S.E.2d 154, 157 (1996) (citing *McAlister v. Patterson*, 278 S.C. 481, 299 S.E.2d 322 (1982)).

5. There is no right to a permit or license issued by this State for the sale of liquor, or beer and wine; rather, they are privileges to be used and enjoyed only so long as the holder complies with the restrictions and conditions governing them. *See Feldman v. S.C. Tax Comm'n*, 203 S.C. 49, 26 S.E.2d 22, 25-26 (1943).

6. Members of the public may submit to the Department written protests against the issuance or renewal of a beer and wine permit and liquor by the drink license if the protestants comply with the requirements of the statute in rendering the protest. *See* S.C. Code Ann. §§ 61-4-525 and 61-6-1825 (2009).

7. Qualifying members of the public may formally object to the issuance of a beer and wine permit, or a liquor license, by tendering a valid protest to the Department in accordance with the applicable filing requirements. S.C. Code Ann. § 61-4-525 (2009); S.C. Code Ann. § 61-6-1825 (2009); S.C. Code Ann. Regs. 7-201 (2011). The mere fact a permit or license is protested, however, is not a sufficient reason, by itself, to deny an application. *See* 48 C.J.S. *Intoxicating Liquors* § 194 (November 2021 Update). Rather, in the absence of a sufficient reason to deny the application, “[a]n applicant who meets, or complies with, the statutory requirements is entitled to the issuance of a license or permit...” *Id.* Thus, “[g]ood cause must be shown for the denial of a license.” *Id.* “A license may properly be refused where a statutory ground for refusal exists, provided there is a reasonable basis for believing in its existence” *Id.*

8. Section 61-2-90(6) requires an applicant provide all information required by the Department in order to determine if the application meets all statutory requirements for the license or permit. S.C. Code Ann. §61-2-90 (2009). This includes information necessary to confirm the

applicant has liquor liability coverage for businesses that remain open after 5:00 p.m. and a Grade A retail food establishment permit from the South Carolina Department of Health and Environmental Control. S.C. Code Ann. §§ 61-2-145 and 61-6-1610(H) (2009 and Supp. 2020).

Distance from the Church

9. Section 61-6-1820 establishes the criteria for the issuance of a liquor license. Section 61-6-1820(3) provides a sale and consumption license shall not be granted unless section 61-6-120 has been complied with. S.C. Code Ann. § 61-6-1820(3) (Supp. 2020). Section 61-6-120(A) requires that a location situated within a municipality applying for a license to sell liquor must be a minimum of three-hundred feet from any church, school, or playground.

Section 61-6-120(A) provides in part:

The department shall not grant or issue any license provided for in this article, Article 5, or Article 7 of this chapter, if the place of business is within three hundred feet of any church, school, or playground situated within a municipality or within five hundred feet of any church, school, or playground situated outside of a municipality. Such distance shall be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of such church, school, or playground ...

10. Regulation 7-303 further clarifies how the distance will be measured and states in part:

With respect to a church or a school, the distance shall be measured from the nearest entrance of the place of business by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare to the nearest point of entrance to the grounds of the church or school, or any building in which religious services or school classes are held, whichever is the closer ...

11. As stated herein, the measurement from Petitioner's front door, the public entrance, to the nearest point of entrance to the grounds of the Church by following the shortest route of pedestrian travel along the public thoroughfare, is three-hundred and ten feet. The measurement from Petitioner's rear door which by agreement with the Department will be used only for employees and remain closed while the business is operating, is two-hundred and eight feet.

12. The Church maintains the nearest point of entrance is Petitioner's rear door and neither the statute nor regulation distinguish a public entrance versus a private entrance for employees only. The Church argues that because the distance from the rear door is less than three-hundred feet, the proposed location is violative of section 61-6-120(A). Petitioner, however,

disagrees and maintains that an employee is not an “ordinary pedestrian” and as such, the measurement from the front door, the public access, should be utilized for purposes of section 61-6-120(A).

13. As Petitioner has agreed to seal the existing employee entrance and move it to a location that measures at least three-hundred feet, there is no need to engage in a discussion about any ambiguity that may exist in section 61-6-120(A) or regulation 7-303, or statutory construction.

Suitability of the Proposed Location

14. Section 61-4-520 of the South Carolina Code (2009) generally sets forth the requirements for the issuance of a beer and wine permit. Subsection 61-4-520(5) provides the location of the proposed place of business must be a proper one. Subsection 61-4-520(6) further provides “[t]he department may consider, among other factors, as indications of unsuitable location, the proximity to residences, schools, playgrounds, and churches.”

15. Section 61-6-1820 establishes the criteria for the issuance of a liquor license. While section 61-6-1820 does not set forth whether the suitability of a proposed location may in general be considered in determining whether an applicant should be issued a license, the South Carolina Supreme Court held in *Schudel v. S.C. Alcoholic Beverage Control Comm'n*, 276 S.C. 138, 276 S.E.2d 308 (1981), under a similar statutory provision, that such consideration was proper. In fact, in *Kearney v. Allen*, 287 S.C. 324, 326, 338 S.E.2d 335, 337 (1985), the Supreme Court, in determining the suitability of a location for a mini-bottle license and a beer and wine permit, specifically set forth that the factfinder “may consider any evidence adverse to the location” without any distinction to the type of permit or license.

16. Although “proper location” is not statutorily defined, the Court is vested, as the trier of fact, with the authority to determine the fitness or suitability of a particular location. *Fast Stops, Inc. v. Ingram*, 276 S.C. 593, 281 S.E.2d 118 (1981). The determination of a “proper location” is not necessarily a function solely of geography. *Palmer v. S.C. Alcoholic Beverage Control Comm'n*, 282 S.C. 246, 249, 317 S.E.2d 476, 478 (Ct. App. 1984); 48 Am.Jur.2d *Intoxicating Liquors* § 108 (November 2021 Update). Rather, in making that determination, the Court “may consider any evidence adverse to the location.” *Kearney v. Allen, supra*. It involves an infinite variety of considerations related to the nature and operation of the proposed business and its impact upon the community within which it is to be located. *Id.* at 327; 338 S.E.2d at 337.

17. “A liquor license or permit may also be properly refused on the ground that the location of the establishment would adversely affect the public interest, that the nature of the neighborhood and of the premises is such that the establishment would be detrimental to the welfare ... of the inhabitants, or that the manner of conducting the establishment would not be conducive to the general welfare of the community.” 48 C.J.S. *Intoxicating Liquors* § 196 (November 2021 Update). Nevertheless, when the evidence does not reflect an adverse impact to the community, the application must not be denied if the statutory criteria are satisfied. 48 Am.Jur.2d *Intoxicating Liquors* § 108 (November 2021 Update).

18. Additionally, in making its determination, the Court must consider whether the testimony in opposition to the granting of a license is based on opinions, generalities, and conclusions, or whether the case is supported by facts. *See Smith v. Pratt*, 258 S.C. 504, 508, 189 S.E.2d 301, 302 (1972); *Taylor v. Lewis*, 261 S.C. 168, 171, 198 S.E.2d 801, 802 (1973).

19. After carefully weighing the evidence and applying the law as discussed above, I find Petitioner’s proposed location is suitable for the application for an on-premises beer and wine permit and business liquor by the drink license

20. Pastor Antley exhibited great credibility in expressing the Church’s opposition to the license and permit but the Church failed to produce sufficient factual evidence to substantiate its concerns and justify denial. The concerns expressed by the Church while sincere, are too general and speculative to warrant denial of the permit and license.

21. While the Church has alleged that Petitioner will be a nuisance, if the business is operated as Mr. Smith testified, the proposed location is a suitable one. The concerns of the Church are understandable with its primary concern being that of noise. Petitioner has already agreed not to have live music on Wednesdays or Sundays during bible study and worship services and has committed to the Church to work with it in order to ensure Petitioner is not disruptive to other significant Church events such as weddings and funerals. Also, the Church has not demonstrated that noise from Petitioner’s business will be any more impactful to the Church than the noise emanating from the amphitheater or Libby’s.

22. Finally, provided Petitioner meets all other statutory requirements, the South Carolina legislature has allowed a business such as Petitioner to be granted a permit and license to sell alcohol provided there is a distance of three-hundred feet from the Church as provided section 61-6-120(A) and regulation 7-303.

ORDER

Based on the foregoing findings of fact and conclusions of law,

IT IS HEREBY ORDERED that Petitioner Vision Ventures Investment Group, LLC d/b/a Navy Yard on Main application for an on-premises beer and wine permit and a restaurant liquor by the drink license is **GRANTED** with the caveat that it comply with the following conditions:

Petitioner shall provide the South Carolina Department of Revenue with documentation demonstrating it has procured the following: (1) the requisite liability insurance required by section 61-2-145; (2) a Grade A retail food establishment permit from the South Carolina Department of Health and Environmental Control required by section 61-6-1610(H); and (3) a retail sales tax license number;

Petitioner shall procure a favorable final inspection from the South Carolina Law Enforcement Division;

Petitioner shall remove or relocate the non-emergency door in the rear of the building so that when measured, the distance from that entrance is at least three-hundred feet to the nearest point of entrance to the grounds of the Church by following the shortest route of pedestrian travel along the public thoroughfare;

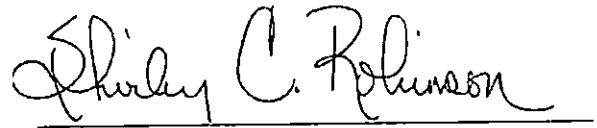
Petitioner shall erect a six- to eight-foot-high fence (to be constructed primarily of wood or aluminum) along the back of its property;

Petitioner shall make every effort to prevent customers and staff from parking at the Church, to include posting signs instructing customers and staff not to park in the Church's parking lot.

Petitioner shall not have live music during the Church's hours of bible study on Wednesdays, and Sunday morning worship services.

Finally, the Court encourages Petitioner and the Church to work together to minimize the adverse impact of any noise during life cycle events such as weddings and funerals.

AND IT IS SO ORDERED.

A handwritten signature in black ink that reads "Shirley C. Robinson". The signature is written in a cursive style with a horizontal line underneath it.

SHIRLEY C. ROBINSON
Administrative Law Judge

December 21, 2021
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Ti'a Smith, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).



Ti'a Smith
Judicial Law Clerk

December 21, 2021
Columbia, South Carolina

