

Sponsor(s)	: County Council	
First Reading	: May 2, 2023	I, Kaela Brinson, Council Clerk,
Committee Referral	: N/A	certify that this Ordinance was
Committee Consideration Date	: N/A	advertised for Public Hearing on
Committee Recommendation	: N/A	July 6, 2023.
Second Reading	: June 6, 2023	
Public Hearing	: July 25, 2023	
Third Reading	: July 25, 2023	
Effective Date	: Immediately	

ORDINANCE NO. 23-O-09

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[To Adopt Title 5 – Business Licenses & Regulations of the Colleton County Code of Ordinances, Chapter 5.04 – Late Night Establishments Preclearance, of the Colleton County Code of Ordinances.]

WHEREAS:

County Council deems it to be in the best interest of the County to adopt Title 5 – Business Licenses and Regulations, Chapter 5.04 – Late Night Establishments Preclearance of the Colleton County Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY COLLETON COUNTY COUNCIL, DULY ASSEMBLED, THAT:

1. Title 5 – Business Licenses and Regulations, Chapter 5.04 – Late Night Establishments Preclearance, of the Colleton County Code of Laws, is hereby adopted to read as follows:

Chapter 5.02. – Late Night Establishments Preclearance

Sections

5.04.010. – Purpose

5.04.020. – Definitions

5.04.030. – Late night establishment preclearance letter required; application; issuance.

5.04.040. – Regulatory fee; expiration and renewal of preclearance letter.

5.04.050. – Revocation of late night establishment preclearance letter.

5.04.060. – Safety plan contents.

5.04.070. – Hearing; preclearance letter denial, revocation; safety plan incompleteness; appeal

5.04.080. – Preclearance letter may be required of existing businesses.

5.04.090 - Violations; penalties.

Sec. 5.04.010. - Purpose.

The purpose of this chapter is to regulate late night establishments that offer or allow on-premises consumption of alcohol and that operate between the hours of 12:00 midnight and 6:00 a.m. within the unincorporated areas of Colleton County, in order to prevent

personal and property crimes, prostitution, lewdness, violence, illicit drug use and drug trafficking, negative impacts on surrounding properties, blight, litter, and sexual assault and exploitation, and to increase awareness of over-service of alcoholic beverages and curb underage drinking.

5.04-020. - Definitions.

For purposes of this chapter, the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

Administrator means the Colleton County Administrator or his or her designee.

Applicant means any person, firm, corporation, or other legal entity applying for a preclearance letter to operate a late night establishment, as defined herein.

County means Colleton County, South Carolina.

Employee means any person who works on the premises of a late night establishment on a full time, part time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, lessee, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

Hearing officer means a citizen, not employed by the county, appointed by the administrator, deemed to have the requisite training, education, and experience to serve as an independent tribunal to conduct hearings under this chapter, and to justly and fairly hear and decide on matters presented therein.

Late night establishment means a commercial establishment that offers or allows consumption of alcoholic beverages on the premises and that is open for use by patrons, for any length of time, between the hours of 12:00 midnight and 6:00 a.m.

Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

Recipient means a person in whose name a preclearance letter to operate a late night establishment has been issued, as well as the individual or individuals listed as applicants on the application for a late night establishment preclearance letter.

Specified criminal activity means any of the following specified crimes for which less than seven years has elapsed since the date of arrest, the date of conviction, including a plea of nolo contendere or a plea pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), or the date of release from confinement for the conviction, whichever is the later date:

- A. Offenses against the person, listed in S.C. Code, Title 16, Chapter 3 (as amended or recodified from time to time);
- B. Offenses against public justice, listed in S.C. Code, Title 16, Chapter 9 (as amended or recodified from time to time);

- C. Offenses against property, listed in S.C. Code, Title 16, Chapter 11 (as amended or recodified from time to time);
- D. Offenses listed in S.C. Code, Title 16, Chapter 13 (which chapter is titled "Forgery, Larceny, Embezzlement, False Pretenses and Cheats") (as amended or recodified from time to time);
- E. Offenses listed in S.C. Code, Title 16, Chapter 14 (which chapter is titled "Financial Transaction Card Crime Act") (as amended or recodified from time to time);
- F. Offenses against morality and decency, listed in S.C. Code, Title 16, Chapter 15 (as amended or recodified from time to time);
- G. Offenses listed in S.C. Code, Title 16, Chapter 19 (which chapter is titled "Gambling and Lotteries") (as amended or recodified from time to time);
- H. Offenses involving weapons, listed in S.C. Code Title 16, Chapter 23 (as amended or recodified from time to time);
- I. Narcotics and controlled substances offenses set forth in S.C. Code § 44-53-370—44-53-445 (as amended or recodified from time to time);
- J. Alcohol-related offenses listed in S.C. Code, Title 61, Chapter 6, Article 13 (as amended or recodified from time to time);
- K. Any crime if it involved dishonesty or false statement, regardless of the punishment;
- L. Any crime if it involved conduct at a commercial establishment where alcoholic beverages are consumed on the premises, regardless of the punishment;
- M. Any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or
- N. Any offense in another jurisdiction that, had the predicate act(s) been committed in South Carolina, would have constituted any of the foregoing offenses.

5.04.030. - Late night establishment preclearance letter required; application; issuance.

- A. *Late night establishment preclearance letter.* It shall be unlawful for any person to commence operating, after July 25, 2023, a late night establishment in the county without a valid late night establishment preclearance letter. No person shall apply for a certificate of zoning compliance or approval of a special exception to operate a late night establishment before obtaining a late night establishment preclearance letter. It shall be unlawful for any person to operate a late night establishment after a nuisance declaration without a valid late night establishment preclearance letter issued after such revocation or declaration. The issuance of a preclearance letter does not authorize the recipient to operate a late night establishment. Rather, after receiving a preclearance letter, the recipient must also obtain a valid certificate of zoning compliance or special exception issued in accordance with Colleton County's zoning laws.

For all late night establishments in existence prior to July 25, 2023, as a condition of continued or renewed operation of such establishment, a written safety plan, acceptable to the county, containing the information required by section 5.04.060., must be filed at the office of the Colleton County Administrator (or such office as the administrator may designate), during regular business hours, together with a one-time nonrefundable administrative fee of two hundred fifty dollars (\$250.00), it being unlawful for any person to continue operating such establishment in the absence of such safety plan. The information provided shall be supplemented in writing by certified mail, return receipt requested, to the administrator (or such office as the administrator may designate) within ten working days of a change of circumstances which would render the information originally submitted false or incomplete. The late night establishment must also operate in compliance with all other laws and regulations.

B. Application. All applicants for a late night establishment preclearance letter shall file in person at the office of the Colleton County Administrator (or such office as the administrator may designate), during regular business hours, a completed application made on a form approved by the administrator. The application shall be signed as required by subsection (C) herein and shall be notarized. An application shall be considered complete when it contains, for each person required to sign the application, the following required information and/or items, accompanied by the appropriate fees:

1. The applicant's full legal name and any other names used by the applicant in the preceding seven years.
2. Current business address or another mailing address for the applicant.
3. The business name, location, legal description, mailing address and phone number of the late night establishment.
4. If the applicant is a sole proprietor, written proof of age, in the form of a driver's license or a picture identification document containing the applicant's date of birth issued by an agency of a state or of the federal government.
5. If the applicant is not a sole proprietor, then the partnership, limited liability company, corporation, or other legal entity shall submit a complete list of the legal entity's:
 - a) Officers;
 - b) Directors;
 - c) Partners, members, or shareholders (natural persons) holding a ten percent or greater ownership interest in such legal entity, or if there is no shareholder (natural person) with at least a ten percent interest, the ten shareholders with the greatest ownership interests;

- d) Employee or agent primarily responsible for operation of the late night establishment, and all managers who will be on duty during times of operation; and
 - e) Written proof of age, in the form of a driver's license or a picture identification document containing the person's date of birth issued by an agency of a state or of the federal government for each person described in subparts a. through d. above.
- 6. A statement of whether any applicant or any person listed in response to subsection (b)(5) has been an owner, director, officer, partner, member, shareholder, or manager of a business that has, in the previous seven years (and at a time during which the person was so related to the business):
 - a) Been declared in a judicial proceeding to be a nuisance; or
 - b) Had its license to operate revoked.
- 7. A statement of whether the applicant or any person listed in response to subsection (B)(5) has within the previous seven years been arrested for, convicted of, or pleaded guilty or entered a plea of nolo contendere to a specified criminal activity as defined in this chapter, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each such arrest and/or conviction.
- 8. A statement of whether the applicant or a person listed in response to subsection (B)(5) resides with someone who has been an owner, director, officer, partner, member, shareholder, or manager of a business that has, in the previous seven years (and at a time during which the person was so related to the business):
 - a) Been declared in a judicial proceeding to be a nuisance; or
 - b) Had its license to operate revoked.
- 9. For each person listed in response to subsection (B)(5), a full set of fingerprints and additional information required to enable a state fingerprint-based background check conducted by the State Law Enforcement Division (SLED) to determine any state criminal history, and to enable a fingerprint-based background check to be conducted by the Federal Bureau of Investigation to determine any other criminal history.
- 10. If the applicant is a partnership, limited liability company, corporation, or other legal entity required to be chartered under the laws of the state or authorized by the secretary of state to do business in the state, such corporation must be chartered under the laws of the state or authorized by the secretary of state to do business in the state and must submit copies of the certificate of organization or incorporation, as applicable, and articles of organization or incorporation, as applicable.

11. The name and business address of the statutory agent or other agent authorized to receive service of process within Colleton County, South Carolina on behalf of the late night establishment.

12. A statement whether the applicant is the owner of the premises wherein the late night establishment will be operated or the holder of a lease thereon. If the applicant is a lease holder, a copy of the lease shall be submitted with the application.

13. A written safety plan that contains the information required by section 5.04.060.

The information provided pursuant to this subsection (B) shall be supplemented in writing by certified mail, return receipt requested, to the administrator (or such office as the administrator may designate) within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.

A. *Signature.* If a person who seeks a late night establishment preclearance letter under this section is an individual, he or she shall sign the application for a preclearance letter as applicant. If a person who seeks a late night establishment preclearance letter is other than an individual, each person listed in response to subsection (B)(5) is considered an applicant and shall sign the application as an applicant. Each applicant must be qualified under this article and each applicant shall be considered a recipient if a preclearance letter is issued.

B. *Completeness of application.* The administrator or his or her designee shall determine whether the application is complete according to the requirements set forth above. If the application is not complete, then within twenty days after its submission, the administrator or his or her designee shall inform the applicant in writing of the particulars in which the application is incomplete.

C. *Issuance of preclearance letter.* Upon the filing of a completed late night establishment preclearance letter application, the county shall cause to be conducted a criminal background investigation of each applicant and shall transmit a summary of the investigation results to the administrator or his or her designee. Within sixty days of the filing of the application, the administrator or his or her designee shall either issue a preclearance letter to the applicant or issue a written notice of intent to deny the preclearance letter to the applicant. The administrator or his or her designee shall issue the preclearance letter unless:

1. The applicant or a person listed in response to subsection (B)(5) is less than twenty-one years of age.

2. The applicant has failed to provide information required by this chapter for issuance of a preclearance letter or has falsely answered a question or request for information on the application form.

3. The applicant is neither the owner of the premises wherein the establishment will be operated, nor the holder of a lease thereon.

4. The fees required by this chapter have not been paid.
5. The county, within the previous thirty-six months, has revoked a preclearance letter to operate a late night establishment or a license to operate an adult entertainment establishment at the premises wherein the establishment will be operated.
6. A business on the premises wherein the late night establishment will be operated has, within the previous thirty-six months, been declared in a judicial proceeding to be a nuisance or has had its license to operate revoked by the county.
7. The applicant, a person who resides with an applicant, or a person listed in response to subsection (B)(5) has been an owner, director, officer, partner, member, shareholder, or manager of a business that has, in the previous seven years (and at a time during which the person was so related to the business):
 - a) Been declared in a judicial proceeding to be a nuisance;
 - b) Had its license to operate revoked; or
 - c) Repeatedly operated in violation of state law or county regulations.
8. The applicant or a person listed in response to subsection (B)(5) has within the previous seven years been convicted of, or pleaded guilty or entered a plea of nolo contendere to, a specified criminal activity, as defined in this chapter.
9. The applicant is a partnership, limited liability company, corporation, or other legal entity that is required to be chartered under the laws of the state or authorized by the secretary of state to do business in the state, but is not so chartered or authorized.
10. The applicant has failed to pay county taxes or fees (including, but not limited to, personal and real property taxes, hospitality taxes, accommodations taxes, property assessments, sewer fees, stormwater fees, fire alarm taxes and fire alarm fees, and annual regulatory fees) or state taxes or fees related to the establishment, when due.
11. The applicant has failed to comply with applicable state laws (including, but not limited to, sanitary kitchen facility requirements; permitting requirements for the service of alcoholic beverages, beer, and wine; and regulations for the service of alcoholic beverages, beer, and wine) related to the operation of the establishment.
12. The applicant has failed to provide full payment to the county within ten days of notice of a check returned to the county for insufficient funds, related to the establishment. The term "full payment" means the full amount due of the original check plus costs and fees assessed to the county by its bank for the return of the check presented, as well as any return check fee otherwise assessed by the county.
13. The applicant or a person listed in response to subsection (B)(5) is shown by the county to be acting on behalf of a person who has, within the previous seven years, operated a business in violation of applicable laws or regulations.

14. The applicant or a person listed in response to subsection (B)(5) has, within the previous five years, knowingly or recklessly allowed possession, use, or sale of controlled substances on the premises of any business establishment.
15. The applicant or a person listed in response to subsection (B)(5) has, within the previous five years, allowed any criminal activity to occur in or on the premises of any business establishment.
- D. A preclearance letter, if issued, shall be issued in the name of the applicant and shall identify, as recipients, the persons listed in the application in response to subsection (B)(5).
- E. With respect to a late night establishment's safety plan, the issuance of a preclearance letter reflects only that the safety plan is acceptable and addresses the matters required in this chapter. A preclearance letter does not prevent the county from imposing different or additional safety-related requirements upon a late night establishment.

5.04.040. - Regulatory fee; expiration and renewal of preclearance letter.

- A. There shall be an annual regulatory fee of two hundred fifty dollars (\$250.00) and a one-time nonrefundable investigative fee of two hundred fifty dollars (\$250.00) for each late night establishment within the county that holds a valid preclearance letter. Both fees shall be paid with the application. If the applicant withdraws the application or the preclearance letter is denied, the applicant shall be refunded the annual regulatory fee paid. No refund shall be allowed once the preclearance letter has been issued.
- B. Each preclearance letter shall remain valid for a period of one calendar year from the date of issuance unless otherwise revoked. Such preclearance letter may be renewed by making payment of the annual regulatory fee as provided in this section. After initial approval, and if there have been no changes in information, operations, or safety plan, the validity of a preclearance letter may be extended for up to two consecutive years upon written affirmation by the applicant of such fact, in letter form, signed as set forth in section 5.04.030(C) herein and notarized, and filed in person at the office of the Colleton County Administrator (or such office as the administrator may designate), during regular business hours.

5.04.050. - Revocation of late night establishment preclearance letter.

- A. Revocation for specific violations. The administrator or his or her designee shall issue a written notice of intent to revoke a late night establishment preclearance letter if:
1. The recipient fails to maintain the qualifications for holding a preclearance letter;
 2. The recipient has knowingly or recklessly given false information in the application for the preclearance letter or has failed to supplement the application information as required by section 5.04.030(B) after a change of circumstances that rendered the information originally submitted false or incomplete;

3. The recipient has knowingly or recklessly allowed possession, use, or sale of controlled substances on the premises of the establishment;
 4. The recipient has knowingly or recklessly allowed sodomy, aggravated sodomy, public indecency, lewdness, prostitution, assignation, pimping, pandering, pandering by compulsion, masturbation for hire, obscenity, or disorderly conduct to occur in or on the premises of the late night establishment;
 5. The recipient has knowingly or recklessly allowed a person under the age of twenty-one years to consume alcohol on the premises of the establishment;
 6. The recipient has knowingly or recklessly allowed any specified criminal activity to occur in or on the premises of the establishment;
 7. The recipient has repeatedly operated the business in violation of state law or county regulations;
 8. The recipient is convicted of any specified criminal activity as defined in this chapter; or
 9. The establishment is found to have operated in violation of an accepted safety plan.
- B.** The fact that any relevant conviction is being appealed shall have no effect on the revocation of the preclearance letter, provided that, if any conviction which serves as a basis of a preclearance letter revocation is overturned or reversed on appeal, that conviction shall be treated as null and of no effect for revocation purposes.
- C.** When a notice of intent to revoke a preclearance letter has been issued, the recipient shall not apply for or be issued any new preclearance letter under Colleton County Code chapter until such notice has been withdrawn or, if revocation has become effective, until three years after the effective date of revocation.
- D.** When any person listed on a late night establishment preclearance letter application is arrested for conduct alleged to have occurred at the late night establishment, no person listed on the establishment's preclearance letter application may apply for or be issued any new preclearance letter for that location under this Colleton County Code chapter, until the arrestee is cleared or until ninety days following the arrest have passed, whichever occurs sooner.

5.04.060. - Safety plan contents.

A safety plan shall be considered complete when it sets forth the following:

- A.** The business name, location, mailing address, and phone number of the late night establishment, and the name, title, and mailing address of the individual responsible for communicating with the county in connection with the safety plan.
- B.** Affirmation that the late night establishment will not permit its employees or patrons, on the premises, to engage in any criminal activity.

- C. Affirmation that the late night establishment will require each employee, while working on the premises, to wear a light-colored name tag (on the front upper half of the employee's torso) that states a first name and last initial in dark letters that are three-eighths ($\frac{3}{8}$) of an inch tall or taller; and affirmation that the late night establishment will maintain an up-to-date list of its employees' actual names, that the list will also set forth for each employee the first name and last initial that is on the name tag worn by the employee, and that the establishment will provide a copy of that list to the administrator or his or her designee immediately upon request.
- D. Affirmation that the late night establishment is not a theater, concert hall, art center, museum, or similar establishment that is primarily devoted to the arts or theatrical performances;
- E. Affirmation that the establishment has established a policy that conforms with DOR approved training program on age sensitive sales as listed in the DOR SC Information Letter 06-05, or subsequently issued letter of the same subject, and that addresses that all security, floor managers, bartenders, and wait staff will be trained so as to determine when a customer is underage or apparently intoxicated, along with affirmation that the establishment, its agents, and its employees will enforce the policy of refusing further alcohol service to customers at that point;
- F. A statement whether the establishment will employ personnel that exercise security functions, and if so, an affirmation that all security personnel shall be licensed by the State of South Carolina and be bonded;
- G. Affirmation that no alcohol consumption and no glass or metal containers of any kind will be permitted in the parking lots under the control of the establishment, along with affirmation that the establishment has established policies and security resources to assure compliance;
- H. Affirmation that upon request, the establishment will consult with the Colleton County Sheriff's Office and provide such security as is recommended by that department that recognizes individual circumstances of the establishment; and
- I. A copy of the establishment's policies that specifically address the following elements:
1. Patron weapon search procedures, if any;
 2. Control of all ways of ingress and egress;
 3. Control of parking lots, lot behavior, and litter;
 4. Procedures for handling violent incidents, other emergencies, and calling the Sheriff's Office;
 5. The number of security, and their movement and placement;
 6. A description of the training provided or completed by security and other personnel, including conflict de-escalation training;

7. The procedures for determining over occupancy, crowd control, and emergency egress; and
8. Current contact information for the person or position responsible for addressing safety, security, or county code related complaints by patrons or neighborhood residents.

5.04.070. - Hearing; preclearance letter denial, revocation; safety plan incompleteness; appeal.

- A. When the administrator or his or her designee issues a written notice of intent to deny or revoke a preclearance letter, the administrator or his or her designee shall send such notice, which shall include the specific grounds under this article for such action, to the applicant or recipient (appellant) by personal delivery or certified mail. The notice shall be directed to the most current business address or other mailing address on file with the administrator or his or her designee for the appellant(s). The notice shall also set forth the following: The appellant shall have ten days after the delivery of the written notice to submit, at the office of the administrator (or such office as the administrator may designate), a written request for a hearing, accompanied by a twenty-five dollar (\$25.00) processing fee. If the appellant does not request a hearing within the said ten days, accompanied by the required processing fee, the administrator's (or designee's) written notice shall become a final denial or revocation, as the case may be, on the eleventh day after it is issued.
- B. If the appellant does make a written request for a hearing within the said ten days, then a hearing officer shall, within forty-five days after receipt of such request, unless continued by agreement of the appellant and the county, at a time and place of which the appellant has been given written notice, hold a hearing on the matter. Either party may provide for the hearing to be recorded and transcribed at that party's expense.
- C. At the hearing, the strict rules of evidence shall not apply, but the parties shall have the opportunity to present all relevant arguments, be represented by counsel, present evidence and witnesses, and request that certain questions be asked of adverse witnesses in cross-examination. The appellant shall bear the burden of proving entitlement to the preclearance letter. The hearing shall take no longer than one day, unless extended at the request of the appellant to meet the requirements of due process and proper administration of justice. The hearing officer shall issue a final written decision, including specific reasons for the decision pursuant to this chapter, to the parties within thirty days after the hearing.
- D. If the decision is to deny or revoke the preclearance letter, the decision shall advise the appellant of the right to appeal such decision to a court of competent jurisdiction within ten days after receipt of the hearing officer's decision. If the hearing officer's decision finds that no grounds exist for denial or revocation of the preclearance letter, the hearing officer shall, contemporaneously with the issuance of the decision, order the administrator to withdraw the intent to deny or revoke the preclearance letter and to notify the appellant in writing by certified mail of such action.

E. Any party aggrieved by the decision of the hearing officer may appeal the decision to the circuit court within ten days after the issuance of the decision. If any court action challenging a decision is initiated, the county shall consent to expedited briefing and/or disposition of the action, shall comply with any expedited schedule set by the court, and shall facilitate prompt judicial review of the proceedings.

5.04.080. - Preclearance letter may be required of existing businesses.

A. A preclearance letter may be required of any late night establishment in existence prior to July 25, 2023 as a condition of continued or renewed operation of such establishment in the event of the occurrence of any of the following, it being unlawful for any person to continue operating such establishment in the absence of such letter if required. The late night establishment must also operate in compliance with all other laws and regulations.

1. When circumstances exist permitting the county to revoke a zoning permit;
2. When circumstances exist providing a basis for the pursuit of a public nuisance action; or
3. When Sheriff's Office calls or visits to the establishment or premises, in response to complaints, or resulting in discovery, of illegal drug use or activity, excessive noise, litter and debris, vandalism, theft, robbery, burglary, breaking and entering, gambling, assault, fighting, disorderly conduct, breaches of the peace, shooting, malicious damage to property, public intoxication, service of alcohol to underage persons, loitering, prostitution, assignation, or lewdness, or other state or federal felony criminal activities exceed four times in any four-week period.

5.04.090 - Violations; penalties.

A. Any person violating any provision of this article shall be deemed guilty of a misdemeanor and shall be subject to a fine of up to five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall be considered a separate offense.

B. The county administrator or his/her designee is authorized to request and obtain injunctive relief to cease and desist against any person who fails to comply with the provisions of this article after notice. The county administrator or designee is specifically authorized to obtain injunctive relief for those persons who persist in operating a business, as defined herein, preclearance letter

2. Severability:

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

3. Conflict:

Provisions in other County Ordinances, Resolutions, policies, or by-laws in conflict with this Ordinance are hereby repealed.

ATTEST:

SIGNED:


Kaela Brinson, Council Clerk


Steven D. Murdaugh, Chairman


Approved as to Form
Sean P. Thornton, County Attorney

COUNCIL VOTE: UNANIMOUS
OPPOSED: