

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

City of Columbia, Respondent,

v.

Jennifer B. Gardner, Appellant.

Appellate Case No. 2010-178526

Appeal From Richland County
C. Tolbert Goolsby, Jr., Special Circuit Court Judge

Unpublished Opinion No. 2012-UP-560
Submitted October 1, 2012 – Filed October 24, 2012

AFFIRMED

Jennifer B. Gardner, of Columbia, pro se.

Holly Palmer Beeson, of the Office of the City of
Columbia Attorney, of Columbia, for Respondent.

PER CURIAM: Jennifer Gardner, pro se, appeals her conviction of working without a permit, arguing (1) the municipal and circuit courts erred in rejecting her argument that the City of Columbia improperly denied her a building permit under sections 40-11-420(C), -360(A)(6), and -360(B)(1) of the South Carolina Code, instead relying on sections 40-59-260(A) and -20(7), and (2) sections 40-59-

260(A) and -20(7) are unnecessarily restrictive and violate the Ninth and Fourteenth Amendments of the United States Constitution as well as section 40-1-10 of the South Carolina Code. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to whether the circuit court erred in rejecting Gardner's argument that the City of Columbia improperly denied her a building permit under sections 40-11-420(C), -360(A)(6), and -360(B)(1) of the South Carolina Code and instead relied on sections 40-59-260(A) and -20(7): *City of Aiken v. Koontz*, 368 S.C. 542, 546, 629 S.E.2d 686, 688 (Ct. App. 2006) (noting when reviewing criminal cases originating in a magistrate or municipal court and appealed through the circuit court, "the court of appeals sits to review errors of law only and is bound by the factual findings of the trial court unless clearly erroneous" (citations omitted)); Columbia City Code § 5-201 ("Before any individual or business entity shall engage in any part or facet of the building business within the city, they shall have obtained an appropriate permit and paid the fees as set forth in this chapter.").

2. As to Gardner's remaining issues: *Thompson v. S.C. Steel Erectors*, 369 S.C. 606, 617, 632 S.E.2d 874, 880-81 (Ct. App. 2006) (holding issues must be raised to and ruled upon by intermediate appellate courts to be preserved for further appellate review).

AFFIRMED.¹

SHORT, KONDUROS, and LOCKEMY, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.