

DeKalb County Government*Office of the Chief Executive Officer • Code of DeKalb County, Chapter 15, Article XV***Non-Discrimination Ordinance: Complaint Enforcement Process***Effective Date: Reference: Ord. No.***1. Purpose and Authority**

This document establishes the standard enforcement process required under Article XV (Non-Discrimination) of Chapter 15 of the Code of DeKalb County, Georgia (the "Ordinance"). It describes the procedural steps, timeframes, and recordkeeping duties that the Executive Assistant/Chief Operating Officer, or their designee ("the Administering Officer"), must follow when a complaint of discrimination is filed against a business, place of public accommodation, or other covered person within DeKalb County.

This procedure is intended for use by County staff administering the Ordinance and for public reference regarding how discrimination complaints are handled. It does not create private rights or obligations beyond those established by the Ordinance itself.

2. Roles and Responsibilities

Role	Responsibility
Executive Assistant/Chief Operating Officer or Designee ("Administering Officer")	Receives and processes complaints, coordinates mediation, appoints hearing officers, serves notices, and maintains the official complaint file.
Mediator	A state-registered neutral who conducts non-binding mediation between the complainant and the respondent.
Hearing Officer	A qualified attorney selected from the County's roster who reviews complaints not resolved by mediation, conducts hearings as needed, and issues findings and penalties.
Complainant	The person who files a verified complaint alleging a violation of the Ordinance.
Respondent	The business or person alleged to have violated the Ordinance.

3. Enforcement Process — Step by Step

The Administering Officer is responsible for completing the following steps, in sequence, for every complaint filed under the Ordinance.

Step 1 — Intake of Complaint

1. Receive the verified, written complaint from the complainant, submitted on the County's official Discrimination Complaint Form (Appendix A).
2. Confirm the complaint was filed within sixty (60) days of the alleged act of discrimination. Complaints filed outside this window should be flagged for dismissal review by the hearing officer at the appropriate stage.
3. Collect the \$50.00 filing fee at the time of filing. Log the fee in the complaint file and note that the fee is refundable to the complainant if the complaint survives dismissal under the standards described in Step 6.
4. Assign a complaint file/tracking number and log the complaint in the County's complaint tracking system.

Step 2 — Service of Complaint on Respondent

5. Serve the Notice of Complaint (Appendix B) and a copy of the verified complaint on the business or individual accused of the violation.
6. Service must be completed no later than seven (7) calendar days after receipt of the verified complaint.
7. Acceptable methods of service: personal service; certified mail, return receipt requested; or statutory overnight delivery. Document the method and date of service in the complaint file.

Step 3 — Referral to Mediation

8. Refer the complaint to a state-registered mediator for non-binding mediation using the Mediation Referral Form (Appendix D).
9. Participation in mediation is voluntary for both parties. Note each party's election to participate or decline in the complaint file.
10. Mediator fees are split equally between the parties unless, at the conclusion of mediation, both parties agree to another allocation.

Step 4 — Mediation Outcome

11. If either party notifies the Administering Officer in writing, within fifteen (15) days of the conclusion of mediation, that they are dissatisfied with the mediation results or if either party elects not to participate, those determinations should be recorded on the Mediation Outcome Notice (Appendix D, Part 2) and proceed to Step 5.
12. If the parties reach a resolution through mediation and neither party files a timely dissatisfaction notice, close the complaint file as resolved and process any applicable filing fee refund.

Step 5 — Appointment of Hearing Officer

13. Maintain a current roster of no fewer than five (5) qualified attorneys eligible to serve as hearing officers. Each listed attorney must: be in good standing in their profession; have at least five (5) years' experience practicing law; not be a county employee; not hold elected or appointed office within the County; and not have served as outside counsel to the County, its elected officials, or its employees within the preceding year.

14. Upon receipt of a dissatisfaction notice or notice that a party elects not to participate in mediation, randomly draw a name from the roster and appoint the first available attorney as hearing officer.
15. Issue the Hearing Officer Appointment Notice (Appendix E) to both parties.

Step 6 — Answer Period and Preliminary Review

16. The respondent has fifteen (15) days after receiving notice of the hearing officer's appointment to file an Answer to Complaint (Appendix C). The respondent is not obligated to file an answer.
17. Upon expiration of the fifteen-day answer period, the hearing officer reviews the complaint and any answer to determine: (i) whether the complaint conforms to the requirements of the Ordinance; (ii) whether the complaint is unjustified, frivolous, or patently unfounded; or (iii) whether the complaint demonstrates facts sufficient to invoke the County's police powers.
18. If the complaint fails this review, the hearing officer dismisses it in a signed written notice stating the basis for dismissal. The Administering Officer serves the Notice of Dismissal (Appendix F) on the parties and processes the fee refund, if applicable.

Step 7 — Investigation and Hearing

19. If the complaint is not dismissed, the hearing officer may collect evidence and information, including further inquiry to the complainant or respondent, and/or convene a hearing on the allegations.
20. At any hearing, the respondent has the right to: representation by counsel; written notice of the hearing at least ten (10) calendar days in advance; the opportunity to hear and examine evidence and witnesses; the right not to testify; and the right to submit evidence and call witnesses. Strict rules of evidence and civil procedure do not apply.
21. All investigations must be completed within thirty (30) days of receipt of the respondent's answer, or the expiration of the fifteen-day answer period, whichever is earlier. If the investigation is not completed in this period, the complaint is deemed dismissed for failure to state facts sufficient to invoke the County's police power, and the Administering Officer serves notice of that dismissal on the parties.

Step 8 — Final Action and Notice

22. Within seven (7) calendar days of completing the investigation, the hearing officer serves a written and signed notice of final action on the parties, with a copy to the Administering Officer, using the Notice of Final Action (Appendix G). Final action is either: (a) dismissal of the complaint, or (b) a finding that a violation occurred.
23. If a violation is found, the hearing officer may: (i) apply a civil penalty of up to \$500 per violation (an additional penalty of up to \$500 may apply for repeat offenders); and/or (ii) recommend suspension or revocation of the violator's professional or business license.
24. The hearing officer's fees are assessed against the non-prevailing party unless the hearing officer determines that the circumstances warrant assessing costs in some other manner.
25. The Administering Officer logs the final action in the complaint tracking system and, where applicable, coordinates with the appropriate licensing division regarding penalty enforcement or license referral.

Step 9 — Right to Appeal

26. Any party adversely affected by the hearing officer's findings or recommendations may seek judicial review.
27. An action for judicial review must be filed as a petition pursuant to the Superior and State Court Appellate Practice Act within thirty (30) days after written notice of final action has been served on the parties. The filing of a timely petition acts as a supersedeas (stays enforcement) pending review.
28. The Administering Officer retains the complaint file, including proof of service of the final action notice, to support any appellate proceeding.

4. Recordkeeping and Timeframes Summary

Step	Responsible Party	Timeframe
Service of complaint on respondent	Administering Officer	Within 7 calendar days of receipt
Dissatisfaction notice re: mediation	Complainant or Respondent	Within 15 days of mediation's conclusion
Respondent's answer to complaint	Respondent	Within 15 days of hearing officer appointment notice
Written notice before first hearing	Hearing Officer	At least 10 calendar days before hearing
Completion of investigation	Hearing Officer	Within 30 days of answer or expiration of answer period
Notice of final action	Hearing Officer	Within 7 calendar days of completed investigation
Petition for judicial review	Aggrieved Party	Within 30 days of final action notice

5. Recordkeeping Requirements

- Maintain a complete case file for each complaint, including the original verified complaint, proof of service, mediation records, the hearing officer's roster selection record, any answer filed, hearing records, and the final action notice.
- Track and process filing fee refunds for complaints that survive dismissal.
- Retain records in accordance with the County's records retention schedule and make records available for judicial review proceedings as required.

6. Forms Referenced in This Process

The following draft forms support the enforcement process described above. Each form is provided as an appendix to this document and should be adapted to the County's standard formatting and submission channels (online portal, in-person, or mail) prior to publication.

- Appendix A — Discrimination Complaint Form
- Appendix B — Notice of Complaint (Service on Respondent)
- Appendix C — Respondent's Answer to Complaint
- Appendix D — Mediation Referral and Outcome Notice
- Appendix E — Hearing Officer Appointment Notice
- Appendix F — Notice of Dismissal