

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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S.C. SUPREME COURT

APPEAL FROM ADMINISTRATIVE LAW COURT

The Honorable S. Phillip Lenski, Administrative Law Judge

Case No. 2021-000007

Andrew Davis DesiletPetitioner,

v.

South Carolina Department of Motor Vehicles and
South Carolina Department of Public SafetyRespondents,

Of Whom the South Carolina Department of Motor Vehicles is the Respondent.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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STATEMENT OF THE CASE

This matter comes before the South Carolina Supreme Court pursuant to the *Petition for Writ of Certiorari* of Andrew Desilet (hereinafter, “Petitioner” or “Appellant”), who seeks review of the South Carolina Court of Appeals (hereinafter, “Court of Appeals”) December 7, 2022, unpublished opinion No. 2022-UP-435 and subsequent January 12, 2023, order denying *Petitioner’s Petition for Rehearing* in this case. The South Carolina Department of Motor Vehicles (hereinafter, “SCDMV”) believes the Court of Appeals’ December 7, 2022, opinion in this case correctly rules on the questions presented and seeks to have the *Petition for Writ of Certiorari* denied.

On March 2, 2020, the Petitioner was arrested for driving under the influence and subsequently taken to Lexington County Detention Center. R. p. 2.¹ The Petitioner was read his Implied Consent rights and then refused to provide a breath sample. R. p. 2. Trooper Brazell with the South Carolina Highway Patrol issued the Petitioner an MV-65 Notice of Suspension following Petitioner’s refusal to provide a breath sample. R. p. 2. Petitioner timely requested a contested case hearing with the Office of Motor Vehicle Hearings (hereinafter, “OMVH”). R. p. 16-17. The hearing was held on August 4, 2020. R. p. 1-11, 118. The record in this matter indicates the decision appealed from was rendered on August 5, 2020, then served on the parties by mail or email. R. p. 28-38. The OMVH *Final Order and Decision* upheld Petitioner’s Implied Consent suspension. R. p. 1-11, 118.

On or about August 17, 2020, Petitioner filed a *Notice of Appeal* with Proof of Service with the Administrative Law Court (hereinafter, “ALC”). R. p. 18-23. Notably, this *Notice of*

¹ “R” references the Court of Appeals *Record on Appeal*. Since there was not a renumbered Appendix included by Petitioner, all record references will be from the Court of Appeals *Record on Appeal*.

Appeal listed the Appellant as Andrew Davis Desilet and “Other Parties of Record” as only Trooper S. Z. Brazell of the South Carolina Department of Public Safety, even though the SCDMV was also a party of record in the OMVH case. R. p. 20. Even more significantly, however, the Proof of Service stated that SCDMV was served with the *Notice of Appeal* at:

Office of General Counsel
South Carolina Department of Motor Vehicles
1205 Pendleton Street, Suite 325
Columbia, SC 29201

R. p. 21-22 (emphasis added). Significantly, the Proof of Service stated that the OMVH was also served with the *Notice of Appeal* at:

Attn: Clerk
South Carolina Office of Motor Vehicle Hearings
1205 Pendleton Street, Suite 325
Columbia, SC 29201

Id. (emphasis added). SCDMV never received the August 17, 2020, mailing of the *Notice of Appeal* for this case and SCDMV is not located at 1205 Pendleton Street, Suite 325, Columbia SC 29201. SCDMV is located at 10311 Wilson Boulevard, Blythewood, South Carolina 29016. SCDMV also receives mail at Post Office Box 1498, Blythewood, South Carolina 29016. On August 28, 2020, the ALC issued a *Notice of Assignment* for this appeal, appointing Judge S. Phillip Lenski to preside.² R. p. 24.

On September 21, 2020, the OMVH filed the *Record on Appeal* with the ALC. R. p. 16-24, 61-76, 81-91. Upon reviewing the *Record on Appeal* and discovering Petitioner’s fatal service error, i.e. Petitioner sending SCDMV’s copy of the *Notice of Appeal* to the OMVH, as

² SCDMV received the *Notice of Assignment* from the ALC on September 2, 2020. This was the first notice that SCDMV received from anyone that indicated this case had been appealed. At the time of receiving the *Notice of Assignment*, SCDMV had no way of knowing who had appealed the case (Mr. Desilet, an attorney on Mr. Desilet’s behalf, or some other party) and had no idea what the grounds were for the appeal.

stated in the Proof of Service, SCDMV filed a *Notice of Motion and Motion to Dismiss* (hereinafter, "*Motion to Dismiss*") the ALC appeal on September 26, 2020. R. p. 25-27 and 92. On October 2, 2020, Petitioner filed a response to SCDMV's *Motion to Dismiss*, admitting that SCDMV's "copy of the Notice of Appeal was inadvertently sent to 1205 Pendleton Street in Columbia, the Office of Motor Vehicle Hearings." R. p. 28-33 and 93. Petitioner asserted that his failure to serve the *Notice of Appeal* on SCDMV was an inadvertent clerical error. *Id.*

On October 5, 2020, SCDMV filed an *Amended Notice of Motion and Motion to Dismiss* to correct a typo in the first *Motion to Dismiss*.³ R. p. 39-41 and 94. Also, on October 5, 2020, Petitioner filed his *Notice of Appeal with Corrected Service Address* with the ALC. R. p. 34-38 and 95-96. The *Notice of Appeal with Corrected Service Address* was served on the SCDMV, and it was received by the SCDMV on October 8, 2020. On October 12, 2020, Petitioner filed *Affidavit of Kellie S. Reaves*. R. p. 77-80 and 97. Significantly, this affidavit confirmed that Kellie S. Reaves mailed SCDMV's copy of the first *Notice of Appeal* to "1205 Pendleton Street, Columbia, South Carolina, which is the Office of Motor Vehicle Hearings." *Id.* Thereafter, although all deadlines in the ALC appeal were stayed pursuant to Rule 34(B), SCALCR, Appellant filed *Brief of Appellant* on October 21, 2020. R. p. 42-50 and 98. On December 18, 2020, the ALC issued *Order Granting Respondent's Motion to Dismiss*. R. p. 12-14.

On January 5, 2021, Petitioner filed his *Notice of Appeal and Motion to Stay Order Pending Appeal* with the Court of Appeals. R. p. 51-56, 111-112, and 119. On January 5, 2021, at 4:52 p.m. the SCDMV and other parties to this appeal were sent an e-mail from Sierra Ritchie of the Court of Appeals issuing the Court of Appeals letter of initial filing. R. p. 106-108. The e-

³ In the original *Motion to Dismiss*, SCDMV stated the *Final Order and Decision* issued by the OMVH was issued on April 5, 2020, but it was actually issued on August 5, 2020. The use of the word April in place of August was merely a typo, but the *Amended Motion to Dismiss* was filed to ensure SCDMV presented the ALC with accurate information in its motion.

mail from Ms. Ritchie was the SCDMV's first notification that an appeal had been filed with the Court of Appeals in this matter, as Petitioner's Counsel did not e-mail a copy of the *Notice of Appeal* to SCDMV until 5:24 p.m. on January 5, 2021. R. p. 111-112. Thereafter, at 5:24 p.m. on January 5, 2021, Petitioner's Counsel served a copy of the *Notice of Appeal* and *Motion to Stay Order Pending Appeal* upon SCDMV by e-mail. On February 4, 2021, the Court of Appeals issued an *Order* staying Petitioner's suspension pending the outcome of this appeal on February 4, 2021. R. p. 15.

On February 22, 2021, Petitioner's Counsel filed a *Motion for Extension of Time to File Initial Brief*. R. p. 57-60. This extension was granted until March 24, 2021. *Order* dated February 23, 2021. On March 24, 2021, Petitioner's Counsel filed *Motion for Additional Extension to File Initial Brief with Consent of Respondents*. *Motion for Additional Extension to File Initial Brief with Consent of Respondents* filed on March 24, 2021. This extension was granted until April 23, 2021. *Order* dated March 25, 2021. On April 22, 2021, Petitioner filed his *Initial Brief of Appellant* and *Appellant's Designation of Matter to be Included in the Record on Appeal*. SCDMV filed *Respondent's Final Brief* with the Court of Appeals, as well as all parties, on July 28, 2021.

In an unpublished opinion issued December 7, 2022, the Court of Appeals held that "The ALC properly granted the DMV's motion to dismiss because Desilet conceded that he failed to serve the DMV with the notice of appeal and the requirement to serve the notice of appeal on all parties is jurisdictional." The Court of Appeals further held that "the DMV's motion to dismiss is dispositive" and thus the court did not address Desilet's "additional issues." After Petitioner filed his *Petition For Rehearing* with the Court of Appeals, on January 12, 2023, an order denying

rehearing held that “the Court is unable to discover that any material fact or principle of law was overlooked or disregarded, and hence, is no basis for granting a rehearing.”

ARGUMENT

I. THERE IS NO EVIDENCE IN THE RECORD THAT THE COVID-19 PANDEMIC OR THE UNITED STATES POSTAL SERVICE CAUSED THE PETITIONER TO IMPROPERLY AND UNTIMELY SERVE THE NOTICE OF APPEAL ON THE SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES

Petitioner argues that his failure to properly and timely serve the ALC *Notice of Appeal* on the SCDMV should be blamed on the COVID-19 pandemic (hereinafter “COVID-19”) and the United States Postal Service (hereinafter “USPS”). Petitioner asserts in the *Petition for Writ of Certiorari* before this court that “Under normal circumstances Appellant’s inadvertent clerical error could give rise to a substantial error” and goes on further to state that “five (5) months into the COVID-19 lockdown the world was anything from normal.” However, at no point has Petitioner given an explanation as to how COVID-19 caused circumstances that were not “normal” at Petitioner’s Counsel’s office causing them to put the address of the OMVH down for mailing the *Notice of Appeal* to the SCDMV, thus failing to actually serve the *Notice of Appeal* on the SCDMV.

Additionally, Petitioner argues that the USPS is to blame for this failure to properly serve the *Notice of Appeal*. Petitioner asserts that “Desilet never received any returned mail or notice that the actual Notice itself was addressed incorrectly, and thus was never given an opportunity to cure this clerical error.” He further asserts that the “United States Postal Service (USPS) did not “return to sender” for wrong address, nor forward to the DMV.” However, in making these assertions, Petitioner assumes that USPS had an obligation to return or forward the *Notice of Appeal* that was addressed to the OMVH. In this case, there is no question that 1205 Pendleton

Street, Suite 325, Columbia, SC 29201 is a real address. Moreover, there is no reason to believe that Petitioner failed to place sufficient postage on the mailing, as it appears sufficient postage was placed on the copies mailed to the ALC and OMVH since both of those courts received the *Notice of Appeal*. Since SCDMV has never received mail at OMVH's address, there would never have been mail forwarding from the OMVH address to SCDMV's location in Blythewood. Further there is no evidence presented as to how the USPS would have known that the *Notice of Appeal* should go to the SCDMV instead of the OMVH when SCDMV's address is not listed.⁴ If OMVH received two copies of the *Notice of Appeal* in this case, one addressed to the OMVH and one address to the Office of General Counsel for the SCDMV, it is entirely possible that OMVH staff would not notice the difference in the address on the outside of the envelopes (certainly the documents on the inside would be identical) and, therefore, not note the incorrect address to return the mailing to the USPS. In short, nothing in this record indicates that the mailing of SCDMV's copy of the *Notice of Appeal* was ever returned to the USPS to return the mailing to Petitioner's attorney. In fact, the most likely explanation of events is that OMVH received both mailings, did not notice the difference in the outside of the envelopes, and simply filed both copies of the *Notice of Appeal* in their file.⁵

Despite Petitioner attempting to place blame on the USPS and COVID-19, the evidence in this case demonstrates that the real error occurred in Petitioner's Counsel's office. The Proof of Service plainly states that SCDMV's copy of the *Notice of Appeal* was mailed to the OMVH address and the Petitioner has filed multiple pleadings that confirm this. Such an error, placing

⁴ From the perspective of the USPS, it could have been just as likely that someone intended the package to go to the OMVH, thus having the right address, but just having the SCDMV Office of General Counsel inadvertently as the party it is going to.

⁵ Nothing in this record indicates what happened to SCDMV's copy of the *Notice of Appeal* and this sentence is merely an educated guess based on past experience.

the wrong address on the Proof of Service and envelope, is not the fault of the USPS and has nothing to do with COVID-19. For these reasons, this ground for relief should be denied.

II. SERVICE OF THE NOTICE OF APPEAL IS JURISDICTONAL AND THE COURT OF APPEALS CORRECTLY HELD THAT THE IMPROPER AND UNTIMELY SERVICE OF THE NOTICE OF APPEAL TO THE SOUTH CAROLINA DEPARTMENT OF MOTER VEHICLES WAS A DISPOSITIVE ISSUE

This court has held “[T]he requirement of service of the notice of appeal is jurisdictional, i.e., if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to “rescue” the delinquent party by extending or ignoring the deadline for service of the notice.” *Elam v. S.C. Dep’t of Transportation*, 361 S.C. 9, 602 S.E. 2d 772, 775 (2004); See also *Southbridge Properties, Inc. v. Jones*, 292 S.C. 198, 355 S.E. 2d 535 (1987) (applying appellate court rules and dismissing case for failure to serve a notice of intent to appeal in a timely manner).

Rule 33, SCRALC directs that a party appealing from the decision of an agency must file **and serve** a copy of a Notice of Appeal upon each other party and the agency whose final decision is subject to the appeal within **thirty days** of receipt of the decision from which the appeal is taken. This Rule encompasses the thirty-day jurisdictional requirement set forth in S.C. Code §§1-23-660(D) and 1-23-610(A)(1). Notably, S.C. Code §1-23-610(A)(1) specifically says such a notice of appeal must be “served on the opposing party... not more than thirty days after the party receives the final decision and order...” The *Final Order and Decision* from the OMVH was issued to all of the parties on August 5, 2020. R. p. 1-11 and 118. Although Appellant timely filed his *Notice of Appeal* with the ALC, he failed to timely serve a copy of the *Notice of Appeal* on SCDMV. R. p. 18-23. The *Proof of Service* for the *Notice of Appeal* stated that SCDMV was served with the *Notice of Appeal* at:

Office of General Counsel
South Carolina Department of Motor Vehicles
1205 Pendleton Street, Suite 325
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R. p. 21-22 (emphasis added). Additionally, the Proof of Service for the *Notice of Appeal* stated that the OMVH was also served with the Notice of Appeal at:

Attn: Clerk
South Carolina Office of Motor Vehicle Hearings
1205 Pendleton Street, Suite 325
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Id. (emphasis added). SCDMV never received the August 17, 2020, mailing of the *Notice of Appeal* for this case. Significantly, on October 2, 2020, Petitioner filed a pleading admitting that SCDMV's "copy of the Notice of Appeal was inadvertently sent to 1205 Pendleton Street in Columbia, the Office of Motor Vehicle Hearings." R. p. 29-33 and 93. Additionally, on October 12, 2020, Petitioner filed *Affidavit of Kellie S. Reaves* and confirmed that Kellie S. Reaves mailed SCDMV's copy of the *Notice of Appeal* to "1205 Pendleton Street, Columbia, South Carolina, which is the Office of Motor Vehicle Hearings." R. p. 77-80 and 97. As noted in both of these filings by Petitioner, the address "1205 Pendleton Street, Suite 325, Columbia, SC 29201," is the address for the OMVH. Further, SCDMV is not located at that address, has never been located at that address, does not receive any mail at that address, and has never received any mail at that address. SCDMV's physical address is 10311 Wilson Boulevard, Blythewood, South Carolina 29016. SCDMV's post office box address is Post Office Box 1498, Blythewood, South Carolina 29016.

The OMVH is part of the ALC. See S.C. Code §1-23-660. Moreover, SCDMV and the ALC (and thus also the OMVH) are two separate state agencies. *Id.* and S.C. Code §56-1-5. The OMVH has not been part of the SCDMV since July 1, 2005. See 2005 SC Act 128. Therefore,

serving SCDMV's copy of the *Notice of Appeal* at the OMVH's address, even if it is addressed to the SCDMV Office of General Counsel, does not constitute proper service on SCDMV. There is no requirement that the OMVH or ALC perfect Petitioner's service on his behalf by forwarding the misaddressed mailing to the SCDMV.⁶ Also, there is no requirement that the OMVH or ALC notify appellants when they mail their *Notice of Appeal* to the OMVH or ALC in error. Notably, although nearly all other communications in this case were sent by both mail and e-mail (or by only e-mail), the *Notice of Appeal* in this case was only mailed via the USPS.

Petitioner argues that his error in mailing SCDMV's copy of the *Notice of Appeal* to OMVH was inadvertent and, therefore, excusable. To support these arguments Petitioner points to *Weatherford v. Price*, 340 S.C. 572, 532 S.E.2d 310 (Ct. App. 2000) and *Mason v. Mason*, 412 S.C. 28, 770 S.E.2d 405 (Ct. App. 2015). Each of these cases have significant differences from this case that make them inapplicable to this situation. Petitioner also attempts to distinguish *Conner v. City of Forest Acres*, 348 S.C. 454, 560 S.E.2d 606 (2002)

First, in *Weatherford*, the notice of appeal in question referred only to the order denying a motion for reconsideration but included an attached copy of the original merits order with the notice of appeal. *Weatherford*, 340 S.C. at 577-78. The Court of Appeals determined that it still had jurisdiction to hear the appeal, finding that under those circumstances the error was merely clerical in nature (by referring only to the order denying reconsideration) and that counsel demonstrated no prejudice as a result of the error. Notably, in *Weatherford*, the Respondent was served with the notice of appeal. Therefore, it was reasonable for the Respondent to understand that the Appellant in *Weatherford* was appealing both the denial of reconsideration and the merits order, since both orders were attached to the notice of appeal. Contrary to what occurred

⁶ To require courts to perfect appeals for parties that failed to properly serve their notice of appeal on the other parties to the case would be costly and burdensome for the courts.

in *Weatherford*, in this case SCDMV never received a notice of appeal in this case until after the thirty-day deadline for such service had passed. In fact, SCDMV first received a notice of appeal from Petitioner in this case on October 5, 2020, when Petitioner e-mailed the *Notice of Appeal with Corrected Service Address* to SCDMV. R. p. 34-38 and 95-96.

Since the OMVH's *Final Order and Decision* was served on the parties on August 5, 2020, Petitioner only had until September 4, 2020, to properly serve SCDMV with a notice of appeal. Rule 33, SCALCR and S.C. Code §1-23-610(A)(1). October 5, 2020 is more than a month after September 4, 2020, more than two months after the *Final Order and Decision* was issued by the OMVH, and ten days after Petitioner was put on notice by SCDMV that a fatal service error had taken place. R. p. 35-37 and 92. A complete and total failure to serve the notice of appeal on a party is a sizable difference from merely failing to state that you are appealing both a denial of a motion for reconsideration and the original merits order in your notice of appeal, particularly when both the denial order and the merits order are attached to your notice of appeal. By entirely failing to serve the *Notice of Appeal* on SCDMV, Petitioner placed SCDMV in unenviable position of not even knowing an appeal had been filed until it received the *Notice of Assignment* from the ALC on September 2, 2020 and, even then, SCDMV did not know: 1) which party had appealed (although it was reasonable to assume it was Petitioner); 2) if that party was represented or not; 3) if that party was represented, who the attorney was that was providing the representation; or 4) the grounds for the appeal. SCDMV had no confirmation regarding these issues until SCDMV received the *Record on Appeal* from the OMVH on September 24, 2020, over three weeks after receiving the *Notice of Assignment*. For these reasons, the *Weatherford* case is strongly distinguishable from the facts in this case.

Petitioner also relies on the case *Mason v. Mason*, 412 S.C. 28, 770 S. E.2d 405 (Ct. App. 2015) to argue that “an appeal was found to be proper because a party to the appeal ‘at least had notice he was a party to the appeal within the time required to file an appeal from the [special referee’s] decision.” In making this argument Petitioner is referring to section “IV. Aiding and Abetting” from the *Mason* decision. *Mason*, 412 S.C. at 59-60. Significantly, in the *Mason* case, the appeal discussed the inclusion of a particular Respondent (the Accountant) in the notice of appeal prior to the expiration of the thirty days to appeal. *Id.* The issue appeared to be that although the Accountant was served with the notice of appeal before the thirty days had run, that notice of appeal did not contain a copy of the appealed order attached to the notice of appeal. *Id.* The copy of the appealed order was provided to the Accountant by the Appellant after the thirty days had run. *Id.* Contrary to what occurred in the *Mason* case, Petitioner in this case took no action to properly notify SCDMV of this appeal prior to the thirty days running.

Rather, Petitioner argues that because SCDMV received the *Notice of Assignment* from the ALC prior to the thirty days running, then SCDMV had sufficient notice of the appeal in this case. As previously discussed, because Petitioner failed to timely serve his *Notice of Appeal* on SCDMV, until SCDMV received the *Record on Appeal* from the OMVH on September 24, 2020 SCDMV did not know: 1) which party had appealed; 2) if that party was represented or not; 3) if the Appellant was represented, who the attorney was that was providing the representation; or 4) the grounds for the appeal. Because SCDMV lacked all of the information set forth in the immediate proceeding sentence due to Petitioner’s failure to serve the *Notice of Appeal* on SCDMV, the *Notice of Assignment* also did not constitute sufficient notice regarding this appeal. ALC notices of assignment give very little information about what case has been appealed, likely because such notices of assignment are crafted to notify parties that have already been served

with a notice of appeal about which administrative law judge has been assigned to the appeal and about the basic deadlines that exist in ALC appeals. As far as identifying what case or matter has been appealed, an ALC notice of assignment only contains the following useful information: the names of the parties. Thus, in this case, while the *Notice of Assignment* from the ALC let SCDMV know that an appeal involving a person by the name of Andrew Davis Desilet had been filed, that is all the information SCDMV had to go off of to identify the case, parties, attorneys, issues, final orders, etc... that might be at issue in the case. For these reasons, the ALC *Notice of Assignment* issued in this case did not remedy Appellant's failure to timely serve SCDMV with the *Notice of Appeal*. Thus, Petitioner's reliance on the *Mason* case is also ill-placed.

Petitioner attempts to distinguish *Conner v. City of Forest Acres*, 348 S.C. 454, 560 S.E.2d 606 (2002) however, *Conner* gives more guidance to this case than the other cases cited by Petitioner. In *Conner*, this court held that it was improper for the Court of Appeals to have backdated a "corrected" notice of appeal and proof of service naming two new Respondents to the appeal because their names were not included in the caption on the original notice of appeal and the two Respondents were not timely served with the original notice of appeal. *Conner*, 348 S.C. at 460. Similar to the actions taken by Petitioner in this case, in *Conner* the Appellant served a "corrected" notice of appeal and proof of service upon the two Respondents that had not be previously named or served with the notice of appeal. *Id.* at 461. This "corrected" notice of appeal and proof of service occurred after the thirty days to file and serve the notice of appeal had passed. *Id.*

While it is true that SCDMV did eventually receive a copy of Petitioner's *Notice of Appeal* in this case, that copy did not come until September 24, 2020, via the *Record on Appeal* from the OMVH. Further while it is true that SCDMV was listed as a Respondent on Petitioner's *Notice*


of Appeal in this case, merely listing someone as a Respondent in an appeal does not constitute service of the notice of appeal on the party and cannot correct a failure to truly serve a copy of the notice of appeal on the party. *Mears v. Mears*, 287 S.C. 168 (1985); *Elam and Southbridge, supra*. Petitioner's assertions that merely listing SCDMV as a Respondent the *Notice of Appeal* or the SCDMV receiving the *Notice of Assignment* from the ALC satisfied the service requirements for the notice of appeal are grossly misplaced and were properly rejected by the Court of Appeals. For these reasons, this ground for relief should also be denied.

CONCLUSION

For all the reasons discussed above, and due to Petitioner's failure to properly serve the *Notice of Appeal* on SCDMV until after the thirty days for such service had expired, the ALC properly dismissed this case due to the Petitioner's failure to secure the appellate jurisdiction of the ALC. Further, the Court of Appeals correctly upheld the ALC's decision by holding that "The ALC properly granted the DMV's motion to dismiss because Desilet conceded that he failed to serve the DMV with the notice of appeal and the requirement to serve the notice of appeal on all parties is jurisdictional." The Court of Appeals further correctly held that "the DMV's motion to dismiss is dispositive" and thus the court did not address Desilet's "additional issues" including those raised in the *Petition for Writ of Certiorari* before this court. For the reasons stated above, the *Petition for Writ of Certiorari* should be denied.

[Signature on the following page]

Respectfully submitted,



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The Honorable S. Phillip Lenski, Administrative Law Judge

Case No. 2021-000007

Andrew Davis DesiletPetitioner,

v.

South Carolina Department of Motor Vehicles and
South Carolina Department of Public Safety.....Respondents,


Of Whom the South Carolina Department of Motor Vehicles is the Respondent.

PROOF OF SERVICE

I HEREBY CERTIFY that I have served the Return to Petition for Writ of Certiorari by depositing a copy of it in the United States Mail, postage prepaid, on March 3, 2023, addressed to the attorney for the Respondent as follows:

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Columbia, South Carolina 29201

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P.O. Box 1993
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