

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from the Administrative Law Court  
Honorable Milton Kimpson, Administrative Law Judge

**RECEIVED**

**Mar 30 2023**

Appellate Case No. 2023-000441

**SC Court of Appeals**

Stephen Mueller, Pro Se.....Appellant

V.

SCDHEC and Carla Varn DuPre and Jasper B. Varn III.....Respondents

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MOTION OF APPELLANT TO DISREGARD RESPONDENTS REQUEST TO DISMISS  
THE APPELLANTS APPEAL.

The final order of the ALC was supposedly served upon me, the Appellant, on June 7, 2022, although I did not receive it until emailed to me months later by Anthony Goldman of the ALC. The ALC has submitted no proof that (I) the Appellant in fact received the order on June 7.

In response, the Appellant moved the Court to reconsider based upon SCRCP 60(b)(1) and (2). The motion is required to be submitted in a reasonable time not more than 1 year from the judgment. The Appellant submitted the motion on Dec. 13, 2022 with compelling evidence that the judgment was wrong and significant new evidence was obtained. The ALC arbitrarily chose not to re-open the case under SCRCP 60(b)(1)(2).

Appellant subsequently submitted a timely Notice of Appeal to the SC Court of Appeals. As the documents were not submitted in the precise form required by the Court, the Appellant resubmitted the documents in correct form.

Now the Respondents want my Appeal dismissed because it was submitted less than 24 hours over a 10 day deadline.

My argument for the Court to accept the appeal is as follows.

Under Rule 260, the Court upon good cause can reinstate the case at its discretion.

The correspondence from the Court was received by USPS mail on March 21, 4 days after the notification was prepared. This gave the Appellant 6 not 10 days to respond. I also question if the deadline of 10 days is arbitrary or in Statute. Furthermore the Appellant was away from the address of record and had an associate prepare the corrected documents. The associate failed to submit them timely and when the Appellant returned he (I) immediately submitted them.

Lastly, I beg the Court that the ALC's decision was seriously flawed, I have submitted compelling evidence as such, many people have spent many hours of time, and significant financial costs have accrued, and for the Court of Appeals to dismiss the case over a few hours of untimely filing of documents in proper form would be awful.

This case will be very significant for the future of coastline development in the State of South Carolina and must be resolved according to all relevant Laws of SC. The SCDHEC has been negligent and is not abiding by the laws. To dismiss this case over the issue of timely filing would be very unfortunate for the future of the State.

I respectfully request that the Court accept my Appeal.

March 30, 2023

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