

APPELLANT'S RESPONSE TO RESPONDENTS' SECOND MOTION TO REQUEST
DISMISSAL

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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Aug 01 2023

SC Court of Appeals

APPEAL FROM SOUTH CAROLINA, ADMINISTRATIVE LAW COURT

Milton G. Kimpson, Judge
Docket No. 21-ALJ-07-0144-CC

Appellate Case No. 2023-000441

APPEAL FROM SOUTH CAROLINA, ADMINISTRATIVE LAW COURT'S FINAL ORDER OF
JUNE 7, 2022 WHICH UPHELD THE ACTION OF DHEC/OCRM TO ISSUE SPECIAL PERMIT
OCRM02808 ALLOWING CONSTRUCTION ON 407 PALMETTO BLVD. EDISTO BEACH

Decision rendered in the SCALC by
Milton G. Kimpson, Judge
Docket No. 21-ALJ-07-0144-CC

Appellate Case No. 2023-000441

Carla Varn DuPre, and Jasper Varn III , Counsel: Mary D. Shahid, Suite 400, 205 King St.
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SCDHEC/OCRM Counsel: Bradley Churdar 1362 McMillan Ave. Suite 400, Charleston, SC
29405 Phone: 843-953-0213

Respondents

v.

Stephen Mueller, Pro Se Appellant

BACKGROUND

The Respondents are attempting to have my appeal dismissed based upon minor errors in procedure but have not provided any reason based upon the substance of the case to have it dismissed. They are doing this because of the compelling evidence I have submitted in my Brief that the decision by the ALC was faulty. Furthermore during the appeal discovery process there will be much more evidence provided as I will be able to compel DHEC officials to testify as to errors in their testimony before the ALC be they errors or negligence. I beg the Court to allow the appeal to proceed.

Regarding Council's claims I offer the following information. As to missing deadlines, I travel a lot and as communications arrive by mail, I often don't see them timely. I request the Court copy me by e-mail as well as snail mail. Also they reference Mr. Terry Richardson as my attorney of record even though I never retained Mr. Richardson and a Richardson E-mail to Mr. Churdar on June 6 clearly told Mr. Churdar that he was not my attorney. This leads me to believe that this request to dismiss although including Mr. Churdar, was prepared by Ms. Shahid without consulting Mr. Churdar.

The minor delays in the resolution of this appeal is not the reason that the Respondents cannot proceed with the sale of their property. They cannot proceed because the permits are likely illegal. Litigation has been going on since Feb. 2021 when the permits were issued. Respondents' council has stalled by continuing unsuccessfully to have the case dismissed. DHEC has erred egregiously in issuing permits and Council does not want to defend its case. I am prepared to begin litigation today. Appellant seeks an order to allow the appeal to proceed.

CERTIFICATE OF SERVICE

I hereby certify that I have on this date August 1, 2023 served this Appellant's response to Respondents' motion to dismiss upon the following parties by electronic mail.

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Stephen Mueller

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