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**Apr 17 2025**

**SC Court of Appeals**

**STATE OF SOUTH CAROLINA  
ADMINISTRATIVE LAW COURT**

George Brisbon,

Appellant,

vs.

City of Charleston, South Carolina Criminal  
Justice Academy,

Respondent.

**Docket No: 24-ALJ-30-0054-AP  
Appellate Case No. 2024-001562**

**MOTION TO REINSTATE APPELLATE  
CASE**

Now comes Counsel for Appellant, George Brisbon, respectfully requests that this Motion to Reinstate Appellant Case No. 2024-001562 be granted for the following reasons.

**STATEMENT OF THE CASE**

This Appeal arises from an Administrative Law Court Order issued on August 23, 2024, by the Honorable Robert L. Reibold of the South Carolina Administrative Law Court. The Court of Appeals on November 1, 2024, received Appellant George Brisbon's Motion to Amend Notice of Appeal to the South Carolina Court of Appeals. This case arises from an Administrative Hearing before the South Carolina Criminal Justice Academy ("Respondents"), in which the Charleston Police Department sought the revocation of George Brisbon's ("Appellant") Law Enforcement Officer Licensure, on the grounds that he had committed misconduct by misrepresenting Department information to third parties.

Appellant began his career with the Charleston Police Department in May of 1984, as a Patrol Officer. (R. at 14). Appellant held numerous positions within the Department, until he attained the rank of Captain. *Id.* As Captain of the Special Operations Bureau, Appellant was responsible for managing off-duty jobs with the Department.

Appellant contends that he first began working with the City's Port Authority, during which time he was allowed to charge an administrative fee, as part of his duty to find officers for the jobs available. He would also be paid at a higher rate per hour than other off-duty work with the Department. Appellant further contends that when he inquired with then Chief Mullen as to how he should handle other off-duty assignments, he was told to handle them "just like the port" including the administrative fees. Appellant staffed and worked several off-duty jobs, including jobs with the movie industry, the Port Authority, the Daniel Island Tennis Center, and the Thomas Bennett House.

During the course of a discussion with the Charleston County School District regarding the placement of more officers in schools, the Department learned that Corporal Clyde Johnson charged an administrative fee to staff those jobs. During the investigation into Corporal Johnson, the Department learned that Appellant likewise charged a fee. As a result, an investigation into Appellant was initiated.

The investigation was spearheaded by Captain Anthony Cretella, who also investigated Corporal Johnson. Captain Cretella maintains he was gathering evidence for the South Carolina Law Enforcement Division ("SLED"). Ultimately, SLED did not find Appellant guilty of any criminal action. However, as a result of Captain Cretella's investigation, Appellant's employment with the Department was terminated. Thereafter, the Department sought to file an allegation of misconduct against Appellant.

The Appellant requested a contested case hearing in a timely manner, and the hearing before the respondents was held on February 28, 2023. During the hearing, the Department sought to introduce a total of sixteen exhibits, notably State's Exhibit #11 and State's Exhibit #12. State's Exhibit #11 is the unsworn, emailed statement of former Chief Greg Mullen, and State's Exhibit

#12 is the unsworn statement of Linda McCormick, which despite its lack of notarization, is referred to as an affidavit in the record. Although Appellant's counsel objected to these exhibits, they were admitted over objections of counsel.

During the course of the contested case hearing, these exhibits, particularly State's Exhibit #12, caused contention among the parties. Ultimately, the Hearing Officer allowed the parties two weeks to submit briefs regarding the admissibility of State's Exhibit #12, which was found by the hearing officer to be properly authenticated, and to be admissible under the public records exception to the hearsay rule.

A final Agency decision was entered on January 29, 2024. Regarding the analysis and findings of the situation, the agency found the State's Exhibit #12 to be admissible and likewise found that Appellant had committed misconduct. As a sanction, the Agency found that Appellant should be permanently denied a law enforcement license.

Thereafter, Appellant timely filed his Appeal of this decision to the South Carolina Administrative Law Court on February 29, 2024. On August 23, 2024, the South Carolina Administrative Law Court issued its order denying the petition for rehearing. Appellant timely filed its Motion to Amend its Notice of Appeal on October 28, 2024. Appellant subsequently filed its initial brief with the Court of Appeals on January 3, 2025, and January 8, 2025, providing Proof of Service to the Court of Appeals and Respondent's Counsel. Appellant received on February 11, 2025, a letter stating the time for filing its final brief was approaching, and on March 18, 2025, Appellant received a Proof of Service from the Court of Appeals requiring Proof of Service. On April 17, 2025, Appellant received a subsequent letter stating that Appellant's case was dismissed due to a lack of Proof of Service.

**APPELLANT RESPECTFULLY REQUESTS REINSTATEMENT OF THIS**

**APPEAL**

Appellant respectfully requests that Appellant Case No. 2024-001562 be reinstated as Appellant's Counsel has had a relative with long-standing medical issues in March and eventual death in April and has subsequently not been able to provide sufficient Proof of Service and file its Final Brief with the Court of Appeals. Appellant's Counsel asks that the Court take judicial notice of such extenuating circumstances that contributed to Appellant's failure to provide sufficient Proof of Service to the Court.

In addition, Appellant's substantive arguments on appeal demonstrate clear merit as the Administrative Law Court's Order of August 23, 2024, is erroneous and a misapplication of the South Carolina Rules of Evidence. Ms. McCormick's statement is neither authenticated nor admissible under the Public Records exception to the Hearsay rule, and should not have been admitted. Due to this dispute of material fact, Appellant's case should be heard by this Court.

**CONCLUSION**

Therefore, Appellant respectfully requests that this record on appeal be reinstated based on extenuating circumstances and meritorious reasons, as well as Appellant being allowed to file its Final Brief in a timely manner thereafter, along with Proof of Service to the Court and Respondent's Counsel. In fact, Appellant's brief is ready to be filed, which will not prejudice the Respondent nor in the interest of Judicial economy, delay this Court's schedule in further proceedings.

Respectfully submitted,  
s/Donald Gist  
Donald Gist, Esq. (13098)  
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Attorney for Appellant

April 17, 2025

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**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA

In The Court of  
Appeals

APPEAL FROM SOUTH CAROLINA  
Administrative Law Court

Robert L. Reibold, Administrative

Law Judge

Appellate Case No. 2024-001562

Case No. 24-ALJ-30-0054-AP

George Brisbon

Appellant,

v.

City of Charleston,

South Carolina Criminal Justice Academy,

Respondent.

PROOF OF SERVICE

I certify that I have served the Motion to Reinstate on George Brisbon by depositing a copy of it via Email on April 17, 2025, and in the United States Mail, postage prepaid, on April 17, 2025, addressed to the attorney of record, Rebecca Williams, Esq., 5400 Broad River Road, Columbia, South Carolina 21212.

April 17, 2025,

s/ Donald Gist

Donald Gist

The Gist Law Firm, P.A.

4400 North Main Street

Columbia, South Carolina 29203

Attorney for Appellant