

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas  
Honorable Larry B. Hyman, Circuit Court Judge

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Case No. 2012-CP-26-6987

**Appellate Case No. 2013-000971**

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**RECEIVED**  
OCT 15 2013  
SC Court of Appeals

Helicopter Solutions, Inc.  
d/b/a Helicopter Adventures ..... Respondent,

v.

Richard Hinde and Horry County Zoning Administrator, ..... Defendants,

of whom Richard Hinde is ..... Appellant.

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**AFFIDAVIT OF BENJAMIN A. BAROODY, ESQ.**


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The undersigned does hereby swear and affirm as follows:

1. I am Benjamin A. Baroody, Esquire. I am a partner with the law firm of Bellamy, Rutenberg, Copeland, Epps, Gravely & Bowers, P.A. I am competent to offer testimony, and offer this testimony based upon personal knowledge.
2. I am the attorney for Helicopter Solutions, Inc. d/b/a Helicopter Adventures.
3. The Horry County Board of Zoning Appeals provided me with a CD-Rom containing a complete copy of the Certified Record on Appeal to the Circuit Court transmitted by delivery on October 18, 2012. That disk contained a complete copy of the


transcript of the hearing before the Horry County Board of Zoning Appeals of September 10, 2012 and 1127 pages of Exhibits thereto provided to me. A copy of pages 1, 2, and 153 of the Transcript are attached hereto as **Exhibit A**.

FURTHER AFFIANT SAITH NOT.

  
Benjamin A. Baroody

Sworn to and subscribed before

me this 9 day of October, 2013

  
Notary Public for South Carolina  
My Commission Expires: 10/10/2016

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**HORRY COUNTY ZONING BOARD IF APPEALS**

MONDAY, SEPTEMBER 10, 2012

THE FOLLOWING MEMBERS WERE PRESENT:

- CHRISTOPHER HANNA
- PAM CREECH
- ALLEN BEVERLY
- PAT KEELAN
- PAT LEBIEDZ
- ACE PARKER
- RENNIE MINCEY
- JANET CARTER
- STEVE GOSNELL
- CAROL COLEMAN
- DAVID SCHWERD
- PAM TOMPKINS
- ALICIA SHELLEY
- ESQUIRE, SANFORD GRAVES
- PEPPER MCCARTHY

**EXHIBIT'S**

**MABRY COURT REPORTING**

PEPPER M. MCCARTHY (843) 957-7653

[PEPPERMCCARTHY@SC.RR.COM](mailto:PEPPERMCCARTHY@SC.RR.COM)

**EXHIBIT A**

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PLAINTIFF'S:

- 1. DEFINITION OF DEPOT.....PAGE 152
- 2. WIKIPEDIA'S DEFINITION.....PAGE 152
- 3. PAPERS FROM SOUTH CAROLINA  
COURT OF APPEALS.....PAGE 152
- \*\*NOTEBOOK FROM MR. HINDE.....PAGE 152**

DEFENDANT'S:

- 1. EXAMPLES FOR FLIGHT PATTERNS.....PAGE 140
- 2. MEMORANDUM FROM THE SOUTH  
CARLINA DEPARTMENT OF REVENUE.....PAGE 140

COURT REPORTERS NOTES:

ALL NAMES ARE SPELLED PHONETICALLY. SOME NAMES WERE NOT WRITTEN IN THE BOARD OF APPEALS SIGN-IN SHEET AND WERE NOT SPELLED OUT BY THE WITNESS.

**\*\*THE BOLD IS NOT ADMITTED, BUT ALL BOARD OF APPEALS MEMBERS HAVE THEIR OWN COPIES AND IT'S INCLUDED IN THE ORIGINAL.**

MR. HANNA: AGAIN, WELCOME. THANK YOU FOR TAKING YOUR TIME AND INTEREST IN YOUR COMMUNITY TO BE HERE. WE ARE GOING TO TRY TO GET THROUGH THIS AS

CERTIFICATE

HORRY COUNTY.

I, PEPPER M. MCCARTHY, A NOTARY PUBLIC AND  
VERBATIM REPORTER IN AND FOR THE STATE OF SOUTH  
CAROLINA DO HEREBY CERTIFY THAT THIS WITNESSES  
WERE DULY SWORN PRIOR TO THE TAKING OF THEIR  
TESTIMONY AT THE BOARD OF APPEALS AND THAT THE  
FOREGOING (ONE HUNDRED AND FIFTY-TWO) (152) PAGES  
CONSTITUTE A TRUE AND ACCURATE TRANSCRIPT OF THE  
EVIDENCE AS GIVEN BY SAID WITNESSES AND AS TAKEN  
DOWN AND TRANSCRIBED BY ME. I FURTHER CERTIFY  
THAT THE PERSONS WERE PRESENT.

I FURTHER CERTIFY THAT I AM NOT OF COUNSEL FOR  
NOR IN THE EMPLOY OF ANY OF THE PARTIES TO THIS  
ACTION NOR AM I INTERESTED EITHER DIRECTLY OR  
INDIRECTLY IN THE RESULTS THEREOF.

I FURTHER CERTIFY THAT I AM NOT RELATED BY  
BLOOD OR MARRIAGE TO ANY OF THE PARTIES TO THIS  
ACTION.

THIS THE 28TH, DAY OF SEPTEMBER, 2012.

*Pepper M. McCarthy*

PEPPER M. MCCARTHY,  
VERBATIM REPORTER AND  
NOTARY PUBLIC

MY COMISSION EXPIRES:  
FEBRUARY 2, 2022

MABRY COURT REPORTING

PEPPER M. MCCARTHY (843) 957-7653  
PEPPERMCCARTHY@SC.RR.COM

EXHIBIT A

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of whom Richard Hinde is ..... Appellant.

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**AFFIDAVIT OF SANDRA G. THOMAS**

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The undersigned does hereby swear and affirm as follows:

1. I am Sandra G. Thomas. I am 56 years old. I have been employed with Bellamy Rutenberg Copeland Epps Gravely & Bowers, P.A. as a Title Abstractor and Supervisor of our Courthouse staff for more than 35 years. I am competent to offer testimony and base the testimony herein upon personal knowledge.
2. On Friday, September 27, 2013, I was asked by Benjamin A. Baroody, Esq., to examine the Clerk of Court's file of Civil Action No. 2012-CP-26-06987, captioned as Helicopter Solutions, Inc. d/b/a Helicopter Adventures v. Richard Hinde and Horry

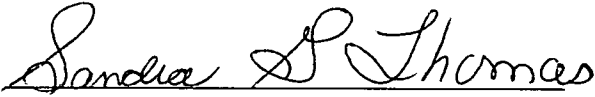
County Zoning Administrator to determine what documents were located within the file.

3. The file was very small and contained, amongst other documents, the following:
  - a. Transmittal of Certified Record on Appeal filed October 18, 2012, a copy of which is attached hereto as **Exhibit A**.
  - b. The first page of a Transcript of the Hearing of the Horry County Zoning Board of Appeals held Monday, September 10, 2012, which was also filed with the Horry County Clerk of Court on October 18, 2012. A copy of this document is attached hereto as **Exhibit B**.
4. The Clerk of Court then produced a box of items too thick to be placed with the file, but secured in their Exhibit Room. Inside of that taped box, which was opened by a Clerk of Court staff member, was the original Transcript of the Hearing before the Horry County Zoning Board of Appeals of Monday, September 10, 2012 inside of a sealed envelope. The box also contained quite a large stack of single sheets of paper.
5. Exhibit B attached hereto is a photocopy of the front of the sealed transcript.
6. Based upon my experience working within the Horry County Courthouse over the last 35 years, I know that the entire sealed Transcript of the Hearing, being over one and one-half (1 1/2) inches in thickness, is unable to be clocked stamped by the Clerk. I presume, then, that the Clerk elected to clock stamp the yellow post-it note and affix it to a photocopy of the front of the sealed transcript (Exhibit B to this Affidavit) and place such into the file as a practical matter. I have seen this practice

in past instances.

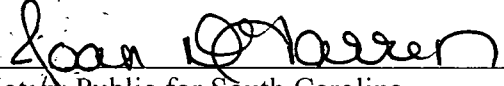
7. The Transmittal of Certified Record on Appeal is clock stamped at the identical date and time as the photocopy of the sealed original Transcript of Hearing: October 18, 2012 at 10:48 a.m.
8. The photocopy of the original Transcript contains the Circuit Court Civil Action No. 2012-CP-26-06987 on the top of the Transcript.
9. Renee Baxley was with me when I viewed the Transcript inside of the Clerk of Court's Exhibit Box.

FURTHER AFFIANT SAITH NOT.

  
Sandra G. Thomas

Sworn to and subscribed before

me this 9 day of October, 2013

  
Notary Public for South Carolina  
My Commission Expires: 10/10/2016



HORRY COUNTY  
PLANNING & ZONING DEPARTMENT

1301 Second Avenue  
Conway, South Carolina 29526



(843) 915-5340  
(843) 205-5340  
FAX (843) 915-6340

September 11, 2012

Richard Hinde  
1541 Brookgreen Drive  
Myrtle Beach, SC 29577

91 7199 9991 7030 7668 4012

FILED  
Horry County  
2012 OCT 18 AM 10:49  
KELANIE HUGGINS-WARD  
CLERK OF COURT

Re: Case # 2012-07-008

Dear Applicant(s):

This is to confirm that the Horry County Zoning Board of Appeals, at its regularly scheduled meeting September 10, 2012 approved your request(s) for a variance, special exception, reconsideration or appeal.

Attached you will find the board order pertaining to your request.

I hope the information provided is sufficient for your needs. If you need further assistance, please do not hesitate to call me at (843) 915-5340.

Sincerely,

Alicia Shelley  
Board Secretary

Attachment

91 7199 9991 7032 0123 0374

00001

ZBA12-07-008

EXHIBIT A



Horry County  
ZONING DEPARTMENT  
ECOND AVENUE  
ROOM 1D09  
NAY, S.C. 29526

OR THURN ADDRESS HOLD AT THE RISK  
**CERTIFIED MAIL**



91 7199 9991 7032 0123 0374

Attn: Benajmin Baroody  
Bellamy, Rutenberg, Copeland, Epps, Gravely  
& Bowers, P.A.  
P.O. Box 357  
Myrtle Beach, SC 29578

-008

copy of Board  
Order 9/11/12  
AS

FILED  
HORRY COUNTY  
2012 OCT 18 AM 10:49  
KELANIE HUGGINS-WARD  
CLERK OF COURT

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**EXHIBIT A**

HORRY COUNTY ZONING BOARD IF APPEALS

MONDAY, SEPTEMBER 10, 2012

THE FOLLOWING MEMBERS WERE PRESENT:

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DAVID SCHWERD

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ALICIA SHELLEY

ESQUIRE, SANFORD GRAVES

PEPPER MCCARTHY

FILED  
HORRY COUNTY  
2012 OCT 18 AM 10:48  
MELANIE HUGGINS-WARD  
CLERK OF COURT