

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Coastal Conservation League, Appellant,

v.

South Carolina Department of Health and Environmental
Control, Price Sloan, Carolyn Sloan, Mark Tiberio, Anne
Tiberio, Michael Schulte, Laura Schulte, and Northwest
Properties of Hickory, LLC, Respondents.

Appellate Case No. 2022-001402

Appeal From The Administrative Law Court
Robert Lawrence Reibold, Administrative Law Judge

Unpublished Opinion No. 2026-UP-410
Heard February 4, 2026 – Filed August 19, 2026

AFFIRMED

Amy Elizabeth Armstrong, Lauren Megill Milton, and
Leslie S. Lenhardt, all of S.C. Environmental Law
Project, of Pawleys Island, for Appellant.

Sallie Page Phelan, of North Charleston, and Bradley
David Churdar, of Charleston, both for Respondent South
Carolina Department of Health and Environmental
Control.

Stephen Lewis Goldfinch, Jr., of Stephen Goldfinch,
Attorney at Law, of Murrells Inlet; Chad Nicholas
Johnston, of Burr & Forman LLP, of Columbia;
Randolph Russell Lowell and John Joseph Owens, of
Burr & Forman LLP, of Charleston; all for Respondents
Price Sloan, Carolyn Sloan, Mark Tiberio, Anne Tiberio,
Michael Schulte, Laura Schulte, and Northwest
Properties of Hickory, LLC.

PER CURIAM: Coastal Conservation League (the League) appeals the Administrative Law Court's (ALC's) order dismissing the League's action with prejudice for lack of jurisdiction. The League argues dismissal was improper because (1) the ALC incorrectly interpreted SCALC Rule 2(H) as requiring dismissal of the case and (2) the ALC incorrectly concluded this matter was not a "proper contested case." We affirm.

1. The ALC did not err in dismissing the League's action for failure to comply with SCALC Rule 2(H). *See* S.C. Code Ann. § 1-23-610(B) (Supp. 2025) (outlining that an appellate court must affirm a ruling of the ALC unless, among other factors, the findings and conclusions are made upon unlawful procedure, affected by an error of law, or clearly erroneous in view of the substantial evidence in the record); S.C. Code Ann. § 1-23-600(B) (Supp. 2025) ("All requests for a hearing before the [ALC] must be filed in accordance with the court's rules of procedure."); SCALC Rule 2(H) ("Party' means each person or agency named or admitted as a party or properly seeking and entitled to be admitted as a party, including a license or permit applicant. An applicant or licensee whose application or license is the subject of a request for a contested case hearing shall be deemed a party and shall be served with copies of all papers filed in the case."). Dr. Paul Gayes, as the requestor of the research and pilot project exemptions, meets the definition of a party under SCALC Rule 2(H) and sought a license under section 1-23-505(4) of the South Carolina Code (Supp. 2025). The League's position that Dr. Gayes, by seeking a statutory exemption, cannot be a license or permit applicant is unsupported by the plain language of the Administrative Procedures Act.¹ *See* § 1-23-505(5) ("License' includes the whole or part of any agency permit, franchise, certificate, approval, registration, charter, *or similar form of permission required by law*, but does not include a license required solely for revenue purposes." (emphasis added)). The ALC did not err in determining no

¹ S.C. Code Ann. §§ 1-23-10 to -680 (2005 & Supp. 2025).

good cause existed for extending the action, and dismissing the action was well within the discretion of the ALC. *See* SCALC Rule 3(B) ("For good cause shown, the administrative law judge may extend or shorten the time to take any action"); SCALC Rule 68 ("The South Carolina Rules of Civil Procedure and the South Carolina Appellate Court Rules, in contested cases and appeals respectively, may, in the discretion of the presiding administrative law judge, be applied to resolve questions not addressed by [the Rules of Procedure for the South Carolina Administrative Law Court].").

2. Because we hold the ALC did not err in dismissing the case for failure to include Dr. Gayes, and that conclusion is dispositive, we decline to address the remaining issue on appeal. *See Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (providing an appellate court need not address the remaining issue when the resolution of a prior issue is dispositive of the appeal).

AFFIRMED.

WILLIAMS, C.J., and KONDUROS and VINSON, JJ., concur.