

RECEIVED**Aug 20 2026****SC Court of Appeals****STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

Joel D. Barber,	)	Docket No. 26-ALJ-11-0068-AP
	)	
Appellant,	)	
	)	
v.	)	AMENDED ORDER OF DISMISSAL¹
	)	
South Carolina Department of Labor,	)	
Licensing and Regulation, Real Estate	)	
	)	
Respondent.	)	
	)	
	)	

This matter is before the South Carolina Administrative Law Court (Court) pursuant to an appeal filed by Joel D. Barber (Appellant) on March 4, 2026. Appellant appeals the February 9, 2026 decision of the South Carolina Department of Labor, Licensing and Regulation, Real Estate Commission (Department) in which the Department revoked his real estate license and issued a civil penalty of five thousand (\$5,000) dollars for each violation for a total of fifteen thousand (\$15,000) dollars.

Appellant then filed a Notice of Appeal with this Court. The case was assigned on March 6, 2026. On April 20, 2026, the Department filed the Record on Appeal. Then, on May 26, 2026, the Court received a binder of documents from Appellant. On June 4, 2026, the Department filed a response to Appellant's Motion to Stay and, on June 8, 2026, Appellant filed a reply. However, the Court had not previously received a Motion to Stay from Appellant. As a result, the Court sent an email to the parties inquiring about the filing of the Motion to Stay. However, Appellant did not respond to the Court's email.²

¹ This order has been amended to correct a clerical mistake. Rule 67, SCALCR ("clerical mistakes in orders ... may be corrected by the administrative law judge at any time of their own initiative or on the motion of any party").

² The Court notes that Appellant eventually submitted a Motion to Stay on July 7, 2026. However, the document did not include a docket number, an original signature or contact information for Appellant. Rule 6, SCALCR (providing that all documents filed with the Court shall contain an original signature and contain caption, docket number, and name, address, phone, and email of the person who prepared the document). Additionally, Appellant did not include the required filing fee nor a proof of service. Rule 4(B), SCALCR (providing any document filed with the Court shall be accompanied by a proof of service of such document...); Rule 7, SCALCR (providing that all motions must be accompanied by a filing fee as provided in Rule 71); see Rule 34, SCALCR (providing all motions shall comply with Rule 7); Rule 71(D), SCALCR (providing the schedule of filing fees for Motions that are filed with the Court). Since the Motion was not properly filed, it will not be considered by the Court.

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Thereafter, on June 22, 2026, the Department filed its brief. While the Department addresses arguments made by Appellant, the Court did not receive a copy of Appellant's brief. Therefore, the Court sent a letter to the parties requesting both provide a response informing the Court whether Appellant served his brief on the Department and this Court. On July 7, 2026, Appellant submitted a response, alleging he filed his brief by mail on May 20, 2026.³ Included with his response were copies of a USPS mailing receipt dated May 20, 2026, tracking information showing delivery on May 26, 2026, a copy of an email from the Court on May 26, 2026, indicating receipt of documents and, a copy of a sixty-four (64) page document titled Appellant's brief.

Importantly, Rule 37(A) of the Rules of Procedure for the Administrative Law Court (SCALC Rules) provides, in relevant part: "[t]he party first noticing the appeal shall file an original and one copy of its brief with the Court within thirty (30) days after the filing of the Record on Appeal." Rule 38, SCALCR, further provides, in relevant part, "[u]pon motion of any party, or on its own motion, an administrative law judge may dismiss an appeal or resolve the appeal adversely to the offending party for failure to comply with any of the rules of procedure for appeals."

Here, the Record on Appeal was filed on April 20, 2026; therefore, Appellant's brief was due on or before May 20, 2026. While the Court received documents from Appellant on May 26, 2026, those documents did not include an Appellant brief. Moreover, the brief that Appellant subsequently provided on July 7, 2026, exceeded the thirty-page limitation and did not contain a docket number, an original signature, contact information for Appellant or, proof of service. See Rule 6, SCALCR (listing required content for documents filed with the Court); see Rule 37(B), SCALCR ("Each brief shall contain: 5. a proof of service of the brief on all parties of record") (emphasis added); Rule 37(A), SCALCR ("[t]he principal briefs shall not exceed thirty (30) pages and the reply brief shall not exceed ten (10) pages.")⁴

³ The Department submitted a response on July 7, 2026, stating that it had received Appellant's brief on May 20, 2026.

⁴ Even if the brief was properly filed and timely submitted to the Court, the Court would not consider any arguments past page 30. Additionally, while Appellant included the standard of review, the first thirty pages provide no other citation to legal authority to support the conclusory assertions set forth therein. See SCALC Rule 37(B)(3) (brief shall include issues to be argued and discussion and citation of authority); see *Potter v. Spartanburg School Dist. 7*, 395 S.C. 17, 24, 716 S.E.2d 123, 127 (Ct. App. 2011) ("An issue is deemed abandoned if the argument in the brief is not supported by authority or is only conclusory."). Ordinarily in such situations, the Court would consider Appellant to have abandoned his issues. See *Potter v. Spartanburg School Dist. 7*, 395 S.C. 17, 24, 716 S.E.2d 123, 127 (Ct. App. 2011) ("An issue is deemed abandoned if the argument in the brief is not supported by authority or is only conclusory."); *Medical Univ. of South Carolina v. Arnaud*, 360 S.C. 615, 620, 602 S.E.2d 747, 750 (2004) (finding

Accordingly, because Appellant has failed to comply with several of the Court's Rules of Procedure, including the failure to timely file his brief, this matter is dismissed *sua sponte*.⁵ Rule 38, SCALCR. While the Court recognizes the harsh result of this decision, it is constrained by the rules and legal precedent in this State. See *McClain v. Ingram*, 314 S.C. 359, 444 S.E.2d 512 (1994).

ORDER

IT IS THEREFORE ORDERED that this appeal is therefore **DISMISSED WITH PREJUDICE**.

AND IT IS SO ORDERED.



Ralph King Anderson, III
Chief Administrative Law Judge

August 6, 2026
Columbia, South Carolina

that issues raised by the appellant were deemed abandoned because the arguments on those issues were conclusory); *State v. Hill*, 394 S.C. 280, 297, 715 S.E.2d 368, 377 (Ct. App. 2011) (considering a citation to a case "without any analysis whatsoever as to how or why [it] applies" insufficient to preserve an issue on appeal, and thus rendering that issue abandoned on appeal). To the extent an argument is not addressed herein, it is therefore, deemed abandoned. *Equivest Fin., LLC v. Ravenel*, 422 S.C. 499, 506, 812 S.E.2d 438, 441 (Ct. App. 2018) ("When a party provides no legal authority regarding a particular argument, the argument is abandoned and the court will not address the merits of the issue.").

⁵ Although Appellant filed this appeal *pro se*, he is required to abide by the procedural rules to the same extent as an attorney. SCALC Rule 8(A) ("A party proceeding without legal representation shall remain fully responsible for compliance with these Rules and the Administrative Procedures Act."); see *State v. Burton*, 356 S.C. 259, 265 n.5, 589 S.E.2d 6, 9 n.5 (2003) (holding a *pro se* litigant who knowingly elects to represent himself "assumes full responsibility for complying with substantive and procedural requirements of the law"); *Goodson v. American Bankers Ins. Co. of Florida*, 295 S.C. 400, 403, 369 S.E.2d 687, 689 (Ct. App. 1988) ("Lack of familiarity with legal proceedings is unacceptable and the court will not hold a layman to any lesser standard than is applied to an attorney.").

CERTIFICATE OF SERVICE

I, Stephanie Armada, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).



Stephanie Armada
Judicial Law Clerk

August 6, 2026
Columbia, South Carolina