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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

William H. Seals, Jr., Presiding Court Judge

Case No. 2013-CP-26-5009

K N S Foundation, LLC, d/b/a Elite *Appellant,*

v.

The City of Myrtle Beach *Respondent.*

APPELLANT'S DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following materials be included in the Record on Appeal:

1. Order Granting Temporary Restraining Order Rule to Show Cause signed by Judge Larry Hyman June 14, 2013 and filed on June 14, 2013;
2. Order Denying Amended Appeal of KNS Foundation, LLC , d/b/a Elite, signed by Judge William Seals, Jr. dated September 23, 2013 and and filed September 30, 2013;
3. Form 4 Order signed by Judge William Seals dated September 18, 2013 and filed September 20, 2013;
4. Order Denying Motion to Reconsider Amended Appeal of KNS Foundation, LLC , d/b/a Elite, pursuant to Rules 52 and 59, SCRCP, signed by Judge William Seals, Jr. filed on November 6, 2013;

5. Appeal from the City of Myrtle Beach's Order Revoking Appellant's Three Business Licenses #26941, #26942, #26943 dated July 18, 2013 and filed July 19, 2013;
6. Respondent City of Myrtle Beach's response to Appellant's original Appeal to the circuit court dated July 26, 2013;
7. Amended Appeal from the City of Myrtle Beach's Order Revoking Petitioner's Three Business Licenses #26941, #26942, #26943 dated August 9, 2013 and filed August 9, 2013;
8. Response to KNS Foundation, LLC , d/b/a Elite's Amended Appeal from Order of City Council of Myrtle Beach dated September 13, 2013;
9. Notice of Motion and Motion to Reconsider, Alter and Amend the Court's Order Affirming the Revocation of Appellant's Three Business Licenses Pursuant to Rules 52 and 59(e), SCRPC dated October 11, 2013 and filed October 11, 2013;
10. Respondent City of Myrtle Beach's response to Appellant's Motion to Reconsider dated October 22, 2013 and filed on October 23, 2013;
11. Notice of Appeal to the Court of Appeals dated December 2, 2013;
12. Amended Notice of Appeal to the Court of Appeals received December 10, 2013;
13. Transcript of hearing before Judge William Seals, Jr. dated September 17, 2013.
14. Exhibits attached to Memorandum of Law in Support of KNS Foundation, LLC, d/b/a Elite's Amended Appeal Regarding the City of Myrtle Beaches' Revocation of its three Business Licenses dated September 16, 2013 and filed September 18, 2013;
15. KNS Foundation, LLC, d/b/a Elite's Application for Retail Beer, Wine, and Liquor filed with the State of South Carolina Department of Revenue signed by Kennedy and dated August 22, 2012. Under section 8 of Form (ABL-901), it states nature of Business is a Restaurant;
16. Myrtle Beach, S.C., Business Licenses Code §§ 11-21 through 11-39, Article II (1992);

17. Myrtle Beach, S.C., Zoning Code §§ 301 and 502.3 (1992);
18. Myrtle Beach, S.C., Zoning Code §§ 204.1 through 204.130 (1992);
19. Myrtle Beach, S.C., Code §§ 1219.1 through 1219.10.3.2 (1992);

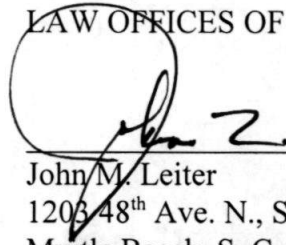
Appellant designates the following matter as Conditional subject to a ruling on the Appellant's Statement of Issues, I: Procedural Irregularities:

20. Order for Suspension of Business Licenses signed only by the Mayor Pro Temp Wayne Gray on July 9, 2013;
21. Transcript of hearing held before the City of Myrtle Beach Council Members on Tuesday, June 25, 2013 prepared by Sharon B. Brock of Prestige Court Reporting, Inc., 125 pages;
22. KNS Foundation, LLC, d/b/a Elite's Application for Retail Beer, Wine, and Liquor filed with the State of South Carolina Department of Revenue signed by Kennedy and dated August 22, 2012. Under section 8 of Form (ABL-901), it states nature of Business is a Restaurant;
23. KNS Foundation, LLC, d/b/a Elite's three initial business licenses applications (dated March 25, 2013) for a drinking place under business license # 111 26942, for an eating place under business license # 111 26943, and for a pool hall/arcade under business license # 111 26941;
24. A copy of previous floor plan for Red's Corner Pocket showing a DJ booth for playing music approved by the City of Myrtle Beach;
25. Notice of Business License Suspension from Mary McDowell suspending KNS Foundation, LLC, d/b/a Elite's business licenses #26941, #26942, and #26943;
26. Business narrative entry written by Mary McDowell dated April 4, 2013;
27. Photographs of Red.

CERTIFICATION OF COUNSEL

Pursuant to Rule 209, SCAR, I certify that this designation contains no matter that is irrelevant to this appeal.

LAW OFFICES OF JOHN M. LEITER, PA

A handwritten signature in black ink, appearing to read "John M. Leiter", is written over a horizontal line. The signature is stylized and includes a large circular flourish at the beginning.

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K N S Foundation, LLC d/b/a Elite Appellant

v.

City of Myrtle Beach Respondent

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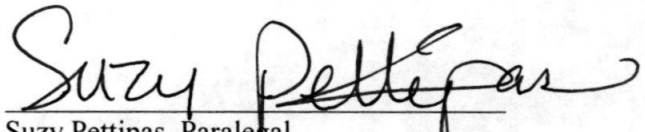
I certify that I have served a copy of the Appellants' **INITIAL BRIEF** by depositing a copy of it in the U.S. Mail on April 16, 2014, addressed to the attorneys of record:

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April 16, 2014