

THE STATE OF SOUTH CAROLINA
SOUTH CAROLINA COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS

MARVIN H. DUKES, III, MASTER-IN-EQUITY,

APPELLATE CASE NO.: 2014-000636

RECEIVED
NOV 03 2014
SC Court of Appeals

BEAUFORT COUNTY,

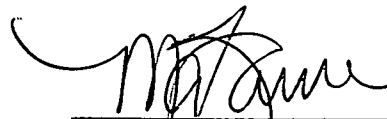
Respondent,

vs.

MARE BARACCO,

Appellant.

REPLY



Mare Baracco, *Pro Se*
1006 Madrid Avenue
Port Royal, South Carolina 29935
(843) 592-1062

October 30, 2014

The Appellant files this Reply in response to the Respondent's reply. Unlike the Respondent's numerous attorneys in this case, who've allegedly had three (3) years of law school and taken the South Carolina Bar, Appellant is merely a layperson forced to take a crash course in the elements of law. This includes, but is not limited to, learning the proper proceedings in the courts of the State of South Carolina, and the rules and procedures which govern them. Ironically, the Respondent claims the Appellant is attempting to avoid matters pursuant to the "rules". The Appellant asserts that, due to the Respondent's clear disregard for the proper rules and procedures as required by the State of South Carolina, Appellant lacks one of the most important documents that brought her into this Court's purview, an Administrative Agency's written decision or order that was adverse to her, or even a record from an Administrative Hearing based on her contesting the actions of a Deputy Sheriff assigned to Beaufort County Animal Control, a division of the Beaufort County Sheriff's Office.

It was always incumbent upon the Respondent to act in accordance with the rules at all times in this matter and had they done so, it's unlikely this matter would have come before this body. The Respondent was responsible for following the rules as it applied to the administration of its duties in accordance with the ordinances, laws, statutes and constitutions of the United States and South Carolina. And the Respondent, by its prior motion for substitution as the proper party in this action, admits it was the Administrative Agency responsible to administer the correct procedures and rules in dealing with the Appellant's contesting the actions of the Beaufort County Sheriff's Office and/or Beaufort County.

The word "rule" is a noun and is defined as: *1. An established standard, guide, or regulation; a principle or regulation set up by authority, prescribing or directing action or forbearance, the rules of a legislative body, of a company, court, public office, of the law, of*

ethics. 2. A regulation made by a court of justice or public office with reference to the conduct of business therein. Black's Law Dictionary, Free On-Line 2d Edition.

In order for this matter to have gone forward, after the non-promulgated Sheriff's Notice (determination) was issued, the following **must** have occurred:

1. The Beaufort County Sheriff's Office and/or Respondent were required to adopt and make available for public inspection a written policy statement setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the agency. To the Appellant's knowledge and review of the public records of Beaufort County, no such written policy statement exists, and if it did exist, it was not properly codified, nor did the Beaufort County Sheriff's Office provide the information to Appellant when she initially requested said information July 10, 2012, in order to contest the determination.
2. The Appellant would have been provided notice for the hearing in a contested case as provided by Section 1-23-320, *SC Code of Laws, 1976, as Amended*. Said notice would have clearly defined and set forth the Administrative Agency's jurisdiction over the Appellant and the subject matter. The Appellant received no such notice; therefore, this lack of such notice would be a part of the Administrative Agency's Hearing record.
3. The Appellant would have had an actual Administrative Hearing in the contested case. Again, she was not afforded this right of due process.
4. There would have been a record in the contested case that included documents and things as prescribed in Section 1-23-320(G)(1)(2)(3)(4)(5) & (6). No such record exists, as there was no Administrative Hearing.
5. There would be a transcript of any available oral proceeding that could be made available at the request of a party. No such record exists, as there was no Administrative Hearing.
6. There must be a written final decision or order from an Administrative Agency Hearing adverse to a party in a contested cases or stated in the record. No such final decision nor order nor record exists based on the hearing of an Administrative Agency. Nor are any such documents from an actual Administrative Agency Hearing part of the public records for Beaufort County. It is this final decision or order or stated record adverse to the Appellant that was required prior to any appeal to any entity. And any appeal from an Administrative Agency Hearing from this level of

local government would have been **directly** to the South Carolina Court of Appeals, not the sham legal process that was performed repeatedly in the Beaufort County Magistrate's Court, etc., and foisted upon the Appellant. The non-perfection of the proceedings by which she has traveled has done nothing more than allowed the Beaufort County Sheriff's Department and Respondent to circumvent the rules for their benefit, and that of possibly others, including the Town of Port Royal. It has also violated her civil rights under United States and South Carolina Constitutions and South Carolina law, including, but not limited to, clear violations of due process.

Appellant contends the elements noted above are "Plain Error" (evident, obvious, and clear) and these errors are and were materially prejudicial in the substantial rights of the Appellant. Federal procedural rules define "Plain Error" as a highly prejudicial error affecting substantial rights and Appellant invokes it to prevent a miscarriage of justice and to preserve the integrity and the reputation of the judicial process. *U.S. v. Smith*, 962 F.2d 923, 935 (9th Cir. 1992).

Appellant would point out the Respondent must be held to higher standards because they are charged with protecting the rights of the citizens of Beaufort County, the State of South Carolina, and the United States of America. Because of their actions, and that of their counsel, Appellant is being forced to continue in this process so as to protect her civil rights and her rights in her property.

Appellant contends that the South Carolina Supreme Court decision in *The State v. Boswell*, Opinion No. 26941, may have contributed to the issues she is now facing. When this decision was published, it put the State, local governments, and local law enforcement on notice to get their houses in order as it pertains to the "housekeeping" of any alleged "Mutual Aid Agreements". On April 2, 2012, the Staff Attorney for Beaufort County appeared at a Beaufort County Governmental Committee meeting and explained Action Item Number 1 – *Sheriff's Department Mutual Aid Agreement Ratifications*. (Copy of Minutes and DVD of full discussion

of this meeting (16:31 through 21:15) are included with this Reply Brief). As this Court will see from these documents and the video discussion, the Beaufort County Staff Attorney reported the Mutual Aid Agreement for the Sheriff's Office was in need of ratification. He advised the agreement had been in place since 1999¹ that allowed the Sheriff's Office to enter into other jurisdictions on the south/southeast areas of the county. ***He stated that most of the documents [Mutual Aid Agreements] have not been located because they date back so far. He assured Council that a list of all the areas would be provided for approval and that it would be no financial commitment for the County.***²

Mutual Agreement is defined as an understanding, accord, concurrence, agreement, bargain, compact, contract that all suggest a binding arrangement **between two or more parties.** Therefore, it would stand to reason if Beaufort County lacked these actual original and/or copies of the Mutual Aid Agreements needed for ratification of the actions of the Beaufort County Sheriff's Office since 1999 and forward, that they had allegedly entered into since 1999 with various other local law enforcement jurisdictions, they could have easily contacted these agencies and asked them to produce their copies of the same. Surely, all of the other local law enforcement jurisdictions that entered into these agreements with Beaufort County couldn't all have been lackadaisical in also misplacing an important document such as the original 1999 Mutual Aid Agreement. And, given the Sheriffs in the State of South Carolina are elected

¹ Coincidentally, the same year of the Mutual Aid in *Boswell* and also a convenient year to choose, given the statute states that any Mutual Aid Agreements entered into prior to 2000 could be ratified.

² Agreements made pursuant to subsection (B) shall provide that temporary transfers or assignments the sending county or municipality being reimbursed for their services by the county or municipality to which they are transferred or assigned. Section 23-1-210(C), *South Carolina Code of Laws, as amended.*

officials, they would have taken it upon themselves, after their elections, to at least review and understand said Mutual Aid Agreements, to ensure they were up-to-date and in proper order, so as to protect their officers. In 13 years, neither Beaufort County and its Sheriff, nor any of the elected Sheriffs, ever questioned or requested any changes to a Mutual Aid Agreement. Especially, given that Section 23-1-210(C), *South Carolina Code of Laws, as amended*, provides a source of income for their offices (in addition to municipal law enforcement), they would want to ensure that funds spent from their budgets, that could easily be recovered from other jurisdictions, were indeed recovered.

In the DVD, the Court will hear the Staff Attorney referring to the *Boswell* case when discussing this matter with the Beaufort County Governmental Committee.

As the Court may note from the certified copy of the approved minutes of the April 2, 2012 Governmental Committee³, there was no quorum that would have allowed the “ratification” of the 1999 Agreement to be moved forward from the Beaufort County Governmental Committee. Further, the Staff Attorney reported the Mutual Aid Agreement **was in need of**

³ Beaufort County certified the Minutes of the April 2, 2012 Governmental Committee, they refused to certify the DVD of the Video of the full discussion of this meeting. Appellant states that she has come up against this type of behavior time and time again in this case. She provides the Court with copies of letters between her and the Staff Attorney for Beaufort County. One of these letters instructed Appellant to cease and desist from any further contact with the Beaufort County Council or they would seek all necessary and appropriate sanctions against her. When Appellant questioned the Staff Attorney and requested a cop of the written directive, resolution or any other documentation that detailed Beaufort County Council, by the required vote, instructed [staff attorney] to inform Appellant to cease and desist from any further contact with them and also to provide the nature sanctions or even where she could locate information concerning the same them, she received a non-responsive answer and no answer to follow-up requests.

ratification. The Resolution (copy attached) approved by non-quorum committee recommended the adoption approving the Mutual Aid Agreements and/or Inter-Jurisdictional Agreements entered into by the Sheriff of Beaufort County. Nowhere in this Resolution is there any provision to ratify the 1999 Mutual Aid Agreement. Without the provision of ratification of the Mutual Aid Agreements in the Resolution, it was void. And the presentation of new Mutual Aid Agreements were required to be properly procedurally promulgated as required by Section 1-23-10, et seq.

Appellant seeks only to right a wrong. Based on the foregoing and Appellant's original motion, Appellant asks this Court to either dismiss this appeal, without prejudice, so Appellant may file and serve a Writ of Mandamus requiring the Beaufort County Sheriff's Office and/or Beaufort County to provide her with due process by way of the proper procedures, as set forth by the "rules" of this State, (as is strictly provided for in the *South Carolina Administrative Procedures Act*), or reverse the determination based on the fact that Respondent has failed to properly follow the rules in securing a judicial right over the person and property of the Appellant, and because they lack, and lacked, jurisdiction over this Appellant and her property, as she was subject to the ordinances of the Town of Port Royal. Another alternative that Appellant offers Respondent is for them to provide her with proper due process, as is strictly provided for in the *South Carolina Administrative Procedures Act*.

Respectfully submitted,



Mare Baracco, *Pro Se*
1006 Madrid Avenue
Port Royal, South Carolina 29935
(843) 592-1062

October 30, 2014

Authorities ii

AUTHORITIES

The State v. Boswell, Opinion No. 26941
U.S. v. Smith, 962 F.2d 923, 935 (9th Cir. 1992).

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STATUTES

S.C. Code Ann. Section 1-23-320, *SC Code of Laws, 1976, as Amended*
S.C. Code Ann. Section 1-23-320(G)(1)(2)(3)(4)(5) & (6).
S.C. Code Ann. Section 23-1-210(C)
S.C. Code Ann. Section 1-23-10, et seq.

.....
OTHER AUTHORITIES

Black's Law Dictionary, Free On-Line 2d Edition
Plain Error Law
Letters from Staff Attorney/Appellant
DVD April 2, 2012 Governmental Meeting
April 2, 2012 Minutes, Governmental Meeting
Resolution of April 9, 2012 for Mutual Aid Agreements 2012/10

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Plain error is an error declared by an appellate court to be patently obvious in a lower court decision or action and causes a reversal. When a defendant raises an issue on appeal that was not raised before the judge, the court of appeals may review for plain error. Federal procedural rules define plain error as a highly prejudicial error affecting substantial rights.

The appellant has the burden to show plain error, which is error that is clear or obvious and that materially prejudices the substantial rights of appellant; once appellant has met his burden of persuasion, the burden shifts to the government to show that the error was not prejudicial. To be plain error: (1) there must be an error; (2) the error must be plain (clear or obvious); and (3) the error must materially prejudice the substantial rights of the defendant).

Definition List

[Plagiarism](#)
[Placita Juris](#)
[Placement Test](#)
[Placement \[Education\]](#)
[Placed in Service](#)
 • [Plain Error](#)
[Plain-Feel Doctrine](#)
[Plain Language Consumer Contract Act \[PLCCA\]](#)
[Plain Meaning Rule](#)
[Plain Par Bond \[Internal Revenue\]](#)
[Plain Par Investment \[Internal Revenue\]](#)

Related Terms

Terms with 'Plain' or 'Error'
[Assigned Error](#)
[Assignment of Error](#)
[Bail in Error](#)
[Bain Error](#)
[Bill of Review for Error Apparent](#)
[Billing Error](#)
[Blakely Error](#)
[Bruton Error](#)
[Burton Error](#)
[Caldwell Error](#)

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GOVERNMENTAL COMMITTEE

April 2, 2012

The electronic and print media was duly notified in accordance with the State Freedom of Information Act.

The Governmental Committee met on Monday, April 2, 2012 at 4:00 p.m., in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, South Carolina.

ATTENDANCE

Governmental Committee Members: Chairman Jerry Stewart, Vice Chairman Laura Von Harten and Committee member Brian Flewelling. Members Rick Caporale, Gerald Dawson, and Herbert Glaze were absent. Non-committee members Steven Baer and William McBride were also attendance.

County Staff: Audra Antonacci, Codes Enforcement; Phil Foot, Division Director – Public Safety; Bryan Hill, Deputy County Administrator; and Joshua Gruber, Staff Attorney.

Media: Joe Croley, Hilton Head Island Association of Realtors; and Anne Christnovitch, *Island Packet/Beaufort Gazette*.

Public: Kim Statler, Executive Director, Lowcounty Economic Alliance.

Mr. Stewart chaired the meeting.

A committee of the whole is without a quorum.

ACTION ITEMS

1. Sheriff's Department Mutual Aid Agreement Ratifications

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Joshua Gruber, Staff Attorney reported that the Mutual Aid Agreement for the Sheriff's Office is in need of ratification. Mr. Gruber advised that the agreement, which has been in place since 1999, allows the Sheriff's Office to enter into other jurisdictions on the south/southeast areas of the county. He stated that the governing body, or County Council, has to approve the strict language of the statute within the agreement. He also stated that most of the documents have not been located because they date back so far. He assured Council that a list of all the areas would be provided for approval and that it would be no financial commitment for the County.

Certified True Copy
Clerk to Council
Beaufort County, SC
By: Suzanna M. Rainey
Suzanna M. Rainey
Date: 10-16-2014

Mr. Stewart requested to know if this is a blanket agreement for the counties and jurisdictions.

Mr. Gruber responded that it would be a blanket agreement and that Council was given a list of all the agencies that the agreement would cover.

Mr. Flewelling requested clarification and wanted to make sure that the agreement was unlimited and that it would not put any restriction on the Sheriff's Office.

Mr. Gruber confirmed in the affirmative and stated that the Sheriff already has authority to enter into the areas; but according to the State Statute 23-1-210, the agreement still needs to be ratified by Council or the governing body.

Motion: It was moved by Mr. Stewart, seconded by Mr. Flewelling, that the Committee approve and recommend to Council adoption of a resolution approving the Mutual Aid Agreements and /or Inter-Jurisdictional Agreements entered into by the Sheriff of Beaufort County. The vote was: Mr. Flewelling, Mr. Stewart and Mrs. Von Harten. (A committee of the whole is without a quorum.)

Recommendation: Council adopts a resolution approving the Mutual Aid Agreements and/or Inter-Jurisdictional Agreements entered into by the Sheriff of Beaufort County. (Motion will require a second.)

2. A Resolution to Commission Building Code Enforcement Officer for Beaufort County Pursuant to the Authority Granted in Section 49-145 of the Code of Laws of South Carolina, 1976, as amended

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Phil Foot, Division Director – Public Safety, was asked by the Building Codes Department to aid them in getting a Code Enforcement Officer. It was explained that the law allows an agency to have as many code enforcement officers as needed for proper security, general welfare, and convenience of the County. The County's Code Enforcement Office currently does not have such.

Mr. Charles Atkinson, Director of Building Codes, advised that the proposed resolution would commission him as a Building Code Enforcement Officer upon taking an oath of office in front of a magistrate. This would grant him the authority to enforce the building codes set forth by the County. *South Carolina Code of Laws*, Title 6, mandates that such person be mandated by the state. His Department currently has only one person that meets that qualification, the Fire Marshal.

Mr. Stewart confirmed that the resolution will give Mr. Atkinson the right to write tickets. He also wanted to confirm that the department had the proper credentials needed for the approval. Mr. Atkinson agreed in the affirmative.

Motion: It was moved by Mr. Flewelling seconded by Ms. Von Harten, that the Committee approve and recommend to Council adoption of a resolution to commission a Building Code Enforcement Officer for Beaufort County pursuant to the authority granted in Section 49-145 of the Code of Laws of South Carolina, 1976, as amended. The vote was: Mr. Flewelling, Mr. Stewart and Mrs. Von Harten. (A committee of the whole is without a quorum.)

Recommendation: Council adopted a resolution to commission a Building Code Enforcement Officer for Beaufort County pursuant to the authority granted in Section 49-145 of the *Code of Laws of South Carolina, 1976, as amended. (Motion will require a second.)*

3. Consideration of Reappointment and Appointment

Lady's Island / St. Helena Island Fire Commission

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Committee agreed to nominate Mrs. Pat Harvey-Palmer, representing St. Helena Island; and Mr. Charles Schreiner, representing at-large, for reappointment to serve as members of the Lady's Island / St. Helena Island Fire Commission.

Recommendation: Council nominates Mrs. Pat Harvey-Palmer, representing St. Helena Island; and Mr. Charles Schreiner, representing at-large, for reappointment to serve as members of the Lady's Island / St. Helena Island Fire Commission.

INFORMATION ITEMS

4. Update / Economic Development / Policies and Procedures of Lowcountry Economic Alliance

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Committee Chairman Jerry Stewart started the discussion by advising Council that this is for informational purposes only. The original resolution, adopted in 2007, which set up the Lowcountry Economic Alliance, the original Bylaws set up in 2008, and a copy of the Policies/Procedures were distributed to the Committee. Mr. Stewart informed the Committee of the resignation of Alliance Chairman, Gregg Malphrus, and read a letter received from him providing an overview of the recent activities of the Alliance regarding current and

proposed Bylaws. As indicated, the Bylaw changes Council passed did not get approval by both counties. We are back to the functioning under the existing Bylaws. When we passed a resolution setting up the Alliance, it stated that in order to facilitate the amendment each county would provide \$1,000. It also states that the Lowcountry Economic Network would fulfill the funding responsibility for Beaufort County. The bulk of the funding for the Alliance would come from the State. It also sets up the Board of Directors which he reviewed with the Committee. He hoped those members would be here today, but many members were unavailable to participate in today's meeting. He continued in reviewing the Bylaws with the Committee. Issues at hand include the setting up and staffing of the Alliance, and also funding. He reviewed other needs of the Alliance as well. Other major topics included how to attract new board members, membership fees, and the voting rights of board members.

Status: This item will be discussed at the next meeting.

2. Update / Community Development Code (Form Based Code) - One Stop Shop

Notification: To view video of full discussion of this meeting please visit http://beaufort.granicus.com/ViewPublisher.php?view_id=2

Discussion: Mr. Phil Foot, Division Director – Public Safety, introduced the Committee to the Project called One Stop Shop. This Project involved three different County departments – Zoning, Building Codes and Business License) being combined into one central location. He explained the purpose of the project is to allow customers to get information needed from one location.

Ms. Audra Antonacci, Codes Enforcement provided the Committee with a PowerPoint Presentation on the One Stop Shop. She reviewed the goals, objectives and purpose with the Committee, then reviewed the improvements of such project. She stated following contribute to the improvements: (i) location, (ii) cross trained employees, (iii) smoother processing and time efficient.

Mr. Stewart expressed his concerns and foreseen problems. Mr. Flewelling expressed with the Committee that this is the first step to a streamline project and feels the Committee should concern themselves with this part of the project at this time.

Deputy Administrator Bryan Hill also confirmed that the project is still in the first stage of development and that there is possibly ten more phases in the project. He ensured that the County would stay within the streamlines of the budget and said he will provide information as the project proceeds forward.

Status: This item is for informational purposes only.



OFFICE OF THE COUNTY ADMINISTRATOR
COUNTY COUNCIL OF BEAUFORT COUNTY

GARY KUBIC
COUNTY ADMINISTRATOR

CHERYL HARRIS
EXECUTIVE ASSISTANT

ADMINISTRATION BUILDING
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BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

JOSHUA A. GRUBER
STAFF ATTORNEY

April 7, 2014

Mare Baracco
1006 Madrid Avenue
Port Royal, South Carolina 29935

Re: State v. Mare Baracco
C/A No.: 2013-CP-07-00918

Dear Ms. Baracco:

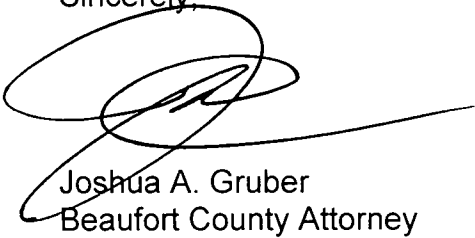
I am in receipt of your April 2, 2014, letter. As stated in my definitive response of March 25, 2014, no further discussions regarding my conduct or the procedural actions that have occurred over the course of this case will occur outside of the litigation process.

I have spoken with my client, Beaufort County Council, and at their direction, I am instructing you to cease and desist from any further contact with them during the pendency of this matter or any subsequent appeals. All correspondence or inquiries pertaining to or arising out of this matter shall be addressed only to myself, Mrs. Allison Coppage, Assistant Beaufort County Attorney, or Mrs. Mary Lohr as the authorized legal representatives of Beaufort County. Should you fail to comply with this request, the County will seek all necessary and appropriate sanctions as may be afforded to it under the law.

To the extent that your April 2, 2014, letter requests records pursuant to the South Carolina Freedom of Information Act, the County is not in possession of documentation that is responsive to your request. All information pertaining to the Notice of Dangerous Animal determination can be found within the South Carolina Code of Laws, Beaufort County Code of Ordinances, South Carolina Rules of Civil Procedure and the South Carolina Rules of Magistrates Court. All of these sources of information are made publically available and free of charge online.

To the extent that your April 2, 2014, letter requests that I respond to questions similar to interrogatories posed during the discovery phase of litigation, such request is hereby denied as being outside the scope of the South Carolina Freedom of Information Act.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Gruber', with a long horizontal flourish extending to the right.

Joshua A. Gruber
Beaufort County Attorney

cc: Allison Coppage
Mary Lohr

Captain Tim and Mare Baracco Deckard
1006 Madrid Avenue
Port Royal, South Carolina 29935
(843) 592-1062
info@beaufortvintagevoyages.com

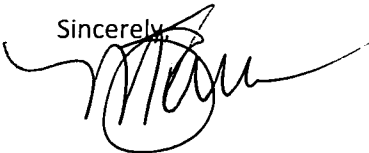
Joshua Gruber
Beaufort County Attorney
Post Office Box 1228
Beaufort, South Carolina 29901

April 10, 2014

Dear Mr. Gruber:

I am in receipt of your letter of April 7, 2014. Please provide me with the written directive, resolution or any other documentation that details Beaufort County Council, by the required vote, instructed you to inform me to cease and desist from any further contact with them. I would also like to know how each Council Member voted and the information provided to them, prior to making this decision. Additionally, please provide me with the sanctions that the County will seek against me for having any contact with them, including my elected Representative.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mare Baracco', with a large, sweeping flourish extending to the right.

Mare Baracco
1006 Madrid Avenue
Port Royal SC 29935
843 592~1062

cc: M. L. Wilkins



OFFICE OF THE COUNTY ADMINISTRATOR
COUNTY COUNCIL OF BEAUFORT COUNTY

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BRYAN J. HILL
DEPUTY COUNTY ADMINISTRATOR

JOSHUA A. GRUBER
STAFF ATTORNEY

April 15, 2014

Ms. Mare Baracco
1006 Madrid Avenue
Port Royal SC 29935

Re: Letter dated April 10, 2014

Dear Ms. Baracco:

In response to your letter of April 10, 2014, Beaufort County declines to provide you with a response pursuant to South Carolina Code of Laws §§ 30-4-40(a)(7) and 30-4-70(a)(2).

Sincerely,



Joshua A. Gruber
Beaufort County Attorney

cc: Mary Lohr

Captain Tim and Mare Baracco Deckard
1006 Madrid Avenue
Port Royal, South Carolina 29935
(843) 592-1062
info@beaufortvintagevoyages.com

April 29, 2014

Joshua Gruber
Beaufort County Attorney
PO Box 1228
Beaufort SC 29901

Re: Letter dated April 15, 2014

Dear Mr. Gruber:

In response to your letter of April 15, I need to know the date you allege Beaufort County Council directed you to inform me to not contact them, as I would like to observe this particular meeting of Council on video.

You also mentioned sanctions; I am still awaiting your response as to what sanctions you are referring to; are these sanctions listed anywhere on the County website?

I'll expect your reply forthwith.

Sincerely,



Mare Baracco
1006 Madrid Avenue
Port Royal SC 29935

Captain Tim and Mare Baracco Deckard
1006 Madrid Avenue
Port Royal, South Carolina 29935
(843) 592-1062
info@beaufortvintagevoyages.com

2nd
Request
5/22/14

April 29, 2014

Joshua Gruber
Beaufort County Attorney
PO Box 1228
Beaufort SC 29901

Re: Letter dated April 15, 2014

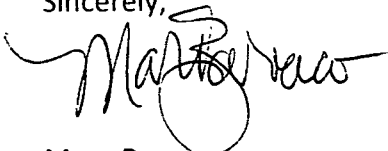
Dear Mr. Gruber:

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You also mentioned sanctions; I am still awaiting your response as to what sanctions you are referring to; are these sanctions listed anywhere on the County website?

I'll expect your reply forthwith.

Sincerely,



Mare Baracco
1006 Madrid Avenue
Port Royal SC 29935

RESOLUTION 2012/10

A RESOLUTION APPROVING THE MUTUAL AID AGREEMENTS AND/OR INTER-JURISDICTIONAL AGREEMENTS ENTERED INTO BY THE SHERIFF OF BEAUFORT COUNTY

WHEREAS, it is to the mutual advantage and benefit of Beaufort County and each agency identified in the attached listing to render mutual aid law enforcement services as may be needed from time to time. It is further recognized that there may be situations where additional law enforcement officers and services are needed. These services may include, but are not limited to, patrol services, crowd control, traffic control and other emergency service situations. The use of law enforcement officers to perform law enforcement duties outside of the territorial limits of the jurisdiction where the law enforcement officers are legally employed may be desirable and necessary in order to preserve and protect the health, safety, and welfare of the public.

WHEREAS, Intergovernmental law enforcement services and assistance may be provided among jurisdictions during times of emergency and routine law enforcement work when mutual aid would best serve the interests of each jurisdiction and its residents in accordance with Sections 23-1-210 and 23-20-10 et seq. of the Code of Laws of South Carolina, 1976 as amended.

WHEREAS, any agreements entered into pursuant to this law on behalf of a law enforcement authority must be approved by the appropriate state, county, or local law enforcement authority's chief executive officer

WHEREAS, law enforcement officers acting under this agreement shall be commanded by superior authority from within their own agency to maintain the peace or perform duties outside of their territorial limits. These law enforcement officers shall be under direction and authority of one person from their own agency/jurisdiction. That person shall in turn be under the direction and authority of the host jurisdiction to which they are called to perform law enforcement or peace duties. They shall have all powers and authority of law enforcement officers and peace officers as provided by law, including the power of arrest. All arrests and any enforcement actions and prosecutions shall remain within the jurisdiction where such actions would be properly brought in the absence of this agreement.

WHEREAS, this governing body acknowledges and approves the memorandum of understanding among the attached list of agencies that has been in place with the Sheriff since 1999 that allows law enforcement services and assistance to be provided among these jurisdictions during times of emergency and routine law enforcement work when mutual aid would best serve the interests of each jurisdiction and its residents.

WHEREAS, The County of Beaufort authorizes the Sheriff of Beaufort County or his designee, to render and request mutual law enforcement aid from any Municipality or County agency as identified in the attached listing to the extent of available personnel and equipment not

required for adequate protection of the remainder of the County. The Sheriff or Commanding Officer of the Beaufort County Sheriff's Office shall determine the amount of personnel and equipment available to render mutual law enforcement aid to the requesting agency. It is further recognized that his/her decision shall be final.

WHEREAS, The Sheriff of Beaufort County is authorized to enter into an agreement with Federal, State and Local authorities as it relates to the Beaufort/Jasper Multi Agency Drug Task Force.

NOW THEREFORE BE IT RESOLVED by the County Council of Beaufort, South Carolina, that County Council hereby approves the attached mutual aid agreement and authorizes the Sheriff of Beaufort County to enter into agreement with each Municipality or County agency, identified in the attached listing.

Adopted this 9th day of April, 2012.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: Wm. Weston J. Newton
Wm. Weston J. Newton, Chairman

ATTEST:

Suzanne M. Rainey
Suzanne M. Rainey, Clerk to Council

THE STATE OF SOUTH CAROLINA
SOUTH CAROLINA COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS

MARVIN H. DUKES, III, MASTER-IN-EQUITY

APPELLATE CASE NO.: 2014-000636

BEAUFORT COUNTY,

Respondent,

vs.

MARE BARACCO,

Appellant.

RECEIVED

NOV 03 2014

SC Court of Appeals

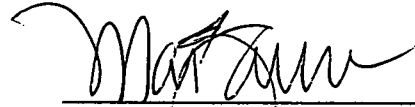
PROOF OF SERVICE

I certify that I have served the Appellant's Reply on the Respondent by depositing a copy of it in the United States Mail on October 30, 2014, addressed to their attorneys of record, as follows:

Mary Bass Lohr
Post Office Box 40
Beaufort, South Carolina 29901-0040

Allison Coppage
Joshua Gruber
Beaufort County Attorneys
Post Office Box 1228
Beaufort, South Carolina 29901-1228
(843) 255-2059

Attorneys for Respondent.



Mare Baracco, *Pro Se*
1006 Madrid Avenue
Port Royal, South Carolina 29935

Date: October 30, 2014.

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MARE BARACCO
1006 Madrid Avenue
Port Royal, South Carolina 9935
(843) 592-1062

October 30, 2014

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

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NOV 03 2014

RE: Beaufort County vs. Mare Baracco
Appellate Case No.: 2014-000636

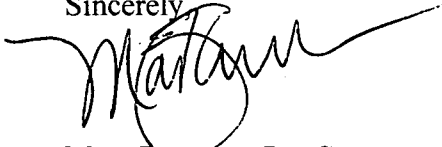
SC Court of Appeals

Dear Ms. Kitchings:

Enclosed please find for filing an original and eight (8) copies of Appellant's Reply along with proof of service thereof. I am also enclosing a self-addressed, stamped envelope for the return of a clocked copy.

If you require anything further, please contact me. Thank you for your assistance.

Sincerely,



Mare Baracco, *Pro Se*
1006 Madrid Avenue
Port Royal, South Carolina 29935

Other Counsel of Record:
Mary Bass Lorhr
Allison Coppage
Joshua Gruber
Attorneys for Respondent.