

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Administrative Law Judge

RECEIVED

APR 28 2015

Case No. 09-ALJ-17-0204-CC

Appellate Case No. 2012-208608

SC Court of Appeals

Rent-A-Center West, Inc., Appellant,

v.

South Carolina Department of Revenue Respondent.

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

Pursuant to Rule 209 of the South Carolina Appellate Court Rules, Appellant Rent-A-Center West, Inc. ("RAC West") respectfully requests that the following items be included in the record on appeal:

ORDERS

1. Final Order and Decision dated January 6, 2012
2. Order Denying Motion for Reconsideration dated February 1, 2012
3. Order Granting Extension for Department of Revenue to File Petition for Rehearing in *Carmax Auto Superstores West Coast, Inc. v. South Carolina Department of Revenue* dated January 7, 2015

DETERMINATIONS

4. Department Determination dated May 6, 2009

MOTIONS

5. RAC West's Motion for Reconsideration Under ALC Rule 29(D) and/or to Alter or Amend Under SCRCP Rule 59(e) filed January 17, 2012

TRANSCRIPTS

6. Hearing Transcript Day One dated August 10, 2011
7. Hearing Transcript Day Two dated August 11, 2011

EXHIBITS AND OTHER MATERIALS OR DOCUMENTS

8. Field Audit Report for RAC West dated March 12, 2008
9. RAC West Notice of Protest dated June 3, 2008
10. Trademark License Agreement dated December 31, 2002
11. Expert Opinion of Professor Richard D. Pomp
12. Sample SCDOR Corporate Income Tax Instructions
13. RAC West Amended Tax Returns 2003-2005
14. Uniform Division of Income for Tax Purposes Act ("UDITPA")

The Undersigned counsel hereby certifies, pursuant to Rule 209(c) of the South Carolina Appellate Court Rules that this Designation contains no matter that is irrelevant to the appeal.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

John C. von Lehe, Jr.

SC Bar No. 5719

E-Mail: john.vonlehe@nelsonmullins.com

Bryson M. Geer

SC Bar No. 13606

E-Mail: bryson.geer@nelsonmullins.com

151 Meeting Street / Sixth Floor

Post Office Box 1806 (29402-1806)

Charleston, SC 29401-2239

(843) 853-5200

Attorneys for Rent-A-Center West, Inc.

Charleston, South Carolina
April 24, 2015

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ADMINISTRATIVE LAW COURT

Ralph King Anderson, III, Administrative Law Judge

RECEIVED

APR 28 2015

Case No. 09-ALJ-17-0204-CC

Appellate Case No. 2012-208608

SC Court of Appeals

Rent-A-Center West, Inc., Appellant,

v.

South Carolina Department of Revenue Respondent.

PROOF OF SERVICE

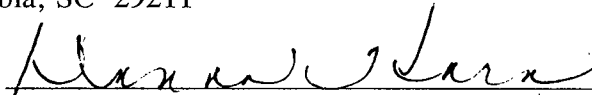
I the undersigned Administrative Assistant of the law firm of Nelson Mullins Riley & Scarborough, LLP, attorneys for Rent-A-Center West, Inc., do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings: Initial Brief of Appellant

Appellant's Designation of Matters to be Included in the Record on Appeal

Counsel Served:

Sean G. Ryan
William J. Condon, Jr.
Counsel for Litigation
Office of General Counsel for Litigation
South Carolina Department of Revenue
PO Box 12265
Columbia, SC 29211



Donna Horn

Administrative Assistant

April 24, 2015

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
151 Meeting Street / Sixth Floor / Charleston, SC 29401-2239
Tel: 843.853.5200 Fax: 843.722.8700
www.nelsonmullins.com

Bryson M. Geer
(Admitted in NC & SC)
Tel: 843.720.4306
bryson.geer@nelsonmullins.com

April 24, 2015

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
PO Box 11629
Columbia, SC 29211

RECEIVED

APR 28 2015

SC Court of Appeals

RE: Rent-A-Center West, Inc. v. South Carolina Department of Revenue
ALJ Docket No.: 09-ALJ-17-0204-CC
Court of Appeals Case No.: 2012208608
Our File No.: 17856/09000

Dear Ms. Kitchings:

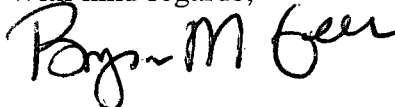
Enclosed are the originals and one copy of the following documents in the above matter:

1. Initial Brief of Appellant;
2. Appellant's Designation of Matter to be Included in the Record on Appeal; and
3. Proof of Service.

Please file the original pleadings and return the clocked-in copies to us in the enclosed envelope. By copy of this letter, we are serving these pleadings on counsel for Respondent.

Thank you for your assistance with this matter.

With kind regards,



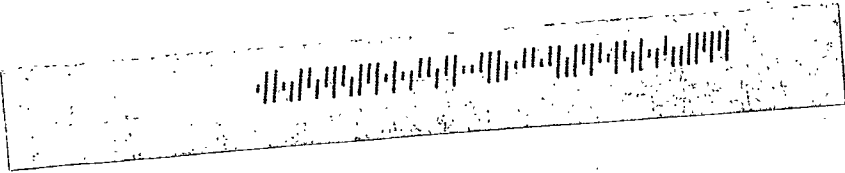
Bryson M. Geer

BMG:dh

Enclosures

cc: (w/enclosures)

Sean G. Ryan, Counsel for Litigation
William J. Condon, Jr., Esq.



Hasler

04/24/2015

US POSTAGE

PRIORITY MAIL

\$05.95⁰



ZIP 29401
011D11645519

**Nelson
Mullins**

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
Post Office Box 1806 / Charleston, SC 29402-1806

17856/09000

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
PO Box 11629
Columbia, SC 29211