

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

JUL 09 2015

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S.C. SUPREME COURT

Appellate Case No. 2014-000246

South Carolina Department of Consumer Affairs.....Respondent,

v.

Entera Holdings, LLC and Entera Work Comp Solutions, LLC,Petitioner.

REPLY TO RESPONDENTS' RETURN

David Hill Keller
Constangy, Brooks, Smith & Prophete, LLP
110 W. North Street, Suite 150
Greenville, South Carolina 29201

Other Counsel of Record:

Elliott F. Elam, Jr., Esquire
PO Drawer 11649
Columbia, SC 29211

L. Becky Dover, Esquire
Dept of Consumer Affairs
2221 Devine Street
Columbia, SC 29204

J. Matthew Aronson, Esquire
500 Gills Creek Parkway, Apt. 1814
Columbia, SC 29209

In that the agency has missed point of Petitioners' argument as it relates to our Issue I and their Issue III.

The whole point of this appeal from the very beginning has been the failure of the agency and subsequently the Courts to require the Department of Consumer Affairs to abide by the language in their own letters as well as their failure to reconsider their decision based on the Petitioner's letter of September 6, 2013.

Rather, the facts of this case, and the thing that requires this petition to be granted are as follows:

1. When this matter was first brought to the attention of Petitioners, the Petitioners sought to meet with the Department of Consumer Affairs in order to determine if the matter could be resolved. However, the Department refused a face to face meeting. (ROA p. 3)

2. The agency subsequently issued a letter to Petitioners in which they stated, in their opinion, with no prior explanation and after refusing to meet with Petitioners for any explanation or conversation regarding the facts that they were relying on, advising that Petitioners were, in their opinion, in violation of the Statute. (ROA p. 14)

3. That in that letter, the Department specifically stated Petitioners were required to respond to the letter within 30 days. (ROA p.20)

4. In response, Petitioners sent a letter to the Department asking for a reconsideration on the decision on September 6, 2013. (ROA P. 32)

5. That this Court has held that when a litigant before an Administrative Agency requests a reconsideration, that the time for all other matters is tolled until such time as the reconsideration has been made by the agency. Rhame v. Charleston County School District (Op. No. 27516 filed April 22, 2015).

6. That the agency, after refusing to hear the Petitioner's side of the issue has

refused consistently to abide by the terms of the Rhame decision.

In reviewing this matter, the Petitioner has asked the Court to allow further briefing of the issues. However, in reviewing the record in this case in preparation of this reply, the Petitioners are requesting that the matter be immediately remanded back to the agency for reconsideration of their decision as required by the Administrative Procedures Act and as iterated in the Rhame case.

In the event the Court does not immediately remand this case to the agency for reconsideration pursuant to Rhame the novel issue of whether an agency may serve papers in a manner inconsistent with both the rules of Civil Court and the Administrative Law Court should be fully briefed.

DATED: July 6, 2015

Respectfully Submitted,

By: David Hill Keller
David Hill Keller, Esq.
Bar # 003345
Constangy, Brooks, Smith & Prophete, LLP
Attorney for Petitioner

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

APPEAL FROM THE ADMINISTRATIVE LAW COURT JUL 09 2015

S.C. SUPREME COURT

Appellate Case No. 2014-000246

South Carolina Department of Consumer Affairs.....Respondent,

v.

Entera Holdings, LLC and Entera Work Comp Solutions, LLC,Appellants.

CERTIFICATE OF SERVICE

I, Sally Drawdy, say that I am the legal assistant for David H. Keller, attorney for Appellants Entera Holdings, LLC and Entera Work Comp Solutions, LLC with CONSTANGY, BROOKS, SMITH & PROPHETE, LLP in Greenville, South Carolina; and on the 6th day of July, 2015, a copy of the Appellants' Reply to Respondents' Return was mailed in sealed envelopes, postage prepaid, along with a certificate of service on opposing counsel and a certificate of counsel to the following person(s) at the following addresses:

The Honorable Daniel E. Shearouse
Clerk of Court
Supreme Court of South Carolina
P.O. Box 11330
Columbia, South Carolina 29211

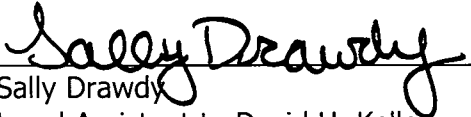
Elliot F. Elam, Jr., Esq., Deputy Director
South Carolina Department of Consumer Affairs
P.O. Drawer 11649
Columbia, SC 29211

The Honorable Jana E. Shealy
Clerk SC Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, SC 29201

The Honorable Jenny Abbott Kitchings
Clerk of Court SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211

L. Becky Dover, Esquire
South Carolina Department of Consumer Affairs
2221 Devine Street
Columbia, SC 29204

Mr. J. Matthew Aronson, Esquire
500 Gills Creek Parkway, Apt. 1814
Columbia, SC 29209


Sally Drawdy
Legal Assistant to David H. Keller
Constangy, Brooks, Smith & Prophete, LLP
110 W. North Street, Suite 150
Greenville, SC 29601
Telephone (864) 990-1883
sdrawdy@constangy.com