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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
The Honorable L. Casey Manning, Circuit Court Judge

RECEIVED

DEC 04 2015

Court of Appeals

Appellate Case No. 2015-000887

Anna Dillard Wilson Respondent,

v.

S.C. Department of Motor Vehicles Appellant.

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2014 CP-40-3750

Anna Dillard Wilson

SC Department of Motor Vehicles

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: John D. Elliott

Attorney for : ☒ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(b), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.
Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge
SCRPC Form 4C (12/2011)

Judge Code

Date

SCANNED

0003

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this 26 day of Mar, 2015 to attorneys of record or to parties (when appearing pro se) as follows:

John D. Elliott

P.O. Box 607

Columbia SC 29202

ATTORNEY(S) FOR THE PLAINTIFF(S)

Frank L. Valenta, Jr.

P.O. Box 1498

Blythewood SC 29016-0020

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Jeannette W. McBride

Court Reporter: Crystal M. Holmes

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

Anna Dillard Wilson,)
Plaintiff,)
vs.)
S.C. Department of Motor Vehicles,)
Defendants.)

Civil Action No. 2014-CP-40-3750

ORDER

DATE OF HEARING:
PRESIDING JUDGE:
PLAINTIFF'S COUNSEL:
DEFENDANT'S COUNSEL:
COURT REPORTER:

January 20th, 2015
Hon. L. Casey Manning
John D. Elliott, Esquire
Frank L. Valenta, Jr., Esquire
Crystal M. Holmes

RICHLAND COUNTY
FILED
2015 MAR 23 AM 11:36
JANETTE W. MCNEEL
C.C.P. CLERK

This is an order granting injunctive relief to the plaintiff, a South Carolina motorist, enjoining the defendant Department of Motor Vehicles from suspending her license to drive.

The parties appeared with their counsel on the date above. After entertaining the evidence and exhibits introduced by the parties, this court arrived at the following findings and conclusions.

1. Plaintiff is a citizen and resident of South Carolina, with a license to drive issued by the South Carolina Department of Motor Vehicles, No. 8137XXX.
2. On June 11th, 2009, the plaintiff pleaded guilty to first offense driving under the influence of alcohol in the Irmo, South Carolina Municipal Court.
3. The plaintiff timely paid her fine of \$1,026.91. On June 18th, 2009, the plaintiff enrolled in the Alcohol and Drug Safety Action Program, or ADSAP, and successfully completed the program.
4. The plaintiff's privilege to drive was suspended by the Department of Motor Vehicles for her failure to comply with the implied consent statute, S.C.Code Ann. § 56-5-2950

SCANNED

0005

(Supp.2009), beginning August 29th, 2009, and reinstated on November 11th, 2009 after the expiration of the requisite 90 day period.

5. The week following her conviction, the plaintiff contacted the Irmo Town Clerk to inquire about whether the record of conviction had been sent to the Department of Motor Vehicles so that her suspension required by conviction would commence. A notation on the record of the conviction maintained by the Irmo Town Clerk asserts the "ticket" was sent to the Department of Motor Vehicles on July 1st, 2009.

6. The plaintiff contacted the Department of Motor Vehicles to inquire about the further suspension of her driver's license required by her entry of a plea to driving under the influence. She received no response to her inquiries. The plaintiff also contacted her long-time insurance agent, who went to a branch of the Department of Motor Vehicles to inquire about the suspension and the plaintiff's need for auto insurance in the wake of her conviction for driving under the influence. These inquiries occurred in August and September, 2009. The records of the Department of Motor Vehicles apparently did not reflect a record of conviction and officers of the department informed both the plaintiff and her agent there was no such record.

7. Audits routinely conducted by the Department of Motor Vehicles for traffic citations issued by the Town of Irmo for the years 2010, 2011 and 2013 showed the plaintiff's citation for driving under the influence as "outstanding."

8. Apparently at some juncture after the last audit, the department's records were updated to show the status of the citation. On May 27th, 2014, nearly five years to the day after pleading guilty to the offense, the department notified the plaintiff of the suspension of her license to drive.

9. The plaintiff maintains she suffer significant immediate hardship and irreparable harm with the imposition of a suspension after this lapse of time. The plaintiff is in the medical

field and has a license as a registered nurse. She testified that she lost her job in the wake of her conviction and it was months before she could find employment. The plaintiff is now employed with a company which does not know of her conviction and which requires that she operate a motor vehicle in connection with her employment, without limitations. The plaintiff also now carries mortgages on two separate residences, as she tries to sell her former residence. The plaintiff has a reasonable fear that her job will be jeopardized by any suspension of her driver's license at this juncture, or upon disclosure of her conviction at this late date.

10. The department argues that it is blameless in the lapse between the entry of the conviction for driving under the influence and the imposition of the suspension of the plaintiff's license to drive. While this may be true, the test is whether the plaintiff will be deprived of fundamental fairness required by due process of law in the suspension of her driver's license after a significant lapse of time. *See, Hipp v. S.C. Department of Motor Vehicles*, 381 S.C. 323, 673 S.E.2d 416 (2009). There, the court held that both the driver and the department were blameless in the 12 year lapse of time between the conviction there and its recording with the Department of Motor Vehicles, triggering suspension. *Id.*, at fn. 2.

11. The department argues that the plaintiff should have done more to impose the requisite suspension on herself, but it is difficult to see how much more she could have done after she and her insurance agent made several inquiries of the department about the suspension without success. Nor was it incumbent on the plaintiff's lawyer to see to it his client's license was suspended. The attorney owed his client a duty of loyalty, not the department.

12. This court finds and concludes that the lapse of time of five years between the plaintiff's conviction for driving under the influence and her suspension will deprive the plaintiff fundamental fairness of the law required by due process and cause the plaintiff hardship. The plaintiff has no other remedy at law.

NOW THEREFORE, based on the foregoing, it is accordingly

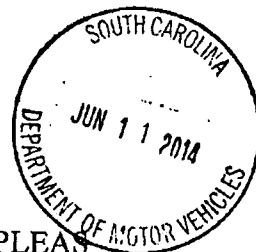
ORDERED, ADJUDGED and DECREED that the South Carolina Department of Motor Vehicles is permanently enjoined from suspending the plaintiff's license to drive for her conviction for driving under the influence entered June 11th, 2009.

AND IT IS SO ORDERED.


HON. L. CASEY MANNING
Circuit Judge, Court of Common Pleas
for Richland County

Columbia, South Carolina

March 23 2015



STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

Anna Dillard Wilson,)
Plaintiff,)

vs.)

S.C. Department of Motor Vehicles,)
Defendants.)

IN THE COURT OF COMMON PLEAS

2014CP400 3750

Civil Action No.

**ORDER GRANTING TEMPORARY
RESTRAINING ORDER**

RICHLAND COUNTY
CLERK OF COURT
2014 JUN 10 PM 2:41
JENNIFER W. ADKINS
C.C.P. & C.V.

This is an order granting a temporary restraining order on behalf of the plaintiff.

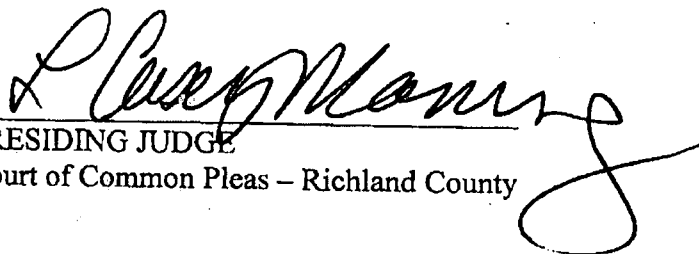
The plaintiff is facing the suspension of her license to drive, five years after her conviction for driving under the influence of alcohol. The plaintiff asserts that this is a denial of fundamental fairness under the authority of *Hipp v. South Carolina Department of Motor Vehicles*, 381 S.C. 323, 673 S.E.2d 416 (2009).

The plaintiff has demonstrated a colorable claim, and has also demonstrated the potential for irreparable harm in the suspension of her license to drive, threatening her livelihood. Suspension is imminent, and that action is in the exclusive domain of the defendant Department of Motor Vehicles.

Good cause having been shown, pursuant to Rule 65(b) of the South Carolina Rules of Civil Procedure,

IT IS THEREFORE ORDERED that the defendant is restrained and enjoined from suspending the plaintiff's license to drive, until a hearing may be held on the plaintiff's action, on the 17th day of June, 2014, at 10:00 o'clock A M. The plaintiff is not required to post security.

AND IT IS SO ORDERED.


PRESIDING JUDGE
Court of Common Pleas – Richland County

Columbia, South Carolina
June 10 2014

ENTERED June 10, 2014 at 2:20 'o'clock P M.
BY: Judge for the Clerk of Court

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

ANNA DILLARD WILSON

Plaintiff(s)

vs.

SC DEPARTMENT OF MOTOR VEHICLES

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2014CP400

3750

(Please Print)

Submitted By: John D. Elliott

Address: P. O. Box 607, Columbia SC 29202

SC Bar #: 1869

Telephone #: 803. 252. 9236

Fax #: 803. 799. 2079

Other:

E-mail: jayel@mindspring.

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action Is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☒ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|--|---|
| ☐ Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ Employment (120)
☐ General (130)
☐ Breach of Contract (140)
☐ Other (199) | ☐ Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 -CP- -
☐ Notice/ File Med Mal (230)
☐ Other (299) | ☐ Torts - Personal Injury
☐ Assault/Slander/Libel (300)
☐ Conversion (310)
☒ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Other (399) | ☐ Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) |
| ☐ Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) | ☐ Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)
☐ Other (799) | ☐ Administrative Law/Relief
☐ Reinstate Driver's License (800)
☐ Judicial Review (810)
☐ Relief (820)
☒ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) | ☐ Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Commission (990)
☐ Employment Security Comm (991)
☐ Other (999) |
| ☐ Special/Complex /Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) | ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Sexual Predator (510) | | |

Submitting Party Signature:

John D. Elliott

Date: June 9th, 2014

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY

Allendale, Anderson, Beaufort, Colleton, Florence, Greenville, Hampton, Horry,
Jasper, Lexington, Pickens (Family Court Only), Richland, Union and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

Anna Dillard Wilson,)
Plaintiff,)
vs.)
S.C. Department of Motor Vehicles,)
Defendants.)

Civil Action No.

**MOTION FOR TEMPORARY
RESTRAINING ORDER**

RICHLAND COUNTY
FILED
2014 JUN -9 PM 3:57
JEANETTE M. HOPKIN
C.C.P. & G.S.

The plaintiff moves for a temporary restraining order in this action for injunctive relief, on the following grounds.

The plaintiff entered a plea of guilty to the offense of driving under the influence of alcohol on June 11th, 2009. Five years later, almost to the day, the plaintiff was notified of the suspension of her license. The notification is attached.

As can be seen, the notice requires that she surrender her license, obtain expensive SR-22 insurance, and participate in the Alcohol Drug Safety Action Program, or ADSAP.

The lengthy delay in the imposition of this suspension is a denial of fundamental fairness. *See, Hipp v. South Carolina Department of Motor Vehicles*, 381 S.C. 323, 673 S.E.2d 416 (2009), which is attached. The plaintiff did all things expected of her in complying with the law, and in addition, took steps to insure that the suspension would take place timely. (See attached affidavit.) In response, the plaintiff was assured by the authorities the conviction was transmitted to the Department of Motor Vehicles.

Now, five years after the fact, the plaintiff is facing the loss of her driver's license – a property right secured by the federal and state constitutions – and may face the loss of her job in addition.

The plaintiff therefore moves for a temporary restraining order pursuant to Rule 65(b) of the South Carolina Rules of Civil Procedure. The plaintiff will suffer immediate and irreparable injury; the imposition of the suspension is to take place Wednesday, June 11, 2014, fully five years after her conviction. The plaintiff has no other adequate remedy at law; there is no appeal to be had to the Administrative Law Court regarding the suspension. Accordingly, the only remedy available to the plaintiff is with this court.

The plaintiff respectfully requests that she be excused from any requirement that she post security, since this request for a temporary restraining order does not involve a dispute over money or an action *in rem*.

The plaintiff therefore moves for an order of this court temporarily enjoining the defendant South Carolina Department of Motor Vehicles from suspending the plaintiff's license to drive until a hearing may be heard on her motion.



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E-Mail: jayel@mindspring.com

Columbia, South Carolina
June 9th 2014

Page 416

673 S.E.2d 416 (S.C. 2009)

381 S.C. 323

Charles R. HIPP, III, Respondent,

v.

SOUTH CAROLINA DEPARTMENT OF MOTOR
VEHICLES, Appellant.

No. 26588.

Supreme Court of South Carolina.

January 26, 2009

Heard Dec. 4, 2008.

General Counsel Frank L. Valenta, Jr., Deputy
General Counsel Philip S. Porter, and Assistant General
Counsel Linda A. Grice, all of Blythewood, for
Appellant.

Michael A. Timbes, of Thurmond, Kirchner &
Timbes, of Charleston, for Respondent.

PER CURIAM:

[381 S.C. 324] South Carolina Department of Motor
Vehicles (SCDMV) appeals the order of the circuit court
enjoining it from suspending the driver's license of
Respondent Charles R. Hipp, III (Respondent) as a
consequence of Respondent's 1993 Georgia conviction
for driving under the influence (DUI). We affirm.

FACTS

Respondent was arrested and pled guilty to DUI in
the State of Georgia in 1993. At the time of the arrest,
Respondent was a South Carolina resident attending
college in South Carolina, and a driver licensed by the
South Carolina Department of Motor Vehicles
(SCDMV). As a result of his plea, Respondent paid a fine
to the State of Georgia and fulfilled other conditions
required by Georgia. In 2005, twelve years after his
conviction, Respondent received notice from the
SCDMV that his South Carolina driver's license was
being suspended as a consequence of his 1993 Georgia
DUI conviction. Respondent filed a declaratory judgment
action asking the court to enjoin suspension of his
license. The circuit court issued an order enjoining the
SCDMV from suspending Respondent's driver's license.

ISSUE

Did the circuit court err in enjoining the suspension

of Respondent's driver's license?

STANDARD OF REVIEW

"Actions for injunctive relief are equitable in
nature."

[381 S.C. 325] *Shaw v. Coleman*, 373 S.C. 485, 489, 645
S.E.2d 252, 256 (Ct.App.2007). In actions in equity this
Court may find facts in accordance with its own view of
the preponderance of the evidence. *Id.*

ANALYSIS

The circuit court cited three grounds for enjoining
suspension of Respondent's driver's

Page 417

license: (1) that the applicable statute is ambiguous; (2)
the doctrine of laches; and (3) that suspension twelve
years after conviction violates the "fundamental fairness"
required by due process. We find the circuit court's
conclusion as to fundamental fairness to be persuasive
and so, affirm.[1]

A person's interest in his driver's license is property
that a state may not take away without satisfying the
requirements of due process. *Bell v. Burson*, 402 U.S.
535, 91 S.Ct. 1586, 29 L.Ed.2d 90 (1971). Due process is
violated when a party is denied fundamental fairness.
City of Spartanburg v. Parris, 251 S.C. 187, 191, 161
S.E.2d 228, 230 (1968).

This Court addressed facts similar to those in the
case at hand in *State v. Chavis*, 261 S.C. 408, 200 S.E.2d
390 (1973). While we found fundamental fairness was
not violated by suspension after a one-year delay, we
allowed that there might be circumstances under which it
could be soundly held that the State had no right to
suspend a driver's license after a lengthy delay. *Id.* at 411,
200 S.E.2d at 391. We find in the instant case the extreme
circumstances contemplated by *Chavis*.

While we do not intend to set forth a bright line
rule, we find that imposition of a suspension after more
than twelve years delay, where Respondent bears no fault
for the delay, is manifestly a denial of fundamental
fairness.[2] Though neither dispositive nor directly
applicable to the instant case, we note

[381 S.C. 326] that Title 56 of the South Carolina Code,
which addresses "Motor Vehicles," is replete with
ten-year limitations for purposes of sentence
enhancement and keeping record of convictions. *See, e.g.*,
S.C.Code Ann. § § 56-1-746 (for purposes of determining
a prior offense for sentence enhancement of
alcohol-related offenses, only convictions within ten
years of the date of the most recent violation are

considered prior offenses); 56-1-1340 (violation convictions shall be entered in the records of the SCDMV for a period of ten years); 56-5-2940 (for sentence enhancement of convictions for operating motor vehicle under influence of alcohol or drugs, only those violations which occurred within ten years preceding date of last violation constitute prior violations); 56-5-1990 (in determining time of suspension of driver's license, only violations which occurred within ten years of the last violation shall constitute prior violations).

CONCLUSION

We agree with the circuit court that under the unique circumstances of this case, the attempted suspension of Respondent's driver's license twelve years after conviction constitutes a denial of fundamental fairness. The order enjoining suspension is therefore

AFFIRMED.

TOAL, C.J., WALLER, PLEICONES, BEATTY
and KITTREDGE, JJ., concur.

Notes:

[1] Having found the circuit court's decision supported by its finding that Respondent was denied fundamental fairness, we do not address the remaining grounds. See *Wilson v. Moseley*, 327 S.C. 144, 147, 488 S.E.2d 862, 864 (1997).

[2] It should be noted that neither Respondent nor SCDMV is at fault for the delay. The unexplained delay in reporting the 1993 violation appears to be solely attributable to the inaction of the State of Georgia.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

Anna Dillard Wilson,)
Plaintiff,)

Civil Action No.

vs.)

S.C. Department of Motor Vehicles,)
Defendants.)

S U M M O N S
(Declaratory and Injunctive Relief)

FILED
2014 JUN -9 PM 3:57
JENNIFER M. HOSKINS
C.C.P. CLERK

TO: THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your answer to the said Complaint upon the subscriber at his office, 1122 Lady Street, NBSC Building, Fifth Floor, Columbia, South Carolina 29201 within thirty (30) days after the date of service hereof, exclusive of the date of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint, and an Order of Default and Judgment against you will be rendered for that relief so demanded in the Complaint.


JOHN D. (JAY) ELLIOTT
Attorney for Anna Dillard Wood
1122 Lady Street - Fifth Floor
Post Office Box 607
Columbia, South Carolina 29202
Phone: (803) 252-9236
Fax: (803) 799-2079
E-Mail: jayel@mindspring.com

Columbia, South Carolina
June 27, 2014

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

Anna Dillard Wilson,)
Plaintiff,)

Civil Action No.

vs.)

S.C. Department of Motor Vehicles,)
Defendants.)

COMPLAINT
(Declaratory and Injunctive Relief)

2014 JUN -5 PM 3:57
JENNIFER M. HARRIS
C.C.P. & C.S.
RICHLAND COUNTY
CLERK

Plaintiff, complaining of the defendant herein, would respectfully show this court as follows:

1. Plaintiff is a citizen and resident of Lexington County, South Carolina. At all times material to this complaint the plaintiff was a citizen and resident of Richland County, South Carolina.
2. At all times material to this complaint, Defendant South Carolina Department of Motor Vehicles is the state department charged with, among other duties, the issuance and suspension of licenses held by the motoring public to drive on the roads and highways of South Carolina. Its principal place of business is Richland County, South Carolina.
3. The plaintiff brings this action for declaratory and injunctive relief under the equitable powers of this court, and pursuant to S.C. Code Ann. Section
4. The plaintiff has a license to drive issued by the South Carolina Department of Motor Vehicles, No.
5. On June 11th, 2009, the plaintiff pleaded guilty to first offense driving under the influence of alcohol in the Irmo, South Carolina Municipal Court.
6. Thereafter, the plaintiff did all things expected of her to comply with the law. (See attached affidavit of plaintiff, with exhibits.)

7. On May 27th, 2014, nearly five years to the day after pleading guilty to the offense, suddenly and without warning, the defendant notified the plaintiff of the suspension of her license to drive.

8. The extreme lapse of time between the conviction, and now the suspension of the plaintiff's license to drive a motor vehicle is a deprivation of due process of law secured by the federal and state constitutions, amounting to a denial of fundamental fairness.

9. The plaintiff will suffer significant immediate hardship and irreparable harm with the imposition of a suspension after such an extreme lapse of time. The plaintiff has no other adequate remedy at law.

10. Accordingly, the plaintiff requests this court issue an order declaring the action of the department a violation of due process of law, depriving the plaintiff of fundamental fairness, and enjoining the department from suspending her license to drive a motor vehicle, temporarily and permanently.

WHEREFORE the plaintiff prays declaratory and injunctive relief, including a temporary and permanent restraining order enjoining the defendant from suspending her license to drive a motor vehicle, together with such other and further relief as this court deems just and equitable.


JOHN D. (JAY) ELLIOTT
Attorney for Anna Dillard Wilson
1122 Lady Street - Fifth Floor
Post Office Box 607
Columbia, South Carolina 29202
Phone 803.252.9236
Fax 803.799.2079
E-Mail: jayel@mindspring.com

Columbia, South Carolina
June 9th, 2014

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

Anna Dillard Wilson,)
Plaintiff,)

Civil Action No.

vs.)

AFFIDAVIT OF ANNA DILLARD WILSON

S.C. Department of Motor Vehicles,)
Defendants.)

RICHLAND COUNTY
FILED
2014 JUN -9 PM 3:57
JANETTE W. JOHNSON
C.P. & C.V.

PERSONALLY appeared before me ANNA DILLARD WILSON, who being duly sworn,
deposes and says as follows:

1. I am Anna Dillard Wilson, the plaintiff in this action. I reside at One Paddock Chase, Irmo, South Carolina. I have a license to drive issued by the South Carolina Department of Motor Vehicles.
2. On November 22nd, 2008 I was arrested and charged with driving under the influence of alcohol by the Irmo Police Department. On June 11, 2009 I pleaded guilty to the offense in the Irmo Municipal Court.
3. In order to obtain a license to drive with restrictions, I obtained paperwork that day to do so. The week following the conviction I went to enroll in the Alcohol Drug Safety Action Program or ADSAP. I was told by an official there that they had no paperwork from the Irmo court and could not enroll until they had the paperwork. The official told me she would call the Irmo court to confirm the conviction. She called me that afternoon and instructed me to report for orientation the next morning. I did so, and enrolled in the program.
4. I began the program on June 18, 2009 and paid \$500.00 to enter the program. The receipt is attached.

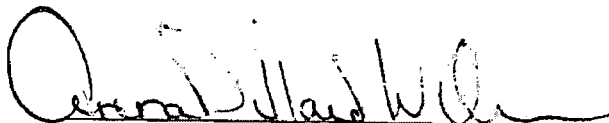
5. I completed the program on August 20, 2009, with an exit interview on September 3, 2009. That date, I paid \$160.00 for a random drug and alcohol screen. The receipt is attached.

6. The day after I completed the program, August 21, 2009, I called the Department of Motor Vehicles to inquire about obtaining a restricted license. I was told they had no conviction for driving under the influence on record. I then called the Irmo clerk for the town court. The clerk informed me that she had sent the conviction to the Department of Motor Vehicles on June 11, 2009 and that there was nothing else for her to do – her job was done.

7. In connection with the arrest, my license to drive was suspended for failure to comply with the implied consent statutes regarding the taking of a Breathalyzer test. That suspension ended on November 12, 2009.

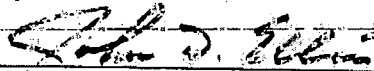
8. On May 27, 2014, I received the attached notice of suspension of my driver's license, five years after the conviction. The notice directs me to, among other things, surrender my driver's license, obtain expensive SR-22 insurance, and participate in the ADSAP program. This notice was issued despite the fact I had done everything asked of me or directed to do so in order to comply with the law.

9. I am a registered nurse by training and I am the patient care coordinator for Bulow Orthotics and Prosthetic Solutions. I have been there three years. It took me two years after the incident to find a decent job. My job requires that I travel on behalf of the company to deliver needed medical devices to patients. A suspension of my driver's license would work a great hardship on me and potentially deprive me of my job.


ANNA DILLARD WILSON

SWORN TO and Subscribed Before Me

This 8th day of June, 2014

 (L.S.)

Notary Public for South Carolina

My Commission Expires: 7.29.2020

REDACTED

Nikki R. Haley
Governor



Kevin A. Shwedo
Executive Director

State of South Carolina
Department of Motor Vehicles

05/27/2014

WILSON, ANNA DILLARD
1 PADDOCK CHASE
IRMO, SC 29063-2937

CUSTOMER NO: 26288811
FILE NO: 17354768
DL NO:

OFFICIAL NOTICE

You may not drive commercial or non-commercial motor vehicles.

REASON: You have been convicted of the offense listed below.

SECTION OF LAW: 56-5-2990

VIOL DATE	CONV DATE	TICKET#	VIOLATION DESCRIPTION
11/22/2008	06/11/2009	31588EE	Driving Under the Influence

BEGINNING DATE: 12:01 AM 06/11/2014 ENDING DATE: MIDNIGHT 12/11/2014

SPECIAL DRIVING PRIVILEGES:

If you are a licensed driver, you may be eligible for a special driving credential, (provisional driver's license for SC drivers or provisional permit for out-of-state drivers), if you enroll in ADSAP and provide proof of financial responsibility. Special driving privileges can only be issued for non-commercial class licenses and US Citizens or permanent resident card holders. If you do not receive special driving privileges, you may not drive until the suspension period has ended and you have done the following:

FINANCIAL RESPONSIBILITY:

You must do one of the following for 3 years from the ending date listed above:

1. have your insurance agent file a Certificate of Insurance (SR-22), or
2. deposit \$40,000 per motor vehicle with SC State Treasurer's Office, or
3. have a surety company issue a bond for you.

ALCOHOL DRUG SAFETY ACTION PROGRAM:

You must successfully complete the ADSAP Program within one year of enrollment. The SC Department of Alcohol and Other Drug Abuse Services will notify the Department or you have completed this requirement. If you have not successfully completed the program within this time, your driving privilege will be subject to suspension for Failure to Successfully Complete ADSAP. If you need information concerning this program, you may call the Department of Alcohol and Other Drug Abuse Services in your county.

REINSTATEMENT FEE:

You must pay a \$100.00 reinstatement fee. This fee can be paid at any DMV Office, mailed to Driver Records, PO Box 1498, Blythewood, SC 29016-0028 or paid by credit card at www.scdmvonline.com. Make checks and money orders payable to SCDMV. Do not send cash through the mail.

TESTS:

You must successfully complete the vision, knowledge and skills test.

THIS LETTER CONCERNS ONLY THE ACTION LISTED ABOVE AND DOES NOT CHANGE ANY OTHER NOTICES WE HAVE SENT TO YOU.

If you have not already turned in your license, you must return it to Driver Record or your local DMV office.

LEXINGTON / RICHLAND
ALCOHOL AND DRUG ABUSE COUNCIL

Phone (803) 252-8727
P.O. Box 50597 Columbia, S.C. 29220

Acc. No. 55349		Date 6/18/09	
Received Of DILLARD, ANNA			
Address			
City			
Dollars 500		Cents 00	
Old Balance	On A/C	Paid In Full	100 Dollars New Balance
Draft	A.O.	Check: #5549	Cash
For ADSAP			
Thank You Please keep this copy for reference.			

No. 62500

Rec'd by **Anna Ruff**

LEXINGTON PRINTING SERVICES WEST COLUMBIA SC 29171 3157477

LRADAC

1325 Harden St.
P. O. Box 50597
Columbia, SC 29250
Telephone: 803-256-3100
FAX: 803-540-7682
E-Mail: mail@lradac.org

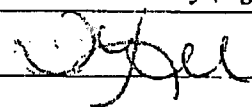
Check Payment Receipt

Receipt Number:	1169
Receipt Date:	9/3/2009
Account Number:	55349
Payment Amount:	**160.00**

****One Hundred Sixty Dollars And NO Cents****

N a m e	Anna R. Dillard
	119 Weston Watch Rd
	Irmo, SC 29063

Balance Remaining on 9/3/2009 - 9:25am:	** (35.00) **
---	----------------------

Received by (signature):


REDACTED

South Carolina
Department of Motor Vehicles



11/12/2009

DILLARD, ANNA RUTH
119 WESTON WATCH RD
IRMO, SC 29063-2006

CUSTOMER NO: 26288811
FILE NO: 10465164
DL NO:

DEAR CUSTOMER:

DMV records indicate that the period of your South Carolina suspension(s) has ended. You have met the requirements to fully clear the suspension(s).

If you are eligible to obtain a South Carolina driver's license, you must apply at a local DMV Office. You may be required to take the following tests:

Vision
Knowledge
Skills

Driver Records Manager

0027

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Anna Dillard Wilson,

Plaintiff,

-vs-

South Carolina Department of
Motor Vehicles,

Defendant.

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

Civil Action No.: 2014-CP-40-03750

**DEFENDANT'S RESPONSE
TO PLAINTIFF'S MOTION
FOR TEMPORARY RESTRAINING ORDER**

The Defendant South Carolina Department of Motor Vehicles (SCDMV) hereby responds to Plaintiff's Motion for Temporary Restraining Order filed with this Court on June 9, 2014. Defendant SCDMV does not object to a stay of suspension of Plaintiff's driving privileges pending the outcome of the merits in this matter.



LINDA ANNETTE GRICE, SC Bar # 2260

Assistant General Counsel

linda.grice@scdmv.net

FRANK L. VALENTA, JR., SC Bar # 5682

General Counsel

PHILIP S. PORTER, SC Bar # 4526

Deputy General Counsel

South Carolina Department of Motor Vehicles

Post Office Box 1498

Blythewood, South Carolina 29016-0020

Telephone: 803.896.9900

Facsimile: 803.896.9901

Blythewood, South Carolina
June 13, 2014

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

Anna Dillard Wilson,

Plaintiff,

-vs-

State of South Carolina Department of
Motor Vehicles,

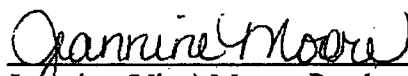
Defendant.

Civil Action No.: 2014-CP-40-03750

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 13, 2014, I served a copy of **Defendant's Response to Plaintiff's Motion for Temporary Restraining Order** on the Plaintiff, through his attorney, by depositing a copy of same in the United States Mail, postage prepaid, and via facsimile addressed as follows:

John D. Elliott, Esquire
Post Office Box 607
Columbia, South Carolina 29202
Via Facsimile @ (803)799-2079



Jeannine (Nina) Moore, Paralegal
Office of General Counsel
South Carolina Department of Motor Vehicles

REDACTED

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Anna Dillard Wilson,

Civil Action No.: 2014-CP-40-03750

Plaintiff,

-vs-

ANSWER

South Carolina Department of
Motor Vehicles,

Defendant.

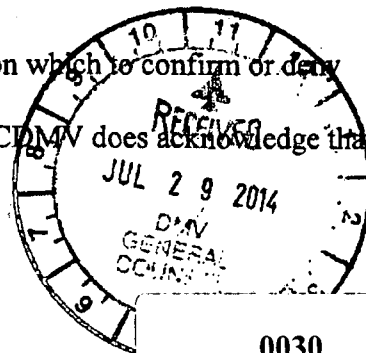
RECEIVED
JUL 23 AM 10:15
CLERK OF COURT
RICHLAND COUNTY

The Defendant South Carolina Department of Motor Vehicles (SCDMV), answers the Complaint as follows. Defendant SCDMV hereby denies any and all claims in the Complaint not specifically admitted, explained or otherwise qualified herein and demands strict proof of same.

1. Upon information and belief, Defendant SCDMV admits the allegations of paragraph 1 of the Complaint regarding the Plaintiff's residence.
2. Defendant SCDMV does not contest the allegations of paragraph 2 of the Complaint and admits that it is an agency of State government which issues driver's licenses in the State of South Carolina, with its headquarters located in Richland County.
3. Defendant SCDMV is without sufficient knowledge upon which to confirm or deny the allegations in paragraph 3 of the Complaint.
4. Upon information and belief, Defendant SCDMV admits so much of the allegations of paragraph 4 of the Complaint that Defendant SCDMV's records reflect that Plaintiff's driver's license number is

5. Defendant SCDMV is without sufficient knowledge upon which to confirm or deny the allegations in paragraph 5 of the Complaint, however, Defendant SCDMV does acknowledge that

102
LAG



0030

its records reflect that the Plaintiff was found guilty of driving under the influence (DUI) on June 11, 2009, in the Municipal Court of Irmo as evidenced by copy of ticket number 31588EE.

6. Defendant SCDMV is without sufficient knowledge upon which to confirm or deny the allegations in paragraph 6 of the Complaint.

7. In regard to paragraph 7 of the Complaint, on May 20, 2014, Defendant, SCDMV received a copy of ticket number 31588EE from the Irmo Municipal Court reflecting the Plaintiff's guilty conviction (Exhibit A). Accordingly, on May 27, 2014, Defendant SCDMV issued Plaintiff a notice of suspension for the DUI conviction. The Plaintiff did not surrender her license to the court on the date of her conviction therefore, pursuant to S.C. Code Ann. § 56-1-365, the suspension did not begin until the ticket was received and processed by the SCDMV.

8. The ticket, #31588EE was included in the SCDMV audit reports completed by the Irmo Police Department for 2010, 2011 and 2013. (Exhibits B, C and D) The ticket was reported as being in court of the 2010 and 2011 audits and as signed off (sent to SCDMV) in the 2013 report. There was no audit report submitted in 2012.

9. The Plaintiff's record as maintained by the SCDMV shows that the Plaintiff did not serve the suspension or go without her license after her DUI conviction. (Exhibit E).

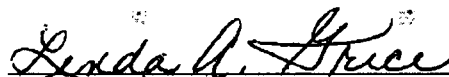
10. Defendant SCDMV denies the allegations contained in paragraph 8 of the Complaint.

11. Defendant SCDMV denies the allegations contained in paragraph 9 of the Complaint. The Plaintiff was convicted of a first offense DUI, therefore, pursuant to S.C. Code Ann. § 56-1-1320, she may apply to the Department of Motor Vehicles to obtain a provisional license to operate a motor vehicle. Plaintiff has already completed ADSAP and upon furnishing proof of responsibility as provided in S.C. Code Ann. § 56-1-1350 and payment of the required fee, she may be issued a provisional license for the duration of the suspension.

LSY

12. Paragraph 10 of the Complaint is the recitation of the relief being sought by the Plaintiff and the Defendant SCDMV denies that the Plaintiff is entitled to the requested relief and asserts that there is an appropriate remedy available to the Plaintiff as outlined above.

WHEREFORE, the Defendant SCDMV, having fully answered the Complaint prays unto this Court that the same be dismissed with prejudice, with costs being assessed against the Plaintiff, and for such other and further relief as this Court may deem just and appropriate.



LINDA ANNETTE GRICE, SC Bar # 2260

Assistant General Counsel

FRANK L. VALENTA, JR., SC Bar # 5682

General Counsel

PHILIP S. PORTER, SC Bar # 4526

Deputy General Counsel

South Carolina Department of Motor Vehicles

Post Office Box 1498

Blythewood, South Carolina 29016-0020

Telephone: 803.896.9900

Facsimile: 803.896.9901

Email: linda.grice@scdmv.net

Blythewood, South Carolina
July 24, 2014

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Anna Dillard Wilson,

Plaintiff,

-vs-

State of South Carolina Department of
Motor Vehicles,

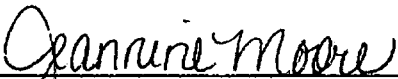
Defendant.

Civil Action No.: 2014-CP-40-03750

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 24, 2014, I served a copy of the Answer on the Plaintiff, through her attorney, by depositing a copy of same in the United States Mail, postage prepaid, addressed as follows:

John D. Elliott, Esquire
Post Office Box 607
Columbia, South Carolina 29202



Jeannine (Nina) Moore, Paralegal
Office of General Counsel
South Carolina Department of Motor Vehicles

REDACTED

FORM S-438

REV 3/09

STATE OF SOUTH CAROLINA
Uniform Traffic Ticket

CITY OF IRMO

VERSUS

First Name ANNA RUTH DILLARD		Middle Name		Last Name	
Street and Number 119 WESTON WATCH ROAD,		City IRMO, SC		State 29063	
State Licensed SC		Driver's License Number			
Veh Lic Number 356VXW-SC		Model NISSAN ALTIMA 4 DOOR		Make of Veh NISS	Year 0000
				N	

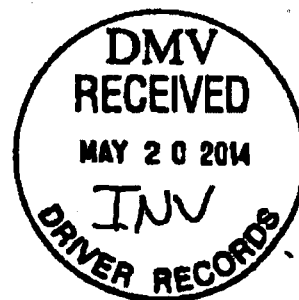
YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

Name of Trial Officer CITY OF IRMO		Street and Number 7300 WOODROW ST.			
Date of Trial 7/01/2009	Time of Trial 12:12 PM	City State Zip IRMO, SC 29063			
Violation-Court Appearance Required DUI 1ST OFFENSE < 10		Yes ☐ No ☐		Violation Sect Code 56-5-2930	
Owner of Vehicle		Date of Arrest 11/22/2008			
Address of Owner		Date of Violation 11/22/2008			
Bail deposited	Name of Arrest Officer GRINSTEAD, ANDREA A			Rank	
Description of Accused Race Sex Birth Date Height Weight Hair Eyes W F 0 ft. 0 in. 0				County LEXINGTON	Number
Date Bail Red'd	By			Badge 18AAG	District
CASE BEFORE Circuit Court _____ Magistrate _____ Municipal Judge ☒ Federal Court _____ Name of Trial Officer if Different from above:				Day: Saturday Time of Violation / 23:54 Weather / _____ Distance in feet from Intersection of THE 1300 BLOCK OF LAKE MURRAY BOULEVARD	
Defendant Did not appear _____ Appeared _____				And	
DISPOSITION NOLLE PROSSED _____ PLED GUILTY _____ FORFEITED BOND _____ NOL CONTENDERE _____				Distance in Feet from the intersection of	
TRIAL BY Judge				Hwy No	
Verdict of Trial if Any DOCKET CLOSED - FOUND GUILTY		Date of Trial if any		Lat	"
Jail	Suspend	Fine \$1026.91	Amt Collected 997.00	Amt Suspended	Long
Committed to		Vehicle Searched	Arrest result of Collision No	Offense Code	B A Level
CERTIFIED CORRECT JOSEPH M EPTING			DATE 6/11/2009	TICKET NUMBER 31588EE	

Certified to be a true and correct copy of the original document on file with the South Carolina Department of Motor Vehicles.

A. L. Phelps

Driver Services, Deputy Director



A TRUE COPY

LEXINGTON/IRMO MUNICIPAL COURT

499 AM

EXHIBIT A

0034

SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES
INVENTORY REPORT OF UNIFORM TRAFFIC CITATIONS FOR 2010
IRMO POLICE DEPT (131)

07/13/2010 PAGE 4,552

CITATION STATUS CODES:

C-COURT

S-SIGNED OFF (SENT TO SCDMV)

U-UNUSED

X-VOID (SENT TO SCDMV)

N-VOID (NOT SENT TO SCDMV, MUST SEND COPY OR AFFIDAVIT)

<u>C60152CE</u>	<u>C60154CE</u>	<u>U60157CE</u>	<u>U60158CE</u>	<u>U60159CE</u>	<u>U60160CE</u>	<u>U60161CE</u>	<u>U60162CE</u>	<u>U60163CE</u>	<u>U60164CE</u>
<u>U60165CE</u>	<u>U60166CE</u>	<u>U60167CE</u>	<u>U60168CE</u>	<u>U60169CE</u>	<u>U60170CE</u>	<u>U60171CE</u>	<u>U60172CE</u>	<u>U60173CE</u>	<u>U60174CE</u>
<u>U60175CE</u>	<u>U60176CE</u>	<u>U60177CE</u>	<u>U60178CE</u>	<u>U60179CE</u>	<u>U60180CE</u>	<u>U60181CE</u>	<u>U60182CE</u>	<u>U60183CE</u>	<u>U60184CE</u>
<u>U60185CE</u>	<u>U60186CE</u>	<u>U60187CE</u>	<u>U60188CE</u>	<u>U60189CE</u>	<u>U60190CE</u>	<u>U60191CE</u>	<u>U60192CE</u>	<u>U60193CE</u>	<u>U60194CE</u>
<u>U60195CE</u>	<u>U60196CE</u>	<u>U60197CE</u>	<u>U60198CE</u>	<u>U60199CE</u>	<u>U60200CE</u>				

FIRST OUTSTANDING TICKET 60152CE LAST OUTSTANDING TICKET 60200CE 01/24/2002 46

C44143DF
FIRST OUTSTANDING TICKET 44143DF LAST OUTSTANDING TICKET 44143DF 12/31/2004 1

X37287DO X37292DO U37293DO U37294DO U37300DO
FIRST OUTSTANDING TICKET 37287DO LAST OUTSTANDING TICKET 37300DO 11/14/2005 5

C56903EA C56904EA C56910EA C56911EA C56925EA
FIRST OUTSTANDING TICKET 56903EA LAST OUTSTANDING TICKET 56925EA 01/31/2007 5

C57223EA U57233EA U57234EA U57235EA U57236EA U57237EA U57238EA U57239EA U57240EA U57241EA
FIRST OUTSTANDING TICKET 57223EA LAST OUTSTANDING TICKET 57250EA 01/31/2007 19

U57547EA C57568EA C57569EA C57570EA
FIRST OUTSTANDING TICKET 57567EA LAST OUTSTANDING TICKET 57570EA 01/31/2007 4

C58090EA
FIRST OUTSTANDING TICKET 58090EA LAST OUTSTANDING TICKET 58090EA 01/31/2007 1

C58335EA
FIRST OUTSTANDING TICKET 58335EA LAST OUTSTANDING TICKET 58335EA 01/31/2007 1

U31044EE C31047EE
FIRST OUTSTANDING TICKET 31044EE LAST OUTSTANDING TICKET 31047EE 05/21/2008 2

C31092EE
FIRST OUTSTANDING TICKET 31092EE LAST OUTSTANDING TICKET 31092EE 05/21/2008 1

C31112EE C31113EE C31119EE C31120EE
FIRST OUTSTANDING TICKET 31112EE LAST OUTSTANDING TICKET 31120EE 05/21/2008 4

C31151EE C31162EE C31174EE
FIRST OUTSTANDING TICKET 31151EE LAST OUTSTANDING TICKET 31174EE 05/21/2008 3

<u>U31201EE</u>	<u>U31202EE</u>	<u>U31203EE</u>	<u>U31204EE</u>	<u>U31205EE</u>	<u>U31206EE</u>	<u>U31207EE</u>	<u>U31208EE</u>	<u>U31209EE</u>	<u>U31210EE</u>
<u>U31211EE</u>	<u>U31212EE</u>	<u>U31213EE</u>	<u>U31214EE</u>	<u>U31215EE</u>	<u>U31216EE</u>	<u>U31217EE</u>	<u>U31218EE</u>	<u>U31219EE</u>	<u>U31220EE</u>

RECEIVED

OCT 12 2010

DMV

Certified to be a true and correct
copy of the original document on file
with the South Carolina Department of
Motor Vehicles.

A. L. Phelps

Driver Services, Deputy Director

EXHIBIT B

SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES
INVENTORY REPORT OF UNIFORM TRAFFIC CITATIONS FOR 2010
IRMO POLICE DEPT (131)

07/13/2010 PAGE 4.553

CITATION STATUS CODES:

C-COURT S-SIGNED OFF (SENT TO SCDMV)
U-UNUSED X-VOID (SENT TO SCDMV)
N-VOID (NOT SENT TO SCDMV, MUST SEND COPY OR AFFIDAVIT)

<u>U31221EE</u>	<u>U31222EE</u>	<u>U31223EE</u>	<u>U31224EE</u>	<u>U31225EE</u>	<u>U31226EE</u>	<u>U31227EE</u>	<u>U31228EE</u>	<u>U31229EE</u>	<u>U31230EE</u>
<u>U31231EE</u>	<u>U31232EE</u>	<u>U31233EE</u>	<u>U31234EE</u>	<u>U31235EE</u>	<u>U31236EE</u>	<u>U31237EE</u>	<u>U31238EE</u>	<u>U31239EE</u>	<u>U31240EE</u>
<u>U31241EE</u>	<u>U31242EE</u>	<u>U31243EE</u>	<u>U31244EE</u>	<u>U31245EE</u>	<u>U31246EE</u>	<u>U31247EE</u>	<u>U31248EE</u>	<u>U31249EE</u>	<u>U31250EE</u>
FIRST OUTSTANDING TICKET 31201EE			LAST OUTSTANDING TICKET 31250EE			05/21/2008		58	
<u>C31304EE</u>									
FIRST OUTSTANDING TICKET 31304EE			LAST OUTSTANDING TICKET 31304EE			05/21/2008		1	
<u>U31393EE</u>	<u>U31394EE</u>	<u>U31395EE</u>	<u>U31396EE</u>	<u>U31397EE</u>	<u>U31398EE</u>	<u>U31399EE</u>	<u>U31400EE</u>		
FIRST OUTSTANDING TICKET 31393EE			LAST OUTSTANDING TICKET 31400EE			05/21/2008		8	
<u>X31407EE</u>	<u>U31424EE</u>	<u>U31425EE</u>	<u>U31426EE</u>	<u>U31427EE</u>	<u>U31428EE</u>	<u>U31429EE</u>	<u>U31430EE</u>	<u>U31431EE</u>	<u>U31432EE</u>
<u>U31433EE</u>	<u>U31434EE</u>	<u>U31435EE</u>	<u>U31436EE</u>	<u>U31437EE</u>	<u>U31438EE</u>	<u>U31439EE</u>	<u>U31440EE</u>	<u>U31441EE</u>	<u>U31442EE</u>
<u>U31443EE</u>	<u>U31444EE</u>	<u>U31445EE</u>	<u>U31446EE</u>	<u>U31447EE</u>	<u>U31448EE</u>	<u>U31449EE</u>	<u>U31450EE</u>		
FIRST OUTSTANDING TICKET 31407EE			LAST OUTSTANDING TICKET 31450EE			05/21/2008		28	
<u>X31462EE</u>	<u>C31463EE</u>	<u>C31464EE</u>							
FIRST OUTSTANDING TICKET 31462EE			LAST OUTSTANDING TICKET 31464EE			05/21/2008		3	
<u>C31501EE</u>	<u>C31528EE</u>	<u>C31535EE</u>							
FIRST OUTSTANDING TICKET 31501EE			LAST OUTSTANDING TICKET 31535EE			05/21/2008		3	
<u>C31588EE</u>	<u>C31592EE</u>	<u>C31598EE</u>							
FIRST OUTSTANDING TICKET 31588EE			LAST OUTSTANDING TICKET 31598EE			05/21/2008		3	
<u>C31621EE</u>	<u>C31643EE</u>	<u>C31647EE</u>	<u>C31648EE</u>						
FIRST OUTSTANDING TICKET 31621EE			LAST OUTSTANDING TICKET 31648EE			05/21/2008		4	
<u>X31651EE</u>	<u>C31659EE</u>	<u>C31660EE</u>	<u>C31661EE</u>	<u>C31663EE</u>	<u>C31678EE</u>	<u>C31700EE</u>			
FIRST OUTSTANDING TICKET 31651EE			LAST OUTSTANDING TICKET 31700EE			05/21/2008		7	
<u>C31719EE</u>	<u>C31720EE</u>	<u>U31721EE</u>	<u>U31722EE</u>	<u>U31723EE</u>	<u>U31724EE</u>	<u>U31725EE</u>	<u>U31726EE</u>	<u>U31727EE</u>	<u>U31728EE</u>
<u>U31729EE</u>	<u>U31730EE</u>	<u>U31731EE</u>	<u>U31732EE</u>	<u>U31733EE</u>	<u>U31734EE</u>	<u>U31735EE</u>	<u>U31736EE</u>	<u>U31737EE</u>	<u>U31738EE</u>
<u>U31739EE</u>	<u>U31740EE</u>	<u>U31741EE</u>	<u>U31742EE</u>	<u>U31743EE</u>	<u>U31744EE</u>	<u>U31745EE</u>	<u>U31746EE</u>	<u>U31747EE</u>	<u>U31748EE</u>
<u>U31749EE</u>	<u>U31750EE</u>								
FIRST OUTSTANDING TICKET 31719EE			LAST OUTSTANDING TICKET 31750EE			05/21/2008		32	
<u>C31785EE</u>									
FIRST OUTSTANDING TICKET 31785EE			LAST OUTSTANDING TICKET 31785EE			05/21/2008		1	
<u>C31807EE</u>	<u>C31815EE</u>	<u>C31818EE</u>							
FIRST OUTSTANDING TICKET 31807EE			LAST OUTSTANDING TICKET 31818EE			05/21/2008		3	

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copy of the original document on file
with the South Carolina Department of
Motor Vehicles.

D. L. Phelps
Driver Services, Deputy Director

EXHIBIT B

SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES
INVENTORY REPORT OF UNIFORM TRAFFIC CITATIONS FOR 2011
IRMO POLICE DEPT (131)

07/01/2011 PAGE 4,568

CITATION STATUS CODES:
C-COURT S-SIGNED OFF (SENT TO SCDMV)
U-UNUSED X-VOID (SENT TO SCDMV)
N-VOID (NOT SENT TO SCDMV, MUST SEND COPY OR AFFIDAVIT)

FIRST OUTSTANDING TICKET 31304EE	LAST OUTSTANDING TICKET 31304EE	05/21/2008	1
<u>U</u> 31393EE <u>U</u> 31394EE <u>U</u> 31395EE <u>U</u> 31396EE <u>U</u> 31397EE <u>U</u> 31398EE <u>U</u> 31399EE <u>U</u> 31400EE	LAST OUTSTANDING TICKET 31400EE	05/21/2008	8
<u>U</u> 31424EE <u>U</u> 31425EE <u>U</u> 31426EE <u>U</u> 31427EE <u>U</u> 31428EE <u>U</u> 31429EE <u>U</u> 31430EE <u>U</u> 31431EE <u>U</u> 31432EE <u>U</u> 31433EE	<u>U</u> 31434EE <u>U</u> 31435EE <u>U</u> 31436EE <u>U</u> 31437EE <u>U</u> 31438EE <u>U</u> 31439EE <u>U</u> 31440EE <u>U</u> 31441EE <u>U</u> 31442EE <u>U</u> 31443EE		
31444EE 31445EE 31446EE 31447EE 31448EE 31449EE 31450EE	LAST OUTSTANDING TICKET 31450EE	05/21/2008	27
<u>C</u> 31463EE <u>C</u> 31464EE	LAST OUTSTANDING TICKET 31464EE	05/21/2008	2
31501EE 31528EE 31535EE	LAST OUTSTANDING TICKET 31535EE	05/21/2008	3
<u>C</u> 31588EE	LAST OUTSTANDING TICKET 31588EE	05/21/2008	1
<u>C</u> 31621EE <u>C</u> 31643EE <u>C</u> 31647EE <u>C</u> 31648EE	LAST OUTSTANDING TICKET 31648EE	05/21/2008	4
<u>C</u> 31659EE <u>C</u> 31660EE <u>C</u> 31661EE <u>C</u> 31663EE <u>C</u> 31678EE <u>C</u> 31700EE	LAST OUTSTANDING TICKET 31700EE	05/21/2008	6
<u>C</u> 31719EE <u>C</u> 31720EE <u>U</u> 31721EE <u>U</u> 31722EE <u>U</u> 31723EE <u>U</u> 31724EE <u>U</u> 31725EE <u>U</u> 31726EE <u>U</u> 31727EE <u>U</u> 31728EE	<u>U</u> 31729EE <u>U</u> 31730EE <u>U</u> 31731EE <u>U</u> 31732EE <u>U</u> 31733EE <u>U</u> 31734EE <u>U</u> 31735EE <u>U</u> 31736EE <u>U</u> 31737EE <u>U</u> 31738EE		
31739EE 31740EE 31741EE 31742EE 31743EE 31744EE 31745EE 31746EE 31747EE 31748EE			
31749EE 31750EE	LAST OUTSTANDING TICKET 31750EE	05/21/2008	32
<u>C</u> 31807EE <u>C</u> 31815EE <u>C</u> 31818EE	LAST OUTSTANDING TICKET 31818EE	05/21/2008	3
<u>C</u> 31862EE	LAST OUTSTANDING TICKET 31862EE	05/21/2008	1
<u>C</u> 31957EE	LAST OUTSTANDING TICKET 31957EE	05/21/2008	1
<u>C</u> 32006EE <u>C</u> 32017EE	LAST OUTSTANDING TICKET 32017EE	05/21/2008	2

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OCT 06 2011

DMV

EXHIBIT C

Certified to be a true and correct
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with the South Carolina Department of
Motor Vehicles.

A. L. Phelps

Driver Services, Deputy Director

VS22BTKT

SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES
INVENTORY REPORT OF UNIFORM TRAFFIC CITATIONS FOR 2013
IRMO POLICE DEPT (131)

07/09/2013 PAGE 4,366

CITATION STATUS CODES:

C-COURT S-SIGNED OFF (SENT TO SCDMV)
U-UNUSED X-VOID (SENT TO SCDMV)
N-VOID (NOT SENT TO SCDMV, MUST SEND COPY OR AFFIDAVIT)

U 60152CE	S 60154CE	U 60157CE	U 60158CE	U 60159CE	U 60160CE	U 60161CE	U 60162CE	U 60163CE	U 60164CE
U 60165CE	U 60166CE	U 60167CE	U 60168CE	U 60169CE	U 60170CE	U 60171CE	U 60172CE	U 60173CE	U 60174CE
U 60175CE	U 60176CE	U 60177CE	U 60178CE	U 60179CE	U 60180CE	U 60181CE	U 60182CE	U 60183CE	U 60184CE
U 60185CE	U 60186CE	U 60187CE	U 60188CE	U 60189CE	U 60190CE	U 60191CE	U 60192CE	U 60193CE	U 60194CE
U 60195CE	U 60196CE	U 60197CE	U 60198CE	U 60199CE	U 60200CE				
FIRST OUTSTANDING TICKET 60152CE	LAST OUTSTANDING TICKET 60200CE	01/24/2002	46						
S 57567EA									
FIRST OUTSTANDING TICKET 57567EA	LAST OUTSTANDING TICKET 57567EA	01/31/2007	1						
U 31044EE	S 31047EE								
FIRST OUTSTANDING TICKET 31044EE	LAST OUTSTANDING TICKET 31047EE	05/21/2008	2						
S 31092EE									
FIRST OUTSTANDING TICKET 31092EE	LAST OUTSTANDING TICKET 31092EE	05/21/2008	1						
S 31119EE	S 31120EE								
FIRST OUTSTANDING TICKET 31119EE	LAST OUTSTANDING TICKET 31120EE	05/21/2008	2						
S 31151EE	S 31174EE								
FIRST OUTSTANDING TICKET 31151EE	LAST OUTSTANDING TICKET 31174EE	05/21/2008	2						
U 31201EE	U 31202EE	U 31203EE	U 31204EE	U 31205EE	U 31206EE	U 31207EE	U 31208EE	U 31209EE	U 31210EE
U 31211EE	U 31212EE	U 31213EE	U 31214EE	U 31215EE	U 31216EE	U 31217EE	U 31218EE	U 31219EE	U 31220EE
U 31221EE	U 31222EE	U 31223EE	U 31224EE	U 31225EE	U 31226EE	U 31227EE	U 31228EE	U 31229EE	U 31230EE
U 31231EE	U 31232EE	U 31233EE	U 31234EE	U 31235EE	U 31236EE	U 31237EE	U 31238EE	U 31239EE	U 31240EE
U 31241EE	U 31242EE	U 31243EE	U 31244EE	U 31245EE	U 31246EE	U 31247EE	U 31248EE	U 31249EE	U 31250EE
FIRST OUTSTANDING TICKET 31201EE	LAST OUTSTANDING TICKET 31250EE	05/21/2008	50						
S 31304EE									
FIRST OUTSTANDING TICKET 31304EE	LAST OUTSTANDING TICKET 31304EE	05/21/2008	1						
U 31393EE	U 31394EE	U 31395EE	U 31396EE	U 31397EE	U 31398EE	U 31399EE	U 31400EE		
FIRST OUTSTANDING TICKET 31393EE	LAST OUTSTANDING TICKET 31400EE	05/21/2008	8						
U 31424EE	U 31425EE	U 31426EE	U 31427EE	U 31428EE	U 31429EE	U 31430EE	U 31431EE	U 31432EE	U 31433EE
U 31434EE	U 31435EE	U 31436EE	U 31437EE	U 31438EE	U 31439EE	U 31440EE	U 31441EE	U 31442EE	U 31443EE
U 31444EE	U 31445EE	U 31446EE	U 31447EE	U 31448EE	U 31449EE	U 31450EE			
FIRST OUTSTANDING TICKET 31424EE	LAST OUTSTANDING TICKET 31450EE	05/21/2008	27						
S 31463EE									
FIRST OUTSTANDING TICKET 31463EE	LAST OUTSTANDING TICKET 31463EE	05/21/2008	1						

EXHIBIT D



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with the South Carolina Department of
Motor Vehicles.

D. L. Phelps
Driver Services, Deputy Director

CITATION STATUS CODES:

C-COURT

S-SIGNED OFF (SENT TO SCDMV)

U-UNUSED

X-VOID (SENT TO SCDMV)

N-VOID (NOT SENT TO SCDMV, MUST SEND COPY OR AFFIDAVIT)

<u>C</u> 31501EE	<u>X</u> 31528EE	<u>S</u> 31535EE							
IRST OUTSTANDING TICKET 31501EE	LAST OUTSTANDING TICKET 31535EE	05/21/2008	3						
<u>S</u> 31588EE									
IRST OUTSTANDING TICKET 31588EE	LAST OUTSTANDING TICKET 31588EE	05/21/2008	1						
<u>C</u> 31621EE	<u>C</u> 31643EE	<u>S</u> 31647EE	<u>S</u> 31648EE						
IRST OUTSTANDING TICKET 31621EE	LAST OUTSTANDING TICKET 31648EE	05/21/2008	4						
<u>S</u> 31663EE	<u>X</u> 31678EE	<u>S</u> 31700EE							
IRST OUTSTANDING TICKET 31663EE	LAST OUTSTANDING TICKET 31700EE	05/21/2008	3						
<u>S</u> 31719EE	<u>S</u> 31720EE	<u>U</u> 31721EE	<u>U</u> 31722EE	<u>U</u> 31723EE	<u>U</u> 31724EE	<u>U</u> 31725EE	<u>U</u> 31726EE	<u>U</u> 31727EE	<u>U</u> 31728EE
<u>U</u> 31729EE	<u>U</u> 31730EE	<u>U</u> 31731EE	<u>U</u> 31732EE	<u>U</u> 31733EE	<u>U</u> 31734EE	<u>U</u> 31735EE	<u>U</u> 31736EE	<u>U</u> 31737EE	<u>U</u> 31738EE
<u>U</u> 31739EE	<u>U</u> 31740EE	<u>U</u> 31741EE	<u>U</u> 31742EE	<u>U</u> 31743EE	<u>U</u> 31744EE	<u>U</u> 31745EE	<u>U</u> 31746EE	<u>U</u> 31747EE	<u>U</u> 31748EE
<u>U</u> 31749EE	<u>U</u> 31750EE								
IRST OUTSTANDING TICKET 31719EE	LAST OUTSTANDING TICKET 31750EE	05/21/2008	32						
<u>S</u> 31807EE	<u>S</u> 31815EE	<u>C</u> 31818EE							
IRST OUTSTANDING TICKET 31807EE	LAST OUTSTANDING TICKET 31818EE	05/21/2008	3						
<u>S</u> 31862EE									
IRST OUTSTANDING TICKET 31862EE	LAST OUTSTANDING TICKET 31862EE	05/21/2008	210						
<u>C</u> 31957EE									
IRST OUTSTANDING TICKET 31957EE	LAST OUTSTANDING TICKET 31957EE	05/21/2008	1						
<u>S</u> 32017EE									
IRST OUTSTANDING TICKET 32017EE	LAST OUTSTANDING TICKET 32017EE	05/21/2008	1						
<u>C</u> 32052EE	<u>S</u> 32092EE								
IRST OUTSTANDING TICKET 32052EE	LAST OUTSTANDING TICKET 32092EE	05/21/2008	2						
<u>S</u> 32147EE	<u>S</u> 32148EE								
IRST OUTSTANDING TICKET 32147EE	LAST OUTSTANDING TICKET 32148EE	05/21/2008	2						
<u>S</u> 32197EE									
IRST OUTSTANDING TICKET 32197EE	LAST OUTSTANDING TICKET 32197EE	05/21/2008	1						
<u>X</u> 32217EE									
IRST OUTSTANDING TICKET 32217EE	LAST OUTSTANDING TICKET 32217EE	05/21/2008	1						
<u>S</u> 32288EE	<u>S</u> 32289EE	<u>S</u> 32292EE	<u>S</u> 32294EE	<u>S</u> 32299EE					

EXHIBIT D

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copy of the original document on file
with the South Carolina Department of
Motor Vehicles.

D. L. Phillips
Driver Services, Deputy Director

REDACTED



OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 26288811 Driver License No:
 Name: WILSON, ANNA DILLARD
 Address: 1 PADDOCK CHASE
 City: IRMO State: SC Zip: 290632937
 County: RICHLAND
 DOB: Sex: F Driver Training: N
 Status - DL: NO SUSPENSION CDL: NO DISQUALIFICATION

License Information

Type	Class	Function	Issued	Expires	First Issued	Rest.	Endor.
Current							
DL	D	Modify	03/03/2014	07/11/2019	08/02/1993	Y	N
Prior							
DL	D	Renewal	11/12/2009	07/11/2019	08/02/1993	Y	N
DL	D	Duplicate	02/19/2010	07/11/2019	08/02/1993	Y	N
RR	D	Returned	09/22/2009	11/11/2009	08/02/1993	Y	N
RR	D	Original	09/22/2009	11/11/2009	08/02/1993	Y	N
TA DL	D	Returned	12/08/2008	06/08/2009	08/02/1993	N	N
TA DL	D	Original	12/08/2008	06/08/2009	08/02/1993	N	N
DL	D	Renewal	06/15/2007	07/11/2012	08/02/1993	Y	N
DL	D	Reissue	06/15/2007	07/11/2012	08/02/1993	Y	N
DL	D	Returned	06/15/2007	07/11/2012	08/02/1993	Y	N
DL	D	Renewal	11/22/2002	07/11/2007	08/02/1993	Y	N
DL	D	Duplicate	10/14/2004	07/11/2007	08/02/1993	Y	N
DL	D	Renewal	07/18/1997	07/11/2002	08/02/1993	Y	N

Certified to be a true and correct
 copy of the original document on file
 with the South Carolina Department of
 Motor Vehicles.

[Signature]
 Driver Services, Deputy Director

Current
 Restrictions: A Corrective Lens

Name Change -
 Name: DILLARD, ANNA RUTH

Date Changed: 02/19/2010

Address Change -
 Address: 119 WESTON WATCH RD
 City: IRMO State: SC Zip: 290632006

Date Changed: 03/03/2014

Point Summary
 Total Current Points: 0
 Driver Credit: -0
 Adjusted Current Points: 0

SC Driver License Surrendered
 License Type: TA DL Class: D Function: Original
 Date Surrendered: 09/22/2009
 Reason for Return: RETURNED VOLUNTARILY

Posted: 09/22/2009
 Issued: 12/08/2008

Returning State: SC

ADSAP - Alcohol and Drug Safety Action Program
 Enrolled: 06/18/2009 Status: SUCCESSFUL COMPLETION
 Enrollment No: 000224137

Post Date: 07/02/2009

EXHIBIT E

REDACTED

OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 26288811
Name: WILSON, ANNA DILLARD

Driver License No: [REDACTED]

SUSP: 091 - Implied Consent
Special Driving Privilege: ROUTE RESTRICTED
Suspension Beg: 08/29/2009
Causal: 11/23/2008
Reinstatement Requirements Met: 11/12/2009
ACD: A12 Withdrawal Loc Ref:

Suspension End: 11/11/2009
Post: 12/01/2008
Reinstatement Fee Paid: Y
Withdrawal Reason Ref:

VIOL: 401 - Implied Consent
Violation: 11/23/2008 **Conviction:** 11/23/2008
ACD: A12 Conviction Loc Ref:
Conviction State: SC

Recd: 11/26/2008 **Post:** 12/01/2008
Conviction Reference:
Court Type:

End of Report

Certified to be a true and correct
copy of the original document on file
with the South Carolina Department of
Motor Vehicles.



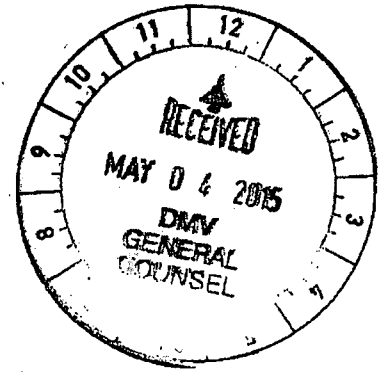
Driver Services, Deputy Director

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

Case No. 2014-CP-40-3750



Anna Dillard Wilson Respondent,

v.

South Carolina Department of Motor Vehicles Appellant.

NOTICE OF APPEAL

The South Carolina Department of Motor Vehicles appeals the Order of the Honorable L. Casey Manning dated March 23, 2015. Appellant received written notice of entry of this Order on April 9, 2015.

FRANK L. VALENTA, JR., SC Bar # 5682

General Counsel

PHILIP S. PORTER, SC Bar # 4526

Deputy General Counsel

South Carolina Department of Motor Vehicles

Post Office Box 1498

Blythewood, South Carolina 29016-0020

Telephone: 803.896.9900

Fax: 803.896.9901

Email: val.valenta@scdmv.net

ATTORNEY FOR APPELLANT

April 20, 2015
Blythewood, South Carolina

Other Counsel of Record:
John D. Elliott, Esquire
Post Office Box 607
Columbia, South Carolina 29202
Attorney for Respondent

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APR 21 2015

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

Case No. 2014-CP-40-3750

Anna Dillard Wilson Respondent,

v.

South Carolina Department of Motor Vehicles Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Respondent Anna Dillard Wilson by depositing a copy in the United States Mail, postage prepaid, on April 20, 2015, addressed to her attorney of record as follows:

John D. Elliott, Esquire
Post Office Box 607
Columbia, South Carolina 29202


Jeanhine (Nina) Moore, Paralegal
Office of General Counsel

April 20, 2015
Blythewood, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2014 CP-40-3750

Anna Dillard Wilson

SC Department of Motor Vehicles

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: John D. Elliott

Attorney for : ☒ Plaintiff ☐ Defendant
or
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(b), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.
Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

SCRPC Form 4C (12/2011)

Judge Code

Date

SCANNED

0044

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this 24 day of Mar 2015 to attorneys of record or to parties (when appearing pro se) as follows:

John D. Elliott

P.O. Box 607

Columbia SC 29202

ATTORNEY(S) FOR THE PLAINTIFF(S)

Frank L. Valenta, Jr.

P.O. Box 1498

Blythewood SC 29016-0020

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Janette W. Anderson

Court Reporter: Crystal M. Holmes

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

Anna Dillard Wilson,)
Plaintiff,)
vs.)
S.C. Department of Motor Vehicles,)
Defendants.)

Civil Action No. 2014-CP-40-3750

ORDER

RICHLAND COUNTY
FILED
2015 MAR 23 AM 11:36
JENNIFER M. COLE
Clerk, S.C.

DATE OF HEARING:
PRESIDING JUDGE:
PLAINTIFF'S COUNSEL:
DEFENDANT'S COUNSEL:
COURT REPORTER:

January 20th, 2015
Hon. L. Casey Manning
John D. Elliott, Esquire
Frank L. Valenta, Jr., Esquire
Crystal M. Holmes

This is an order granting injunctive relief to the plaintiff, a South Carolina motorist, enjoining the defendant Department of Motor Vehicles from suspending her license to drive.

The parties appeared with their counsel on the date above. After entertaining the evidence and exhibits introduced by the parties, this court arrived at the following findings and conclusions.

1. Plaintiff is a citizen and resident of South Carolina, with a license to drive issued by the South Carolina Department of Motor Vehicles, No. 8137XXX.
2. On June 11th, 2009, the plaintiff pleaded guilty to first offense driving under the influence of alcohol in the Irmo, South Carolina Municipal Court.
3. The plaintiff timely paid her fine of \$1,026.91. On June 18th, 2009, the plaintiff enrolled in the Alcohol and Drug Safety Action Program, or ADSAP, and successfully completed the program.
4. The plaintiff's privilege to drive was suspended by the Department of Motor Vehicles for her failure to comply with the implied consent statute, S.C.Code Ann. § 56-5-2950

SCANNED

(Supp.2009), beginning August 29th, 2009, and reinstated on November 11th, 2009 after the expiration of the requisite 90 day period.

5. The week following her conviction, the plaintiff contacted the Irmo Town Clerk to inquire about whether the record of conviction had been sent to the Department of Motor Vehicles so that her suspension required by conviction would commence. A notation on the record of the conviction maintained by the Irmo Town Clerk asserts the "ticket" was sent to the Department of Motor Vehicles on July 1st, 2009.

6. The plaintiff contacted the Department of Motor Vehicles to inquire about the further suspension of her driver's license required by her entry of a plea to driving under the influence. She received no response to her inquiries. The plaintiff also contacted her long-time insurance agent, who went to a branch of the Department of Motor Vehicles to inquire about the suspension and the plaintiff's need for auto insurance in the wake of her conviction for driving under the influence. These inquiries occurred in August and September, 2009. The records of the Department of Motor Vehicles apparently did not reflect a record of conviction and officers of the department informed both the plaintiff and her agent there was no such record.

7. Audits routinely conducted by the Department of Motor Vehicles for traffic citations issued by the Town of Irmo for the years 2010, 2011 and 2013 showed the plaintiff's citation for driving under the influence as "outstanding."

8. Apparently at some juncture after the last audit, the department's records were updated to show the status of the citation. On May 27th, 2014, nearly five years to the day after pleading guilty to the offense, the department notified the plaintiff of the suspension of her license to drive.

9. The plaintiff maintains she suffer significant immediate hardship and irreparable harm with the imposition of a suspension after this lapse of time. The plaintiff is in the medical

field and has a license as a registered nurse. She testified that she lost her job in the wake of her conviction and it was months before she could find employment. The plaintiff is now employed with a company which does not know of her conviction and which requires that she operate a motor vehicle in connection with her employment, without limitations. The plaintiff also now carries mortgages on two separate residences, as she tries to sell her former residence. The plaintiff has a reasonable fear that her job will be jeopardized by any suspension of her driver's license at this juncture, or upon disclosure of her conviction at this late date.

10. The department argues that it is blameless in the lapse between the entry of the conviction for driving under the influence and the imposition of the suspension of the plaintiff's license to drive. While this may be true, the test is whether the plaintiff will be deprived of fundamental fairness required by due process of law in the suspension of her driver's license after a significant lapse of time. *See, Hipp v. S.C. Department of Motor Vehicles*, 381 S.C. 323, 673 S.E.2d 416 (2009). There, the court held that both the driver and the department were blameless in the 12 year lapse of time between the conviction there and its recording with the Department of Motor Vehicles, triggering suspension. *Id.*, at fn. 2.

11. The department argues that the plaintiff should have done more to impose the requisite suspension on herself, but it is difficult to see how much more she could have done after she and her insurance agent made several inquiries of the department about the suspension without success. Nor was it incumbent on the plaintiff's lawyer to see to it his client's license was suspended. The attorney owed his client a duty of loyalty, not the department.

12. This court finds and concludes that the lapse of time of five years between the plaintiff's conviction for driving under the influence and her suspension will deprive the plaintiff fundamental fairness of the law required by due process and cause the plaintiff hardship. The plaintiff has no other remedy at law.

NOW THEREFORE, based on the foregoing, it is accordingly
ORDERED, ADJUDGED and DECREED that the South Carolina Department of Motor
Vehicles is permanently enjoined from suspending the plaintiff's license to drive for her
conviction for driving under the influence entered June 11th, 2009.

AND IT IS SO ORDERED.


HON. L. CASEY MANNING
Circuit Judge, Court of Common Pleas
for Richland County

Columbia, South Carolina

March 23 2015

1 STATE OF SOUTH CAROLINA) IN COMMON PLEAS
2 COUNTY OF RICHLAND) COURT
3)
4 ANNA DILLARD WILSON,)
5) TRANSCRIPT
6 -V-) OF
7) RECORD
8 SOUTH CAROLINA DEPARTMENT) 2014-CP-40-3750
9 OF MOTOR VEHICLES)
10 DEFENDANT.)

11

12 JANUARY 20, 2015

13 RICHLAND, SOUTH CAROLINA

14

15 B-E-F-O-R-E:

16 HONORABLE CASEY L. MANNING, JUDGE;

17

18 A-P-P-E-A-R-A-N-C-E-S:

19 FOR THE PLAINTIFF:

20 MR. ELLIOTT, ESQ.

21

22 FOR THE DEFENDANT:

23 MR. VALENTA, ESQ.

24

25

1	I-N-D-E-X	
2		PG.
3	ANNA WILSON:	
4	DIRECT BY MR. ELLIOTT	5
5	CROSS BY MR. VALENTA	15
6	DEVONA SUMMER:	
7	DIRECT BY MR. ELLIOTT	19
8	CROSS BY MR. VALENTA	23
9	SHIRLEY RIVERS:	
10	DIRECT BY MR. VALENTA	25
11		
12	CERTIFICATE OF REPORTER:	34
13		
14		
15		
16		
17		
18		
19		
20		
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22		
23		
24		
25		

1	E-X-H-I-B-I-T-S	
2	Plaintiff's	EVD.
3	NO.	PG.
4	1. Receipt.	6
5	2. \$500 receipt.	10
6	3. Printout.	10
7	4. DMV and Irmo Letters.	20
8	5. License Letter.	21
9		
10	Defendant's	
11	1. Audit ticket.	25
12	2. Audit July 9, 2013.	27
13	3. 10-year driving record.	28
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 (The following proceedings were held on
2 January 20, 2015.)

3 THE COURT: Okay. Mr. Elliott, I think you're the
4 moving party. Go ahead.

5 MR. ELLIOTT: Yes, sir. Judge, would you like me
6 to read the complaint or would you like me to give you a
7 brief introduction?

8 THE COURT: I didn't know it was going to be
9 multiple choice pop quiz. How do you wish to proceed, sir?

10 MR. ELLIOTT: The reason we're here today, Judge,
11 is Anna Wilson pled guilty on June 11, 2009, to first
12 offense DUI. Five years later, she got notice of suspension
13 of her driver's license. We're now here under South
14 Carolina Department of Motor Vehicles vs. Hipp, saying that
15 the passage of time, essentially, estops the Department from
16 suspending her license.

17 THE COURT: All right. Did -- issue a circuit
18 court opinion in this case, too? It doesn't matter. You
19 may proceed.

20 Mr. Valenta, are you ready?

21 MR. VALENTA: Yes, sir.

22 THE COURT: Call your witness.

23 MR. ELLIOTT: I call Anna Wilson to the stand,
24 please.

25 THEREUPON,

1 ANNA WILSON,

2 after having been duly sworn, testified as follows:

3 THE CLERK: Have a seat in the witness box and
4 state your name for the record.

5 THE WITNESS: Anna Wilson.

6 DIRECT EXAMINATION

7 BY MR. ELLIOTT::

8 Q. Ms. Wilson, tell us a little bit about you. How old
9 are you?

10 A. I'm 50 years old.

11 Q. And where do you work?

12 A. I work for Beulah Prosthetic Solutions.

13 Q. And are you in the medical field?

14 A. I am.

15 Q. How long have you been in the medical field?

16 A. 30 years.

17 Q. And do you have any certification or specialized
18 training?

19 A. Yes. I'm -- education. I am the officer manager and
20 patient care coordinator for the office I work at now.

21 Q. Are you a registered nurse?

22 A. I am.

23 Q. And when did you get that education?

24 A. Straight out of high school.

25 Q. Okay. Very good. Now, were you eventually arrested by

1 the Town of Irmo Police Department for driving under
2 the influence?

3 A. Yes, sir.

4 Q. Do you remember about when that was?

5 A. November 2008, maybe. November 23rd, 2008.

6 Q. Did I represent you in the course of that prosecution?

7 A. Yes, you did.

8 Q. Did you eventually plead guilty?

9 A. Yes, I did.

10 Q. Do you remember about when that happened?

11 A. June 11th, 2009.

12 Q. Okay. Were you to pay a fine?

13 A. I did.

14 Q. Did you pay it?

15 A. I did pay that fine.

16 Q. Did you ask for time payments?

17 A. I did. At first, I asked the Judge to give me 60 days,
18 however, I paid it the very next week. Therefore, did
19 not have to pay the \$29 fee for financing.

20 Q. Is this a copy of the receipt you obtained from the
21 Town of Irmo when you paid the fine?

22 A. It is.

23 MR. ELLIOTT: Offer that as Plaintiff's 1.

24 (WHEREUPON, Plaintiff's Exhibit No. 1 was admitted
25 into evidence.)

1 BY MR. ELLIOTT::

2 Q. When you pled guilty, what was your understanding about
3 what the status of your driver's license would be?

4 A. My understanding was, as it was explained to me, is
5 that I could go and take ADSAP -- an ADSAP class, which
6 would allow me to continue to keep my driver's license.
7 I was to do this voluntarily because at that time, this
8 had happened before it was mandatory that you have to
9 do that.

10 Q. Okay. What was your understanding about what would
11 happen with your driver's license as a result of your
12 pleading guilty to driving under the influence?

13 A. I understood that there would be a suspension, but the
14 suspension would be waived based on the fact that I
15 took that -- once I completed the ADSAP class.

16 Q. Well, waived or did you understand you would get some
17 sort of special license?

18 A. Yes.

19 Q. So it was the latter?

20 A. Yes, sir.

21 Q. Now, by the way, did you -- did you have a suspension
22 of your driver's license at some point?

23 A. I did not.

24 Q. Was there not an implied consent suspension?

25 A. Yes, I'm sorry, there was for that. And then I had a

1 -- it was not a restricted driver's license, though, it
2 was -- it was during the time we were waiting to go to
3 trial. I'm not exactly sure what you call it. So yes,
4 it was a short period of time, a week maybe, that I
5 didn't have one. So they did take it that particular
6 night, but then I got it back.

7 Q. Did you understand that your license would be suspended
8 a second time because of the DUI?

9 A. I did not. I understood that I would have a -- that I
10 would have an implied consent restriction that I would
11 have to do. But I wasn't sure whether that would be
12 incorporated under the ADSAP umbrella where I would be
13 able to keep it and have a restricted license.

14 Q. What was your understanding about what kind of
15 insurance you would have to buy?

16 A. Well, once the suspension was there, then I would need
17 SR22.

18 Q. Okay. Now, did you participate in the alcohol and
19 safety action program?

20 A. I did.

21 Q. Tell me what this is, please.

22 A. This is the receipt where I paid the \$500 to start the
23 class. And that was on June 18th, which was the
24 following week after my conviction.

25 MR. ELLIOTT: Offer that as Plaintiff's 2.

1 (WHEREUPON, Plaintiff's Exhibit No. 2 was admitted
2 into evidence.)

3 BY MR. ELLIOTT::

4 Q. After that, what steps did you take to try to comply
5 with the requirements of your pleading guilty to
6 driving under suspension -- I mean, to driving under
7 the influence?

8 A. Well, I enrolled in the ADSAP class. I did attend the
9 ADSAP class. It was every Thursday evening. The last
10 ADSAP class was on August the 20th, that was my final
11 one. And then I went back for an exit interview. I
12 think that was the first week in September, which that
13 was completed. I was under the impression or I was
14 told that ADSAP would forward my stuff to the DMV and I
15 was expecting a letter to come --

16 Q. Okay.

17 A. -- telling me what to do next. I did get a letter in
18 the mail saying that my license was -- that I could
19 come get a route restricted because my license had been
20 suspended because of the implied consent from August to
21 November.

22 Q. Okay.

23 A. At that point I -- when I -- well, when I finished the
24 class, I did go to the DMV and talk with them about
25 what I needed to do. And they told me that all they

1 could offer me was a route restricted license because
2 all they had was a conviction for implied consent.

3 Q. All right. At some point, did you go down to the clerk
4 at the Town of Irmo to find out what you were supposed
5 to do?

6 A. I did. I went down there to find out if it had been
7 filed with the DMV.

8 Q. All right. I don't want you to tell me anything
9 that -- I mean, was it a lady that you met with at the
10 Town of Irmo?

11 A. It was.

12 Q. All right. I don't want you tell me what she told you,
13 but did she give you some sort of a printout?

14 A. Yes, she did.

15 Q. Let me ask you if you can identify that?

16 A. Yes, sir, that's a printout of a copy of her computer
17 screen when she pulled it up on her screen as I was
18 sitting in her office with her.

19 MR. VALENTA: No objection, Your Honor.

20 (WHEREUPON, Plaintiff's Exhibit No. 3 was admitted
21 into evidence.)

22 BY MR. ELLIOTT::

23 Q. By the way, on Plaintiff's 3, there is some writing, a
24 note?

25 A. Uh-huh.

- 1 Q. You see that?
- 2 A. Yes, sir.
- 3 Q. That's not your handwriting?
- 4 A. It is not.
- 5 Q. Is that the handwriting of the lady you spoke to?
- 6 A. It is.
- 7 Q. After that, Ms. Wilson, what did you do to try to
- 8 comply with whatever review you believed was supposed
- 9 to happen with regards to your driving under the
- 10 influence?
- 11 A. At that point I -- after I spoke with her and she said
- 12 she had sent everything to the DMV, I had already
- 13 spoken with the DMV, who told me they did not have my
- 14 file. I then called my insurance agent and explained
- 15 the situation to her and asked her what exactly did I
- 16 need to do because I felt like I needed to make sure I
- 17 was following the rules and doing what was expected of
- 18 me.
- 19 Q. All right. Don't tell what she said, but what is her
- 20 name?
- 21 A. Devona Summer.
- 22 Q. Last name?
- 23 A. Summer.
- 24 Q. And is that the nice lady who's sitting here in the
- 25 courtroom (indicating)?

1 A. It is.

2 Q. All right. Very good. You spoke to her about what you
3 were supposed to do?

4 A. I did.

5 Q. Okay. Then what did you do?

6 A. What did I do or what did she do?

7 Q. What did you do?

8 A. I -- she told me she would call me back in a couple of
9 hours.

10 Q. All right. After -- did you have a conversation with
11 her?

12 A. I did.

13 Q. All right. After that, what did you do?

14 A. I waited for her to call me back and tell me what she
15 had found out.

16 Q. All right. And after that conversation, what did you
17 do, anything?

18 A. No. Because I was told that there was nothing that I
19 could do, that they could not issue SR22 for implied
20 consent. It was not necessary. So then I went down
21 to -- I had been speaking with the folks at Ballentine
22 DMV.

23 Q. All right.

24 A. I -- then after I spoke to Devona, I went down to the
25 Bluff Road, Shop Road DMV --

- 1 Q. Okay.
- 2 A. -- and got a route restricted license.
- 3 Q. Okay.
- 4 A. Uh-huh.
- 5 Q. At that point, were you waiting -- were you waiting to
- 6 hear from the Department of Motor Vehicles?
- 7 A. Sure.
- 8 Q. Okay. And time passed on?
- 9 A. It did.
- 10 Q. And when did you finally get your notice of suspension
- 11 from the good old Department of Motor Vehicles?
- 12 A. Five years later.
- 13 Q. Okay. You remember the date?
- 14 A. The 27th of May of this year, of 2014.
- 15 Q. All right. Very good. Now, I want you to tell Judge
- 16 Manning, did you have some difficulties -- in the wake
- 17 of this DUI, did you have some difficulties finding
- 18 employment?
- 19 A. Yes, sir. To begin with, I lost my job because of
- 20 this. The doctor's office that I was working for sold
- 21 out to the hospital and at that point, they were doing
- 22 background checks and anything that was pending or --
- 23 anything against you or anything pending, they would
- 24 not let you come across as a hospital employee. At
- 25 that point in time, that was -- that was -- that

1 happened in November, so this was February of 2009 when
2 this was still pending because we had not been to court
3 yet. And so I lost my job because of it.

4 Q. All right.

5 A. It then took me two years -- two full years to find a
6 decent job because of this being on there.

7 Q. All right. Now, tell us please what kind -- would any
8 bad things actually happen to you if you went ahead and
9 just got your driver's license suspended and got you a
10 route restricted license here now six years later?

11 A. It very well could be that I could lose the job that I
12 have now.

13 Q. Tell us a little bit more about that, please.

14 A. Well, first and foremost, there are times when I drive
15 a company vehicle and they pay for my insurance. So
16 they certainly would not be willing to pay SR22 for me
17 to drive the vehicle. We have a satellite office in
18 Augusta and at times, I have to go there. During those
19 times is when they pay for the insurance. So,
20 obviously, I am on their insurance. And so if my
21 driving record changed, then it may knock me out of my
22 job.

23 Q. Okay. Can you think of any other consequence that
24 might happen if you had to undergo a suspension at this
25 point?

1 A. Well, obviously, if I lost my job, it would be a
2 difficult situation. I just brought a new house. I
3 have two house payments.

4 Q. How do you have two house payments?

5 A. Well, because the first house hasn't sold yet.

6 Q. Okay. Are you married?

7 A. I am.

8 Q. Does your husband earn an income?

9 A. Yes, sir.

10 Q. You still need both incomes in your household to make
11 those two mortgage payments?

12 A. Yes, sir. We have two mortgages, we certainly do.

13 Q. Okay.

14 MR. ELLIOTT: Thank you. No further questions.
15 Please answer any questions Mr. Valenta or the Judge might
16 have for you.

17 CROSS-EXAMINATION

18 BY MR. VALENTA::

19 Q. Hi, Ms. Wilson. I'm Frank Valenta with DMV. I just
20 want to ask you, when you went to Shop Road and you had
21 been to Ballentine previously and they said well, we
22 don't have any DUI on your record, right?

23 A. Yes, sir.

24 Q. And you went to Irmo and they said we sent it, right?

25 A. The Town of Irmo, yes.

- 1 Q. Right.
- 2 A. Uh-huh.
- 3 Q. So that's kind of like if you send a check to your
4 cable company and your cable company says they didn't
5 get your check and you say well, that's your problem, I
6 mailed it. You didn't call DMV headquarters, did you?
- 7 A. Sir, I talked with three different divisions of DMV.
8 Nobody ever told me I had to call headquarters,
9 wherever headquarters is.
- 10 Q. But I mean, did you go to Irmo and get a copy of the
11 ticket and take it to DMV?
- 12 A. Yes, sir, DMV got a copy of the ticket as well as a
13 copy of that certified printout that the --
- 14 Q. Wait a minute. Wait a minute. When did DMV get a copy
15 of the ticket?
- 16 A. When the clerk of court of Irmo turned it into them --
- 17 Q. No, no, Irmo said they sent it?
- 18 A. Yes, sir.
- 19 Q. I'm asking did -- when DMV said they never received it,
20 did you get a copy and take it to DMV?
- 21 A. No, sir.
- 22 Q. Did you ask your attorney to get a copy and send it to
23 DMV?
- 24 A. No, sir.
- 25 Q. So you talked to offices who said we don't know

1 anything about your conviction and you talked to your
2 agent who said DMV doesn't know anything about your
3 conviction, but you didn't take the step of making sure
4 the DMV knew about your conviction, right?

5 A. I'm not certain why that was my responsibility.

6 Q. Well, you're blaming the state for it not being on your
7 record, but I'm asking what you did to make sure it was
8 on your record?

9 A. Is it expected of every individual that they carry the
10 load and see that it's on the DMV records?

11 Q. Well, it's on the DMV record now.

12 A. But it took five years to get there?

13 Q. Yes, it did. And you're saying that's the State's
14 fault for not receiving it?

15 A. I'm not certain whose fault it was, sir --

16 Q. But you didn't --

17 A. -- I'm just saying --

18 THE COURT: Stop. Let her finish her answer.

19 MR. VALENTA: I didn't know she wasn't finished.

20 THE COURT: You're going to get a chance to ask
21 all the questions you want. It's all right.

22 THE WITNESS: I'm just saying it's awfully odd
23 that five years later, it just pops up because I didn't call
24 them, you know, back in May either to notify them, so
25 somebody did.

1 BY MR. VALENTA::

2 Q. All right. So now you say -- you talk about SR22
3 insurance, but do you understand -- has your attorney
4 told you there is no such thing?

5 A. That there is no such thing?

6 Q. Correct.

7 A. No, sir, he certainly has not told me that.

8 Q. SR22 -- would you believe me if I said SR22 is just a
9 form number that your agent files to say that you have
10 insurance?

11 A. I can't dispute -- or I don't know. I have no idea.

12 Q. All right. So since that's just a form saying that you
13 have insurance, that wouldn't affect your employer's
14 insurance, right?

15 A. I don't know. I have no idea. I've never had SR22
16 before.

17 Q. Well, there is no such thing as SR22. What I'm saying
18 is it's just hypothetical that this is going to affect
19 your job if you get a provisional license?

20 A. Of course, it is, but it's an awfully big risk to take.

21 MR. VALENTA: I have no further questions.

22 THE COURT: Anything on redirect?

23 MR. ELLIOTT: None, thanks.

24 THE COURT: You may step down, Ms. Wilson.

25 Call your next witness.

1 MR. ELLIOTT: Call Devona Summer.

2 THEREUPON,

3 DEVONA SUMMER,

4 after having been duly sworn, testified as follows:

5 THE CLERK: Have a seat in the witness box. State
6 your name for the record and spell your first name, please.

7 THE WITNESS: It's Devona Summer.

8 DIRECT EXAMINATION

9 BY MR. ELLIOTT::

10 Q. Ms. Summer, what do you do for a living?

11 A. I'm an insurance agent.

12 Q. Are you a broker or is there a particular line you
13 handle?

14 A. We're an independent agent.

15 Q. I see. Okay. And how long have you been providing
16 insurance policies for Ms. Wilson, formally Ms. Wood?

17 A. Possibly 10 or 15 years.

18 Q. Okay. Are y'all friends?

19 A. She went to Newberry High School and I went to
20 Mid-Carolina. We knew of each other, but we're not
21 like friends.

22 Q. Did she call you in the wake of the DUI we're talking
23 about here, did she call you?

24 A. Yes, she did.

25 Q. And what was the purpose of her call?

- 1 A. She needed to know what she needed to do to be able to
2 get a restricted license to drive once she was charged
3 with a DUI.
- 4 Q. Did she also ask about what kind of insurance she was
5 supposed to have?
- 6 A. She asked what would happen and I told her we would
7 have to file an SR22 to prove that she had insurance,
8 if at any time it canceled, it would notify the highway
9 department that her insurance had canceled.
- 10 Q. Okay. Let me ask you, did she understand that
11 something might happen to her driver's license in the
12 wake of the DUI?
- 13 A. Yes, she was aware that her license was going to be
14 suspended and she could get the route restricted, but
15 she did not know the whole process.
- 16 Q. Okay.
- 17 A. So she faxed me over her letter from the DMV and along
18 with that was the clerk of court's notice showing that
19 she had been found guilty of DUI. But at that same
20 time, she told me that she had not gotten charged with
21 DUI on her record yet.
- 22 Q. Okay. Now, first, let me show you this and see if you
23 recognize it?
- 24 A. Yes, sir.
- 25 Q. And what is it, please?

1 A. This is the letter from the DMV that she faxed over to
2 me along with the Irmo letter showing that she had been
3 found guilty of the DUI.

4 Q. Okay. All right.

5 MR. VALENTA: No objection, Your Honor.

6 (WHEREUPON, Plaintiff's Exhibit No. 4 was admitted
7 into evidence.)

8 BY MR. ELLIOTT::

9 Q. After you got that information from her, what did you
10 do in response?

11 A. I wasn't sure what to do because we did not need to
12 file SR22 if the DUI was not showing up on her driving
13 record.

14 Q. Okay.

15 A. So I actually went to the Newberry DMV and talked to
16 the people that I usually talk to there. They pulled
17 it up and said that --

18 Q. Don't tell me what they said, but what was your purpose
19 in going there?

20 A. I was going there to make sure if we needed to actually
21 file the SR22.

22 Q. Okay. Did you tell them explicitly that this young
23 lady had a conviction for driving under the influence?

24 A. Yes, because I actually took those papers with me out
25 there.

1 Q. And you showed those papers to them?

2 A. Yes, sir.

3 Q. And in response, did they furnish you any information?

4 A. They handed me a letter showing that she could get her
5 license with -- that's it.

6 Q. Okay.

7 A. It was just saying that there was a \$100 suspension
8 reinstatement and that she at this time was eligible to
9 get her license and that they did not need me to file
10 an SR22.

11 MR. VALENTA: No objection, Your Honor.

12 (WHEREUPON, Plaintiff's Exhibit No. 5 was admitted
13 into evidence.)

14 BY MR. ELLIOTT::

15 Q. Did you do anything after that encounter with the
16 Department of Motor Vehicles?

17 A. I did not.

18 Q. Did you call Ms. Wilson and --

19 A. I called her and I also documented on my computer
20 screen that I had been out there and talked to the
21 highway department and that there was no conviction on
22 her record for the DUI.

23 Q. Okay.

24 A. And we have to have like a case number to file the
25 SR22.

1 Q. Right.

2 A. And, you know, she said there was nothing showing on
3 her record, so at that point, we did not take any
4 action.

5 Q. I have a question, if you know, being in the insurance
6 business as long as you have, is there some sort of --
7 is there some sort of record that comes up at the DMV
8 or any other database showing that someone like
9 Ms. Wilson might have -- might have filed an SR22 form
10 alerting people she had that type of insurance or not?

11 A. Only if you ran her motor vehicle report would it show
12 up. But if you ran her motor vehicle report, it would
13 show that she had had SR22 filed at some point.

14 Q. And under certain circumstances, you understand that
15 those reports are available for certain purposes,
16 including employment?

17 A. Yes.

18 MR. ELLIOTT: Thank you. No further questions.
19 Please answer any questions that Mr. Valenta might have.

20 CROSS-EXAMINATION

21 BY MR. VALENTA::

22 Q. Ms. Summer, you didn't have a copy of the ticket,
23 correct?

24 A. I had just the computer screen that she had printed
25 out. No copy of the ticket, no, sir.

1 Q. No copy of the ticket. So you never presented a copy
2 of the ticket to the DMV?

3 A. No.

4 Q. And I just want to make sure, this reinstatement sheet
5 was given to you --

6 A. At the Newberry DMV. That's the date I went.

7 Q. I'm not really challenging you on anything. This was
8 given to you -- did you have any kind of power of
9 attorney with you?

10 A. Nope.

11 Q. Okay. Thank you.

12 MR. VALENTA: I have no further questions.

13 THE COURT: Anything further, Mr. Elliott?

14 MR. ELLIOTT: None. Thank you.

15 THE COURT: You may step down, Ms. Summer.

16 That concludes your presentation, Mr. Elliott?

17 MR. ELLIOTT: It does. That's our case in chief.

18 THE COURT: Ready, Mr. Valenta?

19 MR. VALENTA: Yes, the DMV calls Shirley Rivers.

20 THE COURT: Come around, Ms. Rivers.

21 THEREUPON,

22 SHIRLEY RIVERS,

23 after having been duly sworn, testified as follows:

24 THE CLERK: Have a seat in the witness box and
25 state your name for the record, please.

1 THE WITNESS: I'm Shirley Rivers.

2 DIRECT EXAMINATION

3 BY MR. VALENTA::

4 Q. Ms. Rivers, what is your position with the DMV?

5 A. I'm deputy director of procedures and compliance.

6 Q. Is there an -- in-house, does anybody call you deputy
7 director of anything else?

8 A. Well, they basically call me -- we're over the issuing
9 of tickets, satisfying of tickets and driving records,
10 suspensions, suspending driver's licenses, setting the
11 standards for the issuance of driver's licenses and
12 other regulatory things.

13 Q. All right. When there's a problem or a delay in
14 tickets coming in, is that within your area?

15 A. Yes.

16 Q. All right. Have you looked over the records in this
17 case?

18 A. I have reviewed the record.

19 Q. All right. I'm going to show you what's attached to
20 our answers, Defendant's Exhibit A. Are you familiar
21 with that?

22 A. Yes, this is driving under the influence first offense
23 that we received in our ticket audit May 20, 2014, for
24 driving under the influence.

25 Q. And what does it show as the date of conviction?

1 THE COURT: Yes, sir, Mr. Elliott?

2 MR. ELLIOTT: Just wanted to say I'll stipulate
3 the exhibits attached to the answer.

4 THE COURT: That's very kind of you, sir.

5 (WHEREUPON, Defendant's Exhibit No. 1 was admitted
6 into evidence.)

7 BY MR. VALENTA::

8 Q. So what does it show as the date of conviction?

9 A. June 11th, 2009.

10 Q. Now, you mentioned -- you mentioned the audit --

11 A. Yes.

12 Q. You mentioned the audit. What are you talking about?

13 A. Well, every July, we perform an audit of the 400 and
14 some odd jurisdictions that issues traffic tickets.

15 And that's all outstanding tickets for that
16 jurisdiction. We send them a report from our system
17 showing all the tickets that are outstanding for
18 that -- at that date, that snapshot in time.

19 Q. Early July, all the missing tickets or just unaccounted
20 for tickets?

21 A. Unaccounted for tickets that we have not received back
22 and entered into our system.

23 Q. Okay. All right. I show you this Exhibit B. And if
24 you could tell the Court what that is.

25 A. This is an audit of Irmo Police Department dated

1 July 13th, 2010.

2 Q. And now, that was about a year after the conviction.

3 The ticket number is 31588EE. Is that on that audit
4 request?

5 A. Yes, the ticket is listed on the audit request.

6 Q. And what did Irmo say about that ticket?

7 A. Irmo PD said that ticket was still in court.

8 Q. All right. I show you this. What is that document?

9 A. This is the audit that was ran July 1, 2011.

10 Q. A year later.

11 A. A year later.

12 Q. Is the ticket on that report?

13 A. Yes, ticket number 31501EE -- excuse me, 31588EE. It's
14 showing that that ticket was in court.

15 Q. All right. And this document, what is that?

16 A. This is audit that was ran July 9th, 2013.

17 THE COURT: What happened in 2012?

18 THE WITNESS: 2012, we did not receive an audit
19 back from the Town of Irmo.

20 THE COURT: All right.

21 BY MR. VALENTA::

22 Q. What does that show?

23 A. This showed that that ticket was sent into the DMV.

24 Q. What reaction do you have when they say sent?

25 A. When we receive an audit back and it has -- and on the

1 top of the audit --

2 THE COURT: Any objection, Mr. Elliott?

3 MR. ELLIOTT: None. None.

4 (WHEREUPON, Defendant's Exhibit No. 2 was admitted
5 into evidence.)

6 THE WITNESS: It was showing sent, S for sent. We
7 sent a listing to that jurisdiction telling them they were
8 telling us -- and I'm paraphrasing, that these tickets were
9 sent into DMV, however, we do not have a copy. Would you
10 please send us a certified copy of that ticket.

11 BY MR. VALENTA::

12 Q. So at that point, did the ticket come in from Irmo?

13 A. We didn't receive it in until May of 2014.

14 Q. All right. And that's when Ms. Wilson was notified it
15 was on her record and she was going to have a
16 suspension, correct?

17 A. Yes, sir.

18 Q. I show you this document. What is that?

19 A. This is an official 10-year driving record for Ms.
20 Wilson.

21 Q. And would an implied consent suspension in August of
22 2009 and DUI conviction in June of 2009, is there a
23 time when Ms. Wilson does not have a driver's license?

24 A. I believe about two months, two or three months that
25 Ms. Wilson was without a driver's license.

1 Q. And how did that occur?

2 A. Well, she got a temporary alcohol license first on
3 December 8th, 2008. After we received the implied
4 consent was November 23rd, 2008. She requested an
5 administrative hearing and she was issued what we call
6 a TAL or temporary alcohol license. And she kept that
7 license until June 8th, 2009. And then on September
8 the 22nd, 2009, because of the outcome of the hearing,
9 once we received that in, she got what we call a route
10 restricted driver's license that allows her to drive on
11 particular routes to and from work or any alcohol or
12 drug program.

13 Q. After the route restricted license, do you see a
14 six-month period when she was not licensed to drive?

15 A. No, sir. Her route restricted license expired
16 November the 11th, 2009. She came back in and got her
17 regular license on November 12th, 2009.

18 Q. All right. Do you ever have occasion, Ms. Rivers, when
19 a customer or an attorney calls and says hey, I'm
20 supposed to be --

21 THE COURT: I'm sure without objection, is that
22 correct, Mr. Elliott?

23 MR. ELLIOTT: That's correct.

24 THE COURT: I need to mark it.

25 (WHEREUPON, Defendant's Exhibit No. 3 was admitted

1 into evidence.)

2 BY MR. VALENTA::

3 Q. Do you ever have occasion when a customer or an
4 attorney for a customer calls and says hey, I'm
5 supposed to be suspended for a DUI and it's not on my
6 record?

7 A. Yes.

8 Q. What do you do?

9 A. Well, first, we double check and make sure we don't
10 have the ticket. We'll ask the attorney, do you know
11 the ticket number? Do your client have a copy of their
12 copy? Then we'll check to make sure that they're not
13 in transit to be processed. Then we'll tell them they
14 need to contact the court and have the court send us
15 that ticket because we don't have a copy.

16 Q. You don't take on the burden of contacting the court
17 for them?

18 A. Very rare do we call the courts and ask them to send us
19 in the ticket. Most of the time, because of the volume
20 of tickets we receive in, we put that back on the
21 customer and have them contact the court and have them
22 send it in to us.

23 MR. VALENTA: Nothing further.

24 THE COURT: Mr. Elliott?

25 MR. ELLIOTT: No questions. Thank you.

1 THE COURT: All right. You may step down, Ms.
2 Rivers.

3 Anything further, gentlemen?

4 MR. VALENTA: No, sir, Judge. I just want to hand
5 up --

6 THE COURT: You said no and then you're going to
7 hand me something up? It's fine. Hand it up. Hand it up.

8 MR. VALENTA: That's the case.

9 THE COURT: The Hipp case, Georgia. I think it
10 was nine years, wasn't it --

11 MR. VALENTA: 13.

12 Very briefly?

13 THE COURT: Yes, sir.

14 MR. VALENTA: There were two points. First of
15 all, as I understood it, they didn't like 13 years. They
16 said they didn't know what the time was, probably 10, but
17 they weren't drawing a bright line, but they just knew 13
18 was too much.

19 THE COURT: Yes, sir.

20 MR. VALENTA: But a major factor in the Hipp case
21 was that was his second offense. And he was going to have a
22 hard suspension for a year and he was not going to be
23 eligible for a provisional license --

24 THE COURT: Yeah, I think that was Chief Justice
25 Toal that authored that opinion, did she not?

1 MR. VALENTA: I think.

2 THE COURT: Beatty and Pleicones and maybe even
3 Waller.

4 MR. VALENTA: Well, I could have guessed before
5 whose opinion it was. But yes, Your Honor. Thank you.

6 THE COURT: Mr. Elliott, any argument?

7 MR. ELLIOTT: Just briefly. Judge, you know, this
8 is not a tort claim and it doesn't really matter whose fault
9 it is. The Hipp case talks about --

10 THE COURT: Well, they said it's no bright line
11 test. 13 years from Georgia, second, and all that. I
12 looked at the Hipp case. This is about six years out.

13 MR. ELLIOTT: You know the record.

14 THE COURT: All right.

15 MR. ELLIOTT: Thank you.

16 THE COURT: We can blame it on the police
17 department or blame nobody.

18 All right. Y'all want to submit proposed orders?
19 Y'all want to do that?

20 MR. ELLIOTT: Yes, sir.

21 MR. VALENTA: Yes.

22 THE COURT: How much time y'all want?

23 MR. ELLIOTT: 30 days?

24 THE COURT: I don't care, I'm asking y'all. Make
25 it easy on yourself. 30 days, is that fine?

1 MR. ELLIOTT: That's fine.

2 THE COURT: All right. That's good. 30 days.

3 Good luck to everybody. Nice meeting y'all. Sorry it was
4 under these circumstances.

5 MR. VALENTA: Thanks again.

6 THE COURT: All right.

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1 COUNTY OF RICHLAND)

2 CERTIFICATE OF REPORTER

3 I, Crystal Holmes, hereby certify that I reported
4 the preceding case entitled Anna Dillard Wilson Vs. South
5 Carolina Department of Motor Vehicles, No. 2014-CP-40-3750,
6 at the Richland County Courthouse, January 20, 2014.

7 I FURTHER CERTIFY that the foregoing pages 1
8 through 34 constitute a true, accurate and full transcript
9 of said hearing.

10 I FURTHER CERTIFY that I am not employed by any of
11 the parties hereto and I have no financial interest in the
12 outcome of said case.

13 IN WITNESS WHEREOF, I have heretofore set my hand
14 and seal at Richland County on this 15th day of June, 2015.

15

16 _____
Crystal Holmes, Official Court Reporter

17

18

19

20

21

22

23

24

25

RECEIPT FOR EXHIBITS

Case No. 2014CP-40-37.0

Judge Manning

Plaintiff: Anna Wilford Wilson

Pltr's Atty. Mr. Elliott John D.

Defendant: SC Dept of Motor

Def's Atty. Frank W. Valente, Jr

Date Trial Started: 1/20/15

Date Trial Ended: _____

Received of Crystal Holmes PL, Court Reporter for the above case, these exhibits:

	Clerk of Court Use
1 <u>Town of Tama receipt</u>	☒
2 <u>Lexington / Richland Alcohol & Drug</u>	☒
3 <u>Computer printout CT Violation</u>	☒
4 <u>Amended Notice of Driving Status</u>	☒
5 <u>SC Dept. Reinstatement Requirements</u>	☒
6	
7 <u>DF</u>	
8 <u>A. State of SC Traffic Ticket</u>	☒
9 <u>B. SC Dept. Inventory 7/13/10</u>	☒
10 <u>C. " 7/1/11</u>	☒
11 <u>D. " 7/9/13</u>	☒
12 <u>E. Official 10 year Driver Record</u>	☒
13	
14	
15 <u>Court's</u>	
16 <u>1. Charles B. HIPP V. SC Dept. Case</u>	☒
17	
18	
19	
20	

This 20 day of Jan 20 15.

Page 1 of 1

By: [Signature]

Richland County Clerk of Court

Civil Motion

Clerk should retain white copy in Civil cases, yellow copy in Criminal cases.

TOWN OF IRMO

REC#: 00029099 6/25/2009 12:43 PM
OPER: INEZ TERM: 001
REF#: 997

TRAN: 800.0000 Court Payments
DILLARD, ANNA RUTH
31588EE -01 997.00CR
BALANCE: 29.91

TENDERED: 1,000.00 CASH
APPLIED: 997.00-

CHANGE: 3.00



LEXINGTON / RICHLAND
ALCOHOL AND DRUG ABUSE COUNCIL

Phone (803) 252-9727
P.O. Box 50597 Columbia, S.C. 29260

Acct. No. 55349		Date 6/18/03	
Received Of DILLARD, ANNA			
Address:			
City:			
Dollars 500		Cents 00	
Old Balance	On A/C	Paid In Full	100 Dollars Net Balance
Draft	M.O.	Check #5549	Cash
For ADSAF			
Thank You Please keep this copy for reference.			

No. **62500** Rec'd by **Anna Ruff**

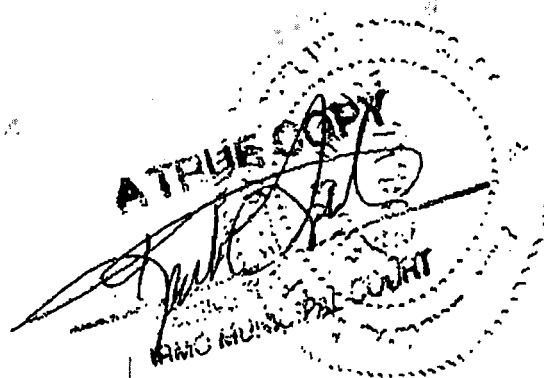
LEXINGTON PRINTING SERVICES WEST COLUMBIA, SC 29171 33157-77



REDACTED

Violation Status Maintenance									
File Edit Options Help									
Citation #	31588EE	Viol #	1	Comments		Docket #	31588EE01		
Violator Name	DILLARD, ANNA RUTH			* Adult *		Age at time of Violation	44		
	W.F.			SC		In Queue	None		
Violation Fees History Receipts Clerk Comments Docket Comments Prosecutor Comments Judgment Variables									
Status	CL	DOCKET CLOSED - FOUND GUILTY			Date	7/01/2009	Wed	Time	12:12 PM
Alt Status #1					Date			Time	12:00 AM
Alt Status #2					Date			Time	12:00 AM
Plea					Date				
Judge	JME	JOSEPH M EPTING							
Court Location	UPG	INCODE Upgrade Location							
Type of Trial	by Judge								
Conviction Date	6/11/2009								
Attorney	ELLI	ELLIOTT, JOHN D							
County	32	LEXINGTON							
Review Attorney		<none>							
					Bonds Bond Set Override ☐ Set 0.00 Posted 0.00				
					Fine/Costs Fine 400.00 Fees 626.91 Toll 1,026.91				
					Credits Cash 997.00 NCash 29.91 Pend 0.00 Bal 0.00				
					Collect Fees Only ☐ Send to Queue				
Offense DUI 1ST OFFENSE <.10									
View Kioelace									

The ticket was sent to the DMV on July 1, 2009



0087

REDACTED

South Carolina
Department of Motor Vehicles



ANNA

2403462

Cell

right
2nd
Floor

08/14/2009

DILLARD, ANNA RUTH
119 WESTON WATCH RD
IRMO, SC 29063-2006

CUSTOMER NO: 26288811
FILE NO: 10113201
DL NO:

AMENDED NOTICE OF DRIVING STATUS

This is official notification that the information on your driving record has changed effective 08/14/2009. This official notice cancels previous notices of suspension, revocation, cancellation or disqualification concerning the listed description(s).

DRIVING STATUS: No Suspension No Disqualification

Defensive Driving Credit: No

Violation modified or deleted:

Date	Action	Ticket#	Viol Description
------	--------	---------	------------------

Suspension, revocation, cancellation and/or disqualification modified or deleted:

Date	Begin Date	End Date	Action	Susp Description
11/23/2008	08/29/2009	11/11/2009	Modified	Implied Consent

IMPORTANT INFORMATION
DEFINITIONS OF DEPARTMENTAL STATUS AND ACTIONS

DRIVING STATUS:

NO SUSPENSION-Your driving privileges are clear.

SUSPENDED/DISQUALIFIED-All driving privileges to operate commercial and non-commercial vehicles are suspended and disqualified.

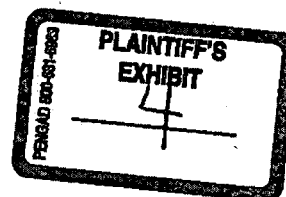
DISQUALIFIED-All driving privileges to operate commercial vehicles are disqualified.

SUSPENDED-Provisional, Route Restricted or Temporary Alcohol-You have special driving privileges.

MODIFIED-The violation has been changed and is still on your official driving record.

DELETED-The violation has been removed from your driving record.

If your driving status is suspended and/or disqualified, you are required to meet all reinstatement requirements for any suspension, revocation, cancellation or disqualification. For reinstatement requirements or eligibility for special driving privileges, please refer to previous notices or contact a DMV Customer Service Representative at (803)896-5000. Information may also be obtained by visiting our website at www.scdmvonline.com.



0088

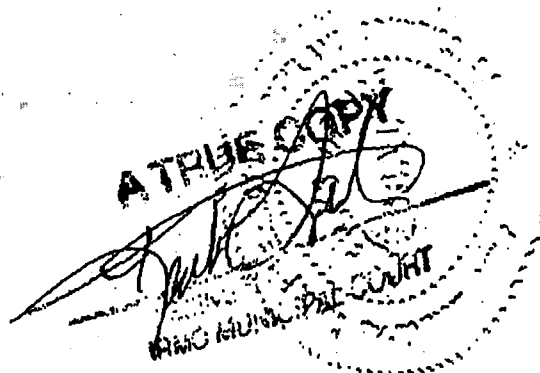
If your driving status shows "No Suspension", you may make application for a driver's license by presenting this notice to your local DMV Office. You may be required to take a vision, knowledge and/or skills test in order to be issued a license.

Driver Records Manager

REDACTED

Violation Status Maintenance		File Edit Options Help	
Citation #	31508EE	Viol #	1
Violator Name	DILLARD, ANNA RUTH		Docket #
W. F.	SC	"Adult"	31508EE01
		Age at time of Violation	44
		In Queue	None
Violation Fees History Receipts Clerk Comments Docket Comments Prosecutor Comments Judgment Variables			
Status	CL	DOCKET CLOSED - FOUND GUILTY	Date
Alt. Status #1			7/01/2009
Alt. Status #2			Wed
Plea			Time
Judge	JME	JOSEPH M EPTING	12:12 PM
Court Location	UPG	INCODE Upgrade Location	Time
Type of Trial	by Judge		12:00 AM
Conviction Date	6/11/2009		Time
Attorney	ELLI	ELLIOTT, JOHN D	12:00 AM
County	32	LEXINGTON	
Review Attorney		<none>	
		Bonds Bond Set Override ☐ Set 0.00 Posted 0.00	
		Fine/Costs Fine 400.00 Fees 626.91 Toll 1,026.91	
		Credits Cash 997.00 NCash 29.91 Fund 0.00 Bal 0.00	
		Collect Fees Only ☐ Send to Queue	
Offense	DUI 1ST OFFENSE <.10		
	View	klavelace	Exit

The ticket was sent to the DMV on July 1, 2009



REDACTED



S.C. Department of Motor Vehicles Reinstatement Requirements

Customer No.: 26288811

Driver License No.:

Name : DILLARD, ANNA RUTH

Address : 119 WESTON WATCH RD

City : IRMO

State: SC

Zip: 290632008

Outstanding Fees:

\$100.00 DL SUSPENSION REINSTATEMENT for Implied Consent

Suspensions to be served:

Regular License Suspended

From 08/29/2009 until 11/11/2009 for Implied Consent on 11/23/2008

Other requirements to be met before driving privileges will be granted:

Serve Suspension Term



8/26/2009
10:18:56 AM

Page 1

0091

REDACTED

FORM S-438

REV 3/09

STATE OF SOUTH CAROLINA

Uniform Traffic Ticket

CITY OF IRMO

VERSUS

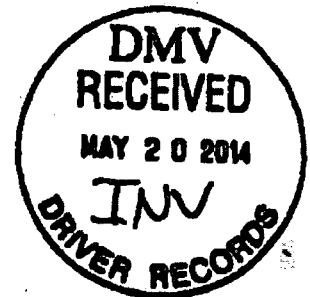
First Name ANNA RUTH DILLARD		Middle Name		Last Name	
Street and Number 119 WESTON WATCH ROAD,		City IRMO, SC 29063		Zip Code	
State Licensed SC		Driver's License Number			
Veh Lic Number 356VXW-SC		Model NISSAN ALTIMA 4 DOOR		Make of Veh NISS	Year 0000
					N

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

Name of Trial Officer CITY OF IRMO		Street and Number 7300 WOODROW ST.			
Date of Trial 7/01/2009		Time of Trial 12:12 PM		City State Zip IRMO, SC 29063	
Violation-Court Appearance Required DUI 1ST OFFENSE < 10				Violation Sect Code 56-5-2930	
Owner of Vehicle				Date of Arrest 11/22/2008	
Address of Owner				Date of Violation 11/22/2008	
Bail deposited		Name of Arrest Officer GRINSTEAD, ANDREA A			Rank
Description of Accused		County LEXINGTON		Number	
Race W	Sex F	Birth Date	Height 0 ft. 0 in.	Weight 0	Eyes
Date Bail Red'd		By		Badge 18AAG	District
CASE BEFORE				Days: Saturday	
Circuit Court		Magistrate		Time of Violation / 23:54	
		Family Court		Weather /	
		Municipal Judge X		Distance in feet from Intersection of	
		Federal Court		THE 1300 BLOCK OF LAKE MURRAY BOULEVARD	
Name of Trial Officer if Different from above:				And	
Defendant Did not appear		Appeared			
DISPOSITION				Distance in Feet from the intersection of	
NOLLE PROSSED		PLED GUILTY			
FORFEITED BOND		NOL CONTENDERE			
TRIAL BY Judge				Hwy No	
Verdict of Trial if Any DOCKET CLOSED - FOUND GUILTY		Date of Trial if any		Lit	
Jail	Suspend	Fine \$1026.91	Amnt Collected 997.00	Amnt Suspended	Long
Committed to		Vehicle Searched		Arrest result of Collision No	Offense Code
					B A Level
CERTIFIED CORRECT JOSEPH M EPTING				TICKET NUMBER 3155EE	
				DATE 6/11/2009	

Certified to be a true and correct copy of the original document on file with the South Carolina Department Motor Vehicles.

D. L. Phelps
Driver Services, Deputy Director



499 AM

A TRUE COPY
K. Hoffman
LEXINGTON/IRMO MUNICIPAL COURT

0092

SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES
INVENTORY REPORT OF UNIFORM TRAFFIC CITATIONS FOR 2010
IRMO POLICE DEPT (151)

07/13/2010 PAGE 4,552

CITATION STATUS CODES:

C-COURT

U-UNUSED

N-VOID (NOT SENT TO SCDMV, MUST SEND COPY OR AFFIDAVIT)

S-SIGNED OFF (SENT TO SCDMV)

X-VOID (SENT TO SCDMV)

C 40152CE	C 40154CE	U 40157CE	U 40158CE	U 40159CE	U 40160CE	U 40161CE	U 40162CE	U 40163CE	U 40164CE
U 40165CE	U 40166CE	U 40167CE	U 40168CE	U 40169CE	U 40170CE	U 40171CE	U 40172CE	U 40173CE	U 40174CE
U 40175CE	U 40176CE	U 40177CE	U 40178CE	U 40179CE	U 40180CE	U 40181CE	U 40182CE	U 40183CE	U 40184CE
U 40185CE	U 40186CE	U 40187CE	U 40188CE	U 40189CE	U 40190CE	U 40191CE	U 40192CE	U 40193CE	U 40194CE
U 40195CE	U 40196CE	U 40197CE	U 40198CE	U 40199CE	U 40200CE				
FIRST OUTSTANDING TICKET 40152CE		LAST OUTSTANDING TICKET 40200CE		01/24/2002		46			
C 44143DF									
FIRST OUTSTANDING TICKET 44143DF		LAST OUTSTANDING TICKET 44143DF		12/31/2004		17			
X 37207DO	X 37292DO	U 37293DO	U 37294DO	U 37300DO					
FIRST OUTSTANDING TICKET 37207DO		LAST OUTSTANDING TICKET 37300DO		11/14/2005		5			
C 36903EA	C 36904EA	C 36910EA	C 36911EA	C 36925EA					
FIRST OUTSTANDING TICKET 36903EA		LAST OUTSTANDING TICKET 36925EA		01/31/2007		5			
C 37223EA	U 37238EA	U 37234EA	U 37235EA	U 37236EA	U 37257EA	U 37238EA	U 37239EA	U 37240EA	U 37241EA
U 37242EA	U 37243EA	U 37244EA	U 37245EA	U 37246EA	U 37247EA	U 37248EA	U 37249EA	U 37250EA	
FIRST OUTSTANDING TICKET 37223EA		LAST OUTSTANDING TICKET 37250EA		01/31/2007		19			
U 37567EA	C 37568EA	C 37569EA	C 37570EA						
FIRST OUTSTANDING TICKET 37567EA		LAST OUTSTANDING TICKET 37570EA		01/31/2007		4			
C 58090EA									
FIRST OUTSTANDING TICKET 58090EA		LAST OUTSTANDING TICKET 58090EA		01/31/2007		1			
C 58335EA									
FIRST OUTSTANDING TICKET 58335EA		LAST OUTSTANDING TICKET 58335EA		01/31/2007		1			
U 31044EE	C 31047EE								
FIRST OUTSTANDING TICKET 31044EE		LAST OUTSTANDING TICKET 31047EE		05/21/2008		2			
C 31092EE									
FIRST OUTSTANDING TICKET 31092EE		LAST OUTSTANDING TICKET 31092EE		05/21/2008		1			
C 31112EE	C 31113EE	C 31119EE	C 31120EE						
FIRST OUTSTANDING TICKET 31112EE		LAST OUTSTANDING TICKET 31120EE		05/21/2008		4			
C 31151EE	C 31162EE	C 31174EE							
FIRST OUTSTANDING TICKET 31151EE		LAST OUTSTANDING TICKET 31174EE		05/21/2008		3			
U 31201EE	U 31202EE	U 31203EE	U 31204EE	U 31205EE	U 31206EE	U 31207EE	U 31208EE	U 31209EE	U 31210EE
U 31211EE	U 31212EE	U 31213EE	U 31214EE	U 31215EE	U 31216EE	U 31217EE	U 31218EE	U 31219EE	U 31220EE

RECEIVED

OCT 12 2010

DMV



Certified to be a true and correct
copy of the original document on file
with the South Carolina Department of
Motor Vehicles.

D. L. Phelps
Driver Services, Deputy Director

SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES
INVENTORY REPORT OF UNIFORM TRAFFIC CITATIONS FOR 2010
IRMO POLICE DEPT (131)

07/13/2010 PAGE 4,553

CITATION STATUS CODES:
C-COURT
U-UNUSED
N-VOID (NOT SENT TO SCDMV, MUST SEND COPY OR AFFIDAVIT)
S-SIGNED OFF (SENT TO SCDMV)
X-VOID (SENT TO SCDMV)

U31221EE	U31222EE	U31223EE	U31224EE	U31225EE	U31226EE	U31227EE	U31228EE	U31229EE	U31230EE
U31231EE	U31232EE	U31233EE	U31234EE	U31235EE	U31236EE	U31237EE	U31238EE	U31239EE	U31240EE
U31241EE	U31242EE	U31243EE	U31244EE	U31245EE	U31246EE	U31247EE	U31248EE	U31249EE	U31250EE
FIRST OUTSTANDING TICKET 31201EE LAST OUTSTANDING TICKET 31250EE 05/21/2008 50									
C31304EE									
FIRST OUTSTANDING TICKET 31304EE LAST OUTSTANDING TICKET 31304EE 05/21/2008 1									
U31393EE	U31394EE	U31395EE	U31396EE	U31397EE	U31398EE	U31399EE	U31400EE		
FIRST OUTSTANDING TICKET 31393EE LAST OUTSTANDING TICKET 31400EE 05/21/2008 8									
X31407EE	U31424EE	U31425EE	U31426EE	U31427EE	U31428EE	U31429EE	U31430EE	U31431EE	U31432EE
U31433EE	U31434EE	U31435EE	U31436EE	U31437EE	U31438EE	U31439EE	U31440EE	U31441EE	U31442EE
U31443EE	U31444EE	U31445EE	U31446EE	U31447EE	U31448EE	U31449EE	U31450EE		
FIRST OUTSTANDING TICKET 31407EE LAST OUTSTANDING TICKET 31450EE 05/21/2008 28									
X31442EE	C31443EE	C31444EE							
FIRST OUTSTANDING TICKET 31442EE LAST OUTSTANDING TICKET 31444EE 05/21/2008 3									
C31501EE	C31528EE	C31535EE							
FIRST OUTSTANDING TICKET 31501EE LAST OUTSTANDING TICKET 31535EE 05/21/2008 3									
C31588EE	C31592EE	C31598EE							
FIRST OUTSTANDING TICKET 31588EE LAST OUTSTANDING TICKET 31598EE 05/21/2008 3									
C31621EE	C31643EE	C31647EE	C31648EE						
FIRST OUTSTANDING TICKET 31621EE LAST OUTSTANDING TICKET 31648EE 05/21/2008 4									
X31651EE	C31659EE	C31660EE	C31661EE	C31663EE	C31678EE	C31700EE			
FIRST OUTSTANDING TICKET 31651EE LAST OUTSTANDING TICKET 31700EE 05/21/2008 7									
C31719EE	C31720EE	U31721EE	U31722EE	U31723EE	U31724EE	U31725EE	U31726EE	U31727EE	U31728EE
U31729EE	U31730EE	U31731EE	U31732EE	U31733EE	U31734EE	U31735EE	U31736EE	U31737EE	U31738EE
U31739EE	U31740EE	U31741EE	U31742EE	U31743EE	U31744EE	U31745EE	U31746EE	U31747EE	U31748EE
FIRST OUTSTANDING TICKET 31719EE LAST OUTSTANDING TICKET 31750EE 05/21/2008 32									
C31785EE									
FIRST OUTSTANDING TICKET 31785EE LAST OUTSTANDING TICKET 31785EE 05/21/2008 1									
C31807EE	C31815EE	C31818EE							
FIRST OUTSTANDING TICKET 31807EE LAST OUTSTANDING TICKET 31818EE 05/21/2008 3									

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D. L. Phelps
Driver Services, Deputy Director

UNIFORM TRAFFIC
IRMO POLICE DEPT
CITATION STATUS CODES:
C-COURT 3-SIGNED OFF (SENT TO SCDMV)
U-UNUSED X-VOID (SENT TO SCDMV)
N-VOID (NOT SENT TO SCDMV, MUST SEND COPY OR AFFIDAVIT)
FIRST OUTSTANDING

FIRST OUTSTANDING TICKET		LAST OUTSTANDING TICKET		DATE	COUNT
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31393EE	31393EE	31393EE	31393EE	05/21/2008	8
31424EE	31424EE	31424EE	31424EE	05/21/2008	27
31434EE	31434EE	31434EE	31434EE	05/21/2008	2
31444EE	31444EE	31444EE	31444EE	05/21/2008	3
31454EE	31454EE	31454EE	31454EE	05/21/2008	1
31464EE	31464EE	31464EE	31464EE	05/21/2008	4
31474EE	31474EE	31474EE	31474EE	05/21/2008	6
31484EE	31484EE	31484EE	31484EE	05/21/2008	32
31494EE	31494EE	31494EE	31494EE	05/21/2008	3
31504EE	31504EE	31504EE	31504EE	05/21/2008	1
31514EE	31514EE	31514EE	31514EE	05/21/2008	1
31524EE	31524EE	31524EE	31524EE	05/21/2008	2
31534EE	31534EE	31534EE	31534EE	05/21/2008	2
31544EE	31544EE	31544EE	31544EE	05/21/2008	2
31554EE	31554EE	31554EE	31554EE	05/21/2008	2
31564EE	31564EE	31564EE	31564EE	05/21/2008	2
31574EE	31574EE	31574EE	31574EE	05/21/2008	2
31584EE	31584EE	31584EE	31584EE	05/21/2008	2
31594EE	31594EE	31594EE	31594EE	05/21/2008	2
31604EE	31604EE	31604EE	31604EE	05/21/2008	2
31614EE	31614EE	31614EE	31614EE	05/21/2008	2
31624EE	31624EE	31624EE	31624EE	05/21/2008	2
31634EE	31634EE	31634EE	31634EE	05/21/2008	2
31644EE	31644EE	31644EE	31644EE	05/21/2008	2
31654EE	31654EE	31654EE	31654EE	05/21/2008	2
31664EE	31664EE	31664EE	31664EE	05/21/2008	2
31674EE	31674EE	31674EE	31674EE	05/21/2008	2
31684EE	31684EE	31684EE	31684EE	05/21/2008	2
31694EE	31694EE	31694EE	31694EE	05/21/2008	2
31704EE	31704EE	31704EE	31704EE	05/21/2008	2
31714EE	31714EE	31714EE	31714EE	05/21/2008	2
31724EE	31724EE	31724EE	31724EE	05/21/2008	2
31734EE	31734EE	31734EE	31734EE	05/21/2008	2
31744EE	31744EE	31744EE	31744EE	05/21/2008	2
31754EE	31754EE	31754EE	31754EE	05/21/2008	2
31764EE	31764EE	31764EE	31764EE	05/21/2008	2
31774EE	31774EE	31774EE	31774EE	05/21/2008	2
31784EE	31784EE	31784EE	31784EE	05/21/2008	2
31794EE	31794EE	31794EE	31794EE	05/21/2008	2
31804EE	31804EE	31804EE	31804EE	05/21/2008	2
31814EE	31814EE	31814EE	31814EE	05/21/2008	2
31824EE	31824EE	31824EE	31824EE	05/21/2008	2
31834EE	31834EE	31834EE	31834EE	05/21/2008	2
31844EE	31844EE	31844EE	31844EE	05/21/2008	2
31854EE	31854EE	31854EE	31854EE	05/21/2008	2
31864EE	31864EE	31864EE	31864EE	05/21/2008	2
31874EE	31874EE	31874EE	31874EE	05/21/2008	2
31884EE	31884EE	31884EE	31884EE	05/21/2008	2
31894EE	31894EE	31894EE	31894EE	05/21/2008	2
31904EE	31904EE	31904EE	31904EE	05/21/2008	2
31914EE	31914EE	31914EE	31914EE		

DMV



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Motor Vehicles.

A. L. Phelps
Driver Services, Deputy Director

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1228TKT

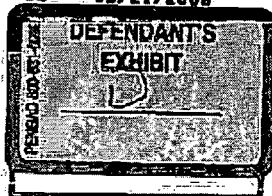
SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES
INVENTORY REPORT OF UNIFORM TRAFFIC CITATIONS FOR 2013
IRMO POLICE DEPT (131)

07/09/2013 PAGE 4,366

CITATION STATUS CODES:

C-COURT S-SIGNED OFF (SENT TO SCDMV)
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N-VOID (NOT SENT TO SCDMV, MUST SEND COPY OR AFFIDAVIT)

U 60152CE	U 60154CE	U 60157CE	U 60158CE	U 60159CE	U 60160CE	U 60161CE	U 60162CE	U 60163CE	U 60164CE	
U 60165CE	U 60166CE	U 60167CE	U 60168CE	U 60169CE	U 60170CE	U 60171CE	U 60172CE	U 60173CE	U 60174CE	
U 60175CE	U 60176CE	U 60177CE	U 60178CE	U 60179CE	U 60180CE	U 60181CE	U 60182CE	U 60183CE	U 60184CE	
U 60185CE	U 60186CE	U 60187CE	U 60188CE	U 60189CE	U 60190CE	U 60191CE	U 60192CE	U 60193CE	U 60194CE	
U 60195CE	U 60196CE	U 60197CE	U 60198CE	U 60199CE	U 60200CE					
1ST OUTSTANDING TICKET 60152CE			LAST OUTSTANDING TICKET 60200CE			01/24/2002				46
3 57567EA										
1ST OUTSTANDING TICKET 57567EA			LAST OUTSTANDING TICKET 57567EA			01/31/2007				1
U 31044EE S 31047EE										
1ST OUTSTANDING TICKET 31044EE			LAST OUTSTANDING TICKET 31047EE			05/21/2008				2
S 31092EE										
1ST OUTSTANDING TICKET 31092EE			LAST OUTSTANDING TICKET 31092EE			05/21/2008				1
S 31119EE S 31120EE										
1ST OUTSTANDING TICKET 31119EE			LAST OUTSTANDING TICKET 31120EE			05/21/2008				2
S 31151EE S 31174EE										
1ST OUTSTANDING TICKET 31151EE			LAST OUTSTANDING TICKET 31174EE			05/21/2008				2
U 31201EE	U 31202EE	U 31203EE	U 31204EE	U 31205EE	U 31206EE	U 31207EE	U 31208EE	U 31209EE	U 31210EE	
U 31211EE	U 31212EE	U 31213EE	U 31214EE	U 31215EE	U 31216EE	U 31217EE	U 31218EE	U 31219EE	U 31220EE	
U 31221EE	U 31222EE	U 31223EE	U 31224EE	U 31225EE	U 31226EE	U 31227EE	U 31228EE	U 31229EE	U 31230EE	
U 31231EE	U 31232EE	U 31233EE	U 31234EE	U 31235EE	U 31236EE	U 31237EE	U 31238EE	U 31239EE	U 31240EE	
U 31241EE	U 31242EE	U 31243EE	U 31244EE	U 31245EE	U 31246EE	U 31247EE	U 31248EE	U 31249EE	U 31250EE	
1ST OUTSTANDING TICKET 31201EE			LAST OUTSTANDING TICKET 31250EE			05/21/2008				50
S 31304EE										
1ST OUTSTANDING TICKET 31304EE			LAST OUTSTANDING TICKET 31304EE			05/21/2008				1
U 31393EE U 31394EE U 31395EE U 31396EE U 31397EE U 31398EE U 31399EE										
1ST OUTSTANDING TICKET 31393EE			LAST OUTSTANDING TICKET 31400EE			05/21/2008				8
U 31424EE	U 31425EE	U 31426EE	U 31427EE	U 31428EE	U 31429EE	U 31430EE	U 31431EE	U 31432EE	U 31433EE	
U 31434EE	U 31435EE	U 31436EE	U 31437EE	U 31438EE	U 31439EE	U 31440EE	U 31441EE	U 31442EE	U 31443EE	
U 31444EE	U 31445EE	U 31446EE	U 31447EE	U 31448EE	U 31449EE	U 31450EE				
1ST OUTSTANDING TICKET 31424EE			LAST OUTSTANDING TICKET 31450EE			05/21/2008				27
S 31443EE										
1ST OUTSTANDING TICKET 31443EE			LAST OUTSTANDING TICKET 31443EE			05/21/2008				1



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A. L. Phelps
Driver Services, Deputy Director

SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES
INVENTORY REPORT OF UNIFORM TRAFFIC CITATIONS FOR 2013
INNO POLICE DEPT (131)

07/09/2013 PAGE 4,367

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<u>C</u> 31501EE	<u>X</u> 31528EE	<u>S</u> 31535EE							
IRST OUTSTANDING TICKET 31501EE	LAST OUTSTANDING TICKET 31535EE		05/21/2008	3					
<u>S</u> 31588EE									
IRST OUTSTANDING TICKET 31588EE	LAST OUTSTANDING TICKET 31588EE		05/21/2008	1					
<u>C</u> 31621EE	<u>C</u> 31643EE	<u>S</u> 31647EE	<u>S</u> 31648EE						
IRST OUTSTANDING TICKET 31621EE	LAST OUTSTANDING TICKET 31648EE		05/21/2008	4					
<u>S</u> 31643EE	<u>X</u> 31678EE	<u>S</u> 31708EE							
IRST OUTSTANDING TICKET 31643EE	LAST OUTSTANDING TICKET 31708EE		05/21/2008	3					
<u>S</u> 31719EE	<u>S</u> 31720EE	<u>U</u> 31721EE	<u>U</u> 31722EE	<u>U</u> 31723EE	<u>U</u> 31724EE	<u>U</u> 31725EE	<u>U</u> 31726EE	<u>U</u> 31727EE	<u>U</u> 31728EE
<u>U</u> 31729EE	<u>U</u> 31730EE	<u>U</u> 31731EE	<u>U</u> 31732EE	<u>U</u> 31733EE	<u>U</u> 31734EE	<u>U</u> 31735EE	<u>U</u> 31736EE	<u>U</u> 31737EE	<u>U</u> 31738EE
<u>U</u> 31739EE	<u>U</u> 31740EE	<u>U</u> 31741EE	<u>U</u> 31742EE	<u>U</u> 31743EE	<u>U</u> 31744EE	<u>U</u> 31745EE	<u>U</u> 31746EE	<u>U</u> 31747EE	<u>U</u> 31748EE
IRST OUTSTANDING TICKET 31719EE	LAST OUTSTANDING TICKET 31750EE		05/21/2008	32					
<u>S</u> 31807EE	<u>S</u> 31815EE	<u>C</u> 31818EE							
IRST OUTSTANDING TICKET 31807EE	LAST OUTSTANDING TICKET 31818EE		05/21/2008	3					
<u>S</u> 31862EE									
IRST OUTSTANDING TICKET 31862EE	LAST OUTSTANDING TICKET 31862EE		05/21/2008	1					
<u>C</u> 31957EE									
IRST OUTSTANDING TICKET 31957EE	LAST OUTSTANDING TICKET 31957EE		05/21/2008	1					
<u>S</u> 32017EE									
IRST OUTSTANDING TICKET 32017EE	LAST OUTSTANDING TICKET 32017EE		05/21/2008	1					
<u>C</u> 32052EE	<u>S</u> 32092EE								
IRST OUTSTANDING TICKET 32052EE	LAST OUTSTANDING TICKET 32092EE		05/21/2008	2					
<u>S</u> 32147EE	<u>S</u> 32148EE								
IRST OUTSTANDING TICKET 32147EE	LAST OUTSTANDING TICKET 32148EE		05/21/2008	2					
<u>S</u> 32197EE									
IRST OUTSTANDING TICKET 32197EE	LAST OUTSTANDING TICKET 32197EE		05/21/2008	1					
<u>X</u> 32217EE									
IRST OUTSTANDING TICKET 32217EE	LAST OUTSTANDING TICKET 32217EE		05/21/2008	1					
<u>S</u> 32288EE	<u>S</u> 32289EE	<u>S</u> 32292EE	<u>S</u> 32294EE	<u>S</u> 32299EE					

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D. L. Shelton
Driver Services, Deputy Director



OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 26288811
 Name: WILSON, ANNA DILLARD
 Address: 1 PADDOCK CHASE
 City: IRMO
 County: RICHLAND
 DOB:
 State: SC Zip: 290632937
 Sex: F Driver Training: N
 Status - DL: NO SUSPENSION CDL: NO DISQUALIFICATION

License Information

Type	Class	Function	Issued	Expires	First Issued	Rest.	Endor.
Current							
DL	D	Modify	03/03/2014	07/11/2019	08/02/1993	Y	N
Prior							
DL	D	Renewal	11/12/2009	07/11/2019	08/02/1993	Y	N
DL	D	Duplicate	02/19/2010	07/11/2019	08/02/1993	Y	N
RR	D	Returned	09/22/2009	11/11/2009	08/02/1993	Y	N
RR	D	Original	09/22/2009	11/11/2009	08/02/1993	Y	N
TA DL	D	Returned	12/08/2008	06/08/2009	08/02/1993	N	N
TA DL	D	Original	12/08/2008	06/08/2009	08/02/1993	N	N
DL	D	Renewal	06/15/2007	07/11/2012	08/02/1993	Y	N
DL	D	Reissue	06/15/2007	07/11/2012	08/02/1993	Y	N
DL	D	Returned	06/15/2007	07/11/2012	08/02/1993	Y	N
DL	D	Renewal	11/22/2002	07/11/2007	08/02/1993	Y	N
DL	D	Duplicate	10/14/2004	07/11/2007	08/02/1993	Y	N
DL	D	Renewal	07/18/1997	07/11/2002	08/02/1993	Y	N

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[Signature]
 Driver Services, Deputy Director

Current Restrictions: A Corrective Lens

Name Change -

Name: DILLARD, ANNA RUTH

Date Changed: 02/19/2010

Address Change -

Address: 119 WESTON WATCH RD
 City: IRMO

Date Changed: 03/03/2014

State: SC Zip: 290632006

Point Summary

Total Current Points: 0
 Driver Credit: -0
 Adjusted Current Points: 0

SC Driver License Surrendered

License Type: TA DL Class: D Function: Original
 Date Surrendered: 09/22/2009
 Reason for Return: RETURNED VOLUNTARILY

Posted: 09/22/2009
 Issued: 12/08/2008

Returning State: SC

ADSAP - Alcohol and Drug Safety Action Program

Enrolled: 06/18/2009 Status: SUCCESSFUL COMPLETION
 Enrollment No: 000224137

Post Date: 07/02/2009



0098

REDACTED

OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 26288811

Name: WILSON, ANNA DILLARD

Driver License No:

SUSP: 091 - Implied Consent

Special Driving Privilege: ROUTE RESTRICTED

Suspension Beg: 08/29/2009

Causal: 11/23/2008

Reinstatement Requirements Met: 11/12/2009

ACD: A12 Withdrawal Loc Ref:

Suspension End: 11/11/2009

Post: 12/01/2008

Reinstatement Fee Paid: Y

Withdrawal Reason Ref:

VIOL: 401 - Implied Consent

Violation: 11/23/2008 Conviction: 11/23/2008

ACD: A12 Conviction Loc Ref:

Conviction State: SC

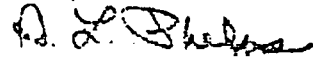
Recd: 11/26/2008 Post: 12/01/2008

Conviction Reference:

Court Type:

End of Report

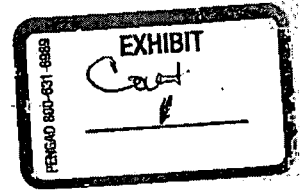
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Motor Vehicles.



Driver Services Deputy Director

0099

381 S.C. 323 (2009)
673 S.E.2d 416



Charles R. HIPPI, III, Respondent,

v.

SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES, Appellant.

No. 26588.

Supreme Court of South Carolina.

Heard December 4, 2008.

Decided January 26, 2009.

324 *324 General Counsel Frank L. Valenta, Jr., Deputy General Counsel Philip S. Porter, and Assistant General Counsel Linda A. Grice, all of Blythewood, for Appellant.

Michael A. Timbes, of Thurmond, Kirchner & Timbes, of Charleston, for Respondent.

PER CURIAM:

South Carolina Department of Motor Vehicles (SCDMV) appeals the order of the circuit court enjoining it from suspending the driver's license of Respondent Charles R. Hipp, III (Respondent) as a consequence of Respondent's 1993 Georgia conviction for driving under the influence (DUI). We affirm.

FACTS

Respondent was arrested and pled guilty to DUI in the State of Georgia in 1993. At the time of the arrest, Respondent was a South Carolina resident attending college in South Carolina, and a driver licensed by the South Carolina Department of Motor Vehicles (SCDMV). As a result of his plea, Respondent paid a fine to the State of Georgia and fulfilled other conditions required by Georgia. In 2005, twelve years after his conviction, Respondent received notice from the SCDMV that his South Carolina driver's license was being suspended as a consequence of his 1993 Georgia DUI conviction. Respondent filed a declaratory judgment action asking the court to enjoin suspension of his license. The circuit court issued an order enjoining the SCDMV from suspending Respondent's driver's license.

ISSUE

Did the circuit court err in enjoining the suspension of Respondent's driver's license?

STANDARD OF REVIEW

325 "Actions for injunctive relief are equitable in nature." Shaw v. Coleman, 373 S.C. 485, 492, 645 S.E.2d 252, 256 *325 (Ct.App.2007). In actions in equity this Court may find facts in accordance with its own view of the preponderance of the evidence. *Id.*

ANALYSIS

The circuit court cited three grounds for enjoining suspension of Respondent's driver's license: (1) that the applicable statute is ambiguous; (2) the doctrine of laches; and (3) that suspension twelve years after conviction violates the

"fundamental fairness" required by due process. We find the circuit court's conclusion as to **fundamental fairness** to be persuasive and so, affirm.^[1]

A person's interest in his driver's license is property that a state may not take away without satisfying the requirements of due process. Bell v. Burson, 402 U.S. 535, 91 S.Ct. 1586, 29 L.Ed.2d 90 (1971). Due process is violated when a party is denied **fundamental fairness**. City of Spartanburg v. Parris, 251 S.C. 187, 191, 161 S.E.2d 228, 230 (1968).

This Court addressed facts similar to those in the case at hand in State v. Chavis, 261 S.C. 408, 200 S.E.2d 390 (1973). While we found **fundamental fairness** was not violated by **suspension** after a one-year delay, we allowed that there might be circumstances under which it could be soundly held that the State had no right to suspend a driver's license after a lengthy delay. *Id.* at 411, 200 S.E.2d at 391. We find in the instant case the extreme circumstances contemplated by *Chavis*.

326 While we do not intend to set forth a bright line rule, we find that imposition of a **suspension** after more than twelve years delay, where Respondent bears no fault for the delay, is manifestly a denial of **fundamental fairness**.^[2] Though neither dispositive nor directly applicable to the instant case, we note *326 that Title 56 of the South Carolina Code, which addresses "Motor Vehicles," is replete with ten-year limitations for purposes of sentence enhancement and keeping record of convictions. See, e.g., S.C.Code Ann. §§ 56-1-746 (for purposes of determining a prior offense for sentence enhancement of alcohol-related offenses, only convictions within ten years of the date of the most recent violation are considered prior offenses); XX-X-XXXX (violation convictions shall be entered in the records of the SCDMV for a period of ten years); XX-X-XXXX (for sentence enhancement of convictions for operating motor vehicle under influence of alcohol or drugs, only those violations which occurred within ten years preceding date of last violation constitute prior violations); XX-X-XXXX (in determining time of **suspension** of driver's license, only violations which occurred within ten years of the last violation shall constitute prior violations).

CONCLUSION

We agree with the circuit court that under the unique circumstances of this case, the attempted **suspension** of Respondent's driver's license twelve years after conviction constitutes a denial of **fundamental fairness**. The order enjoining **suspension** is therefore

AFFIRMED.

TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.

[1] Having found the circuit court's decision supported by its finding that Respondent was denied **fundamental fairness**, we do not address the remaining grounds. See Wilson v. Moseley, 327 S.C. 144, 147, 488 S.E.2d 862, 864 (1997).

[2] It should be noted that neither Respondent nor SCDMV is at fault for the delay. The unexplained delay in reporting the 1993 violation appears to be solely attributable to the inaction of the State of Georgia.

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas
The Honorable L. Casey Manning, Circuit Court Judge

Appellate Case No. 2015-000887

RECEIVED

DEC 04 2015

SC Court of Appeals

Anna Dillard Wilson Respondent,

v.

South Carolina Department of Motor Vehicles Appellant.

CERTIFICATE OF COUNSEL

The undersigned counsel hereby certifies pursuant to SCARC Rule 210(g) that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material.



Brandy A. Duncan, SC Bar # 72052
Assistant General Counsel
S.C. Department of Motor Vehicles

December 9, 2015
Blythewood, SC

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
The Honorable L. Casey Manning, Circuit Court Judge

Appellate Case No. 2015-000887

Anna Dillard Wilson Respondent,

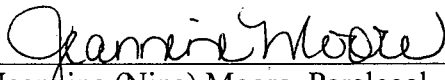
v.

South Carolina Department of Motor Vehicles Appellant.

CERTIFICATE OF SERVICE

PURSUANT TO SCACR, I HEREBY CERTIFY that today, December 3,
2015, I served one (1) copy of the Record on Appeal by depositing with the United States
Postal Service, correct postage prepaid, to Counsel for the Respondent at the address
indicated below:

John D. Elliott, Esquire
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Jeannine (Nina) Moore, Paralegal
Office of General Counsel

December 3, 2015
Blythewood, South Carolina