

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

ALJ Case No. 15-ALJ-17-0050-CC

Appellate Case No. 2015-002637

Brett Gries, Appellant,

v.

Aiken County Assessor, Respondent.

RESPONSE BY APPELLANT

TO MOTION TO DISMISS APPEAL OR FOR OTHER RELIEF OR SANCTIONS BY RESPONDENT

The Appellant, Brett Gries, hereby Requests, that Respondents MOTION TO DISMISS APPEAL OR FOR OTHER RELIEF OR SANCTIONS BY RESPONDENT, be DENIED.

NOTE: Where applicable, Appellant will incorporate by reference herein, records and documents submitted with Appellants Appeal.

ALLEGATION #1: Appellant failed to comply with Rule 207(b)(1), South Carolina Appellate Court Rules (SCACR), by not timely ordering a transcript of the entire proceeding before the Administrative Law Court and otherwise failing to comply with that rule.

RESPONSE #1: ALC Decision Date was December 4, 2015. Appellant filed an Appeal on December 18, 2015. The key piece of evidence needed to support this Appeal, was Mr.

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Sapp's response to the Swimming Pool question for his Comparable #4. To complete Appellant's Perjury package, Appellant acquired the Transcript contact from Edye Moran at ALC on December 31, 2015 (**Appellant Attachment A**), and ordered the Transcript of Mr. Sapp's Cross Examination on January 6, 2016. January 6, 2016 was within the 30 day window allowed by Rule 207. Appellant notified the appropriate parties of the Transcript Request on January 13, 2016 (**Appellant Attachment B**). Mr. Holly contacted Appellant on January 24, 2016 via telephone, and requested the remainder of the Transcript. After a couple e-mail's, Appellant read Rule 207 and immediately ordered the remainder of the Transcript on January 28, 2016. The full Transcript was received on February 18, 2016, 43 days after the initial order date, and well within the 60 day window allowed per Rule 207 (a)(2).

ALLEGATION #2: Appellant failed to comply Rule 210 (f), SCACR, in that he did not arrange for the Exhibits from the proceedings before the Administrative Law Court to be transferred to this Court and has created and served new exhibits.

RESPONSE #2: Appellant included in his Appeal, all the pertinent Exhibits from the Administrative Law Court. Yes, there were some New Exhibits. All the New Exhibits, relate to the new issues brought about by the evidence and conclusion reached by Investigator Pugh at the Columbia Police Department, that Mr. Sapp either committed Felony Perjury OR did NOT do his job (**APPEAL EXHIBIT T**). The resulting Impeachment of Mr. Sapp's Testimony AND Mr. Sapp's Appraisal, gives rise to the Appeal Issues and the New Exhibits, which present the impact of this Impeachment.

ALLEGATION #3: Appellant served an Initial Brief that includes significant alleged facts, arguments and exhibits that were not before the Administrative Law Court and which constitute an effort to retry the matter de novo in clear violation of S.C. Code Ann. Section 1-23-610 (B) (Supp. 2015);

RESPONSE #3: All the New Exhibits, relate to the new issues brought about by the evidence and conclusion reached by Investigator Pugh at the Columbia Police Department, that Mr. Sapp either committed Felony Perjury OR did NOT do his job (**APPEAL EXHIBIT T**). The resulting Impeachment of Mr. Sapp's Testimony AND Mr. Sapp's Appraisal, gives rise to the Appeal Issues and the New Exhibits, which present the impact of this Impeachment. Further, S.C. Code Ann. Section 1-23-610 (B) (Supp. 2015) provides "The court of appeals may affirm the decision or remand the case for further proceedings; or, it may reverse or modify the decision if the substantive rights of the petitioner have been prejudiced....". The New Exhibits are intended to help the Court get a feel for the impact of this Impeachment, in their decision making process.

ALLEGATION #4: Appellant improperly sought to seek to obtain a remedy from Respondent on the matter being appealed during the pendency of this appeal by threatening a criminal prosecution against a witness for the Respondent in the proceedings before the Administrative Law Court.

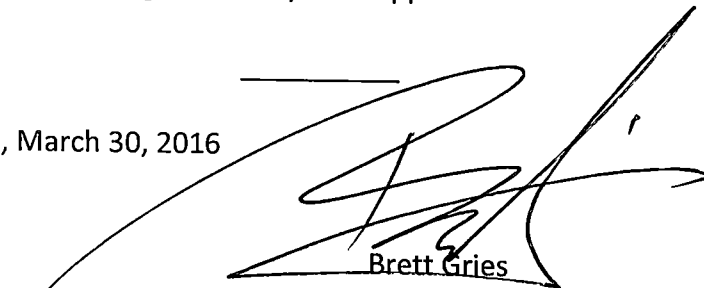
RESPONSE #4: This allegation is totally incorrect. I spent a number of years as a resident of the State of Illinois. In the State of Illinois, Police Reports and Civil Cases are easily accessed by those doing background checks... I have seen the impact of this access firsthand. In this Case, my claim that Mr. Sapp had committed Felony Perjury would

carry no weight, as I am neither a Police Officer nor a States Attorney. Thus to put teeth in my Appeal, I would need FIRST, to file a Police Report and SECOND, to include the results of that Police Report in my Appeal (**Appellant Attachment #3**)

My intent was to give Mr. Holly, the Aiken County Assessor AND Staff Assessor Mr. Sapp, an opportunity to resolve this Case BEFORE I needed to take action which would become a Public Record, and would become accessible during Mr. Sapp's future Background Checks.

CONCLUSION: Mr. Sapp's actions during the ALC Hearing, which hard evidence resulted in the conclusion reached by Investigator Pugh at the Columbia Police Department, that Mr. Sapp either committed Felony Perjury OR did NOT do his job (**APPEAL EXHIBIT T**), is the direct cause of this Appeal and of Mr. Holly's problems. Mr. Sapp's actions during the ALC Hearing, have caused Appellant to expend a tremendous amount of time and dollars to correct the wrong, caused by Mr. Sapp.

Respectively Submitted, March 30, 2016



Brett Gries

680 Implement Road
Aiken, SC 29803
(815) 342-2628
Appellant (pro se)

Mr. James Holly
Aiken County Attorney
1930 University Parkway, Suite 3600
Aiken, SC 29801
(803) 642-3628
Attorney for Respondent (Aiken County
Assessor)

LIST OF ATTACHMENTS

- Appellant Attachment A:** Requested transcript contact info, from Edye Moran
- Appellant Attachment B:** Notice of Requested transcript
- Appellant Attachment C:** E-mail offering opportunity to settle, before having to strengthen Case

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SC Court of Appeals

From: Edye Moran <emoran@scalp.net>
To: brettgries <brettgries@aol.com>
Subject: RE: Final Order in Brett Gries v Aiken County Assessor 15-ALJ-17-0050-CC
Date: Thu, Dec 31, 2015 9:39 am
Attachments: Attachment (0)

Good morning Mr. Gries,

The number for Creel Court reporters is 803-252-3445. Just contact them and they can get that for you.

Wishing you a happy New Years in 2016.

R,
Edye Moran

From: brettgries@aol.com [mailto:brettgries@aol.com]
Sent: Thursday, December 31, 2015 7:00 AM
To: Edye Moran <emoran@scalp.net>; jmsholly3@gmail.com; JHolly@aikencountysc.gov
Subject: Re: Final Order in Brett Gries v Aiken County Assessor 15-ALJ-17-0050-CC

Good Morning Ms. Moran,

I need to get a copy of the Transcript from the Hearing. Specifically my cross examination of Mr. Sapp. Can you point me in the right direction?

Thanks, Brett Gries

-----Original Message-----

From: Edye Moran <emoran@scalp.net<mailto:emoran@scalp.net>>
To: brettgries <brettgries@aol.com<mailto:brettgries@aol.com>>; jmsholly3 <jmsholly3@gmail.com<mailto:jmsholly3@gmail.com>>; JHolly <JHolly@aikencountysc.gov<mailto:JHolly@aikencountysc.gov>>
Sent: Mon, Dec 7, 2015 11:58 am
Subject: RE: Final Order in Brett Gries v Aiken County Assessor 15-ALJ-17-0050-CC
Good Morning Mr. Gries,

You may contact the Clerk of Court at the Court of Appeals with any questions concerning filing with that court. The phone number over there is 803-734-1890.

Under the ALC rules, Rule 41 requires that you file a copy of the notice of appeal with our Clerk of Court, as well.

R,

Edye Ulmer Moran, Esq.
Judicial Law Clerk for the Honorable S. Phillip Lenski
803.734.6408

APPELLANT
ATTACHMENT
A

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

ALJ Case No. 15-ALJ-17-0050-CC

Appellate Case No. 2015-002637

Brett Gries, Appellant,

v.

Aiken County Assessor, Respondent.

REQUESTED TRANSCRIPT

On January 06, 2016, I, Brett Gries, requested a copy of the ALJ Case Transcript, from the Creel Court Reporters. The estimated fee for this Transcript was \$454.25, which was paid by credit card on January 06, 2016.

January 13, 2016

Brett Gries

680 Implement Road
Aiken, SC 29803
(815) 342-2628
Appellant (pro se)

APPELLANT
ATTACHMENT
B

Other Counsel of Record Copied:
Mr. James Holly

Aiken County Attorney
1930 University Parkway, Suite 3600
Aiken, SC 29801
(803) 642-3628
Attorney for Respondent (Aiken County
Assessor)

Court Reporter **Copied:**
Creel Court Reporters
1230 Richland Street
Columbia, SC 29201

From: brettgries <brettgries@aol.com>
To: JHolly <JHolly@aikencountysc.gov>
Subject: Re: Court Rule on Transcripts
Date: Wed, Jan 27, 2016 6:21 am

Good Morning Mr. Holly,

Last night I read the Rule, and will request the rest of the Transcript.

As you should be aware, the transcript of Mr. Sapp's Cross Examination, has the last evidence I need to take my complete package, in support of Mr. Sapp's Perjury, to the District Attorney.

A key piece of my Appeal is Mr. Sapp's Perjury. My case is made much stronger, once the District Attorney has pursued charges against Mr. Sapp. Now, with the need to recover my added Transcript Charges from the Appellate Court, it becomes imperative that the District Attorney pursue Perjury charges against Mr. Sapp as soon as possible. Thus, I now have no choice but to take my package to the District Attorney the day I receive the Transcript.

If Mr. Jantzen and Mr. Sapp would like to resolve this Case before I order the remaining pages of the Transcript, please let me know.

Thanks, Brett Gries

-----Original Message-----

From: Holly, Jim <JHolly@aikencountysc.gov>
To: brettgries <brettgries@aol.com>
Sent: Tue, Jan 26, 2016 5:39 pm
Subject: RE: Court Rule on Transcripts

Mr. Gries,

You misunderstood what I said. I was referring to the provisions of the rule and nothing more. I believe the rule is clear on what you have to do if you want the appeal to go forward—you need to order the full transcript. I have not agreed and will not agree to anything other than your ordering the full transcript based on the nature of this case and what I believe the court needs to have before it to render a decision on your appeal. You have to pay the cost of the full transcript yourself. I will not agree to the County paying this cost. If you think I acted without justification, then you can take it up with the court later and ask it to require the County to reimburse you for a portion of the transcript costs which we would oppose. If you do not understand this rule, you may wish to seek legal counsel.

You also may wish to look at the rule on the award of costs based on the outcome of the appeal. That is Rule 222.

Please let me know what you intend to do by Thursday so I may file a motion with the court if you choose not to follow the rule I provided you.

Jim

APPELLANT
ATTACHMENT
C

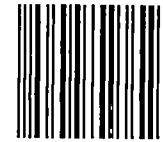
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SOUTH CAROLINA COURT OF APPEALS

1220 SENATE STREET

COLUMBIA, SC 29201

MOTION RESPONSE BY APPELLANT

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM COLUMBIA COUNTY
Administrative Law Court

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SC Court of Appeals

S. Phillip Lenski, Administrative Law Judge

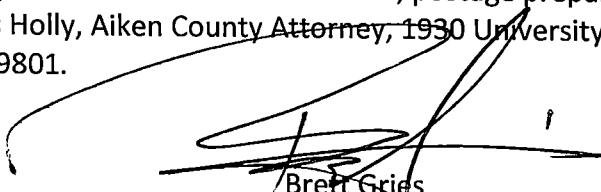
Case No. 15-ALJ-17-0050-CC

Aiken County Assessor,
v.
Brett Gries, Appellant.

PROOF OF SERVICE

I certify that I have served the Motion Response by Appellant on the Aiken County Attorney, by depositing a copy of it in the United States Mail, postage prepaid, on March 30, 2016, addressed to Mr. James Holly, Aiken County Attorney, 1930 University Parkway, Suite 3600, Aiken, South Carolina 29801.

March 30, 2016



Brett Gries
680 Implement Road
Aiken, SC 29803
(815) 342-2628
Appellant (pro se)