

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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JUL 18 2016

**SC 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, TO STRIKE OR FOR OTHER RELIEF BY RESPONDENT DATED**

**2016.07.05**

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

**NOTE:** Where applicable, Appellant will incorporate by reference herein, records and documents submitted with Appellants 2<sup>nd</sup> Amended Initial Brief.

**ALLEGATION #1:** Respondent, Aiken County Tax Assessor, through its counsel of record, hereby moves before this Court for an order dismissing above-captioned appeal on the grounds that on June 13, 2016, Appellant filed a Second Amended Initial Brief and a

document entitled "Brief, Cases, Statutes, and Other Authorities" that violate the Order of this Court filed May 20, 2016, and also violate Rules 209(b) and 210(c), SCARC.

**RESPONSE #1:** This is a very simple issue.

**FIRST, here are the Contents of Appellants Initial Brief;**

**Table Of Cases, Statutes, and Other Authorities Cited (Initial Brief Page 2 & Page 3).**

NOTE: These 9 Authorities have been re-arranged to coincide with the 2<sup>nd</sup> Amended Initial Brief

Cases

Edward Przybyl vs. Edgefield County Assessor

Statutes

South Carolina Article 25 of the South Carolina Real Property Valuation Act

South Carolina Law SECTION 16-9-10

South Carolina Law SECTION 31-6-30

Other Authorities

Aiken County, South Carolina Public Property Record Card, For Roll Year 2014

Columbia, South Carolina Police Report Number T16000354

Real Estate Appraisal

Real Estate Appraisal: Chapter 9 Sales Comparison Approach To Value

Transcript from ALC Case No. 15-ALJ-0050-CC

NOTE: Each 9 of the above Authorities had their page references listed in accordance with Rule 208(A)

**DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL IN ACCORDANCE WITH RULE 209 (filed with Initial Brief) included the following Exhibits.**

**Transcript Applicable Pages**

**Administrative Law Court Exhibits**

PETITIONERS EXHIBIT C: South Carolina Law, section 31-6-30 Definitions (10) "Vacant land"

PETITIONERS EXHIBIT E: Land Value Per Acre, requested at the Administrative Law Court Hearing

PETITIONERS EXHIBIT F: 2014 Property Cards for these 6 Parcels ONLY

PETITIONERS EXHIBIT H: Mr. Sapp Appraisal, document #5

PETITIONERS EXHIBIT S: Mr. Sapp's Document #17, Land Sales Sheet, presented at the ALC

RESPONDENTS EXHIBIT 25: Article 25 of the South Carolina Real Property Valuation Reform Act

**NEW EXHIBITS (Appellant)**, which totaled 25.

The Court Order dated 05.20.2016 reads as follows;

“Appellant shall serve and file an amended initial brief that excludes all references to “new exhibits”.... “Appellant is reminded that his designation of matter shall not include any documents that were not presented to the Administrative Law Court.”

**NOW let’s fast forward to the Contents of Appellant’s 2<sup>nd</sup> Amended Initial Brief;**

**Table Of Cases, Statutes, and Other Authorities Cited (2<sup>nd</sup> Amended Initial Brief Page 2 & Page 3).**

NOTE: These are the SAME 9 Authorities included in the Initial Brief above.

Cases

Edward Przybyl vs. Edgefield County Assessor

Statutes

South Carolina Article 25 of the South Carolina Real Property Valuation Act

South Carolina Law SECTION 16-9-10

South Carolina Law SECTION 31-6-30

Other Authorities

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Real Estate Appraisal

Real Estate Appraisal: Chapter 9 Sales Comparison Approach To Value

Transcript from ALC Case No. 15-ALJ-0050-CC

NOTE: Each 9 of the above Authorities had their page references listed in accordance with Rule 208(A)

**DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL IN ACCORDANCE WITH RULE 209 (filed with 2<sup>nd</sup> Amended Initial Brief)** included the following Exhibits.

**Transcript Applicable Pages**

**Administrative Law Court Exhibits**

NOTE: These are the SAME 6 ALC EXHIBITS included in the Initial Brief above.

PETITIONERS EXHIBIT C: South Carolina Law, section 31-6-30 Definitions (10) “Vacant land”

PETITIONERS EXHIBIT E: Land Value Per Acre, requested at the Administrative Law Court Hearing

PETITIONERS EXHIBIT F: 2014 Property Cards for these 6 Parcels ONLY

PETITIONERS EXHIBIT H: Mr. Sapp Appraisal, document #5

PETITIONERS EXHIBIT S: Mr. Sapp's Document #17, Land Sales Sheet, presented at the ALC

RESPONDENTS EXHIBIT 25: Article 25 of the South Carolina Real Property Valuation Reform Act

**NEW EXHIBITS (Appellant) = NONE**

Thus, Appellants Cited Authorities, including Cases, Statutes and Other Authorities,

Appellant's Referenced Exhibits AND Appellants Designation Of Matter To Be Included

In The Record On Appeal In Accordance With Rule 209, meet the requirements of

209(b), 210(c) AND the Court Order dated May 20, 2016.

**Regarding the document "SECOND AMENDED INITIAL BRIEF CASES STATUTES AND OTHER**

**AUTHORITIES CITED"**. In accordance with Rule 208(A), Appellant's 2<sup>nd</sup> Amended Initial

Brief included a table of cases (alphabetically arranged), statutes, and other authorities

cited, with references to the pages of the brief where they were cited. As I read the

Rules, NO WHERE did they state that Appellant was DISALLOWED, from providing copies

of the Authorities Cited to the Court. Thus Appellant included copies of all Authorities

Cited in the document "SECOND AMENDED INITIAL BRIEF CASES STATUTES AND OTHER

AUTHORITIES CITED". Those Authorities included 1 Case, 3 Statutes and 4 Other

Authorities; as detailed earlier;

For each Cited Authority, the cited language was highlighted with page tabs and

yellow marker. For the Other Authority, the "Columbia, South Carolina Police Report

Number 160070189", as this is a KEY Cited Authority, Appellant included the Police

Report and all the documents provided to Officer Pugh, on which he based his

conclusion. The reason, so that the Court can see the actual facts on which Investigator Pugh's conclusion was based. Again, the only document cited, is Columbia, South Carolina Police Report Number 160070189, which is 1 page in length.

Appellants Table Of Cases (alphabetically arranged), Statutes, and Other Authorities includes NO NEW EXHIBIT REFERENCES, is in accordance with Rule 208(A), IS NOT in conflict with Rules 209(b) and 210(c) and IS NOT in conflict with the Court Order dated 2016.05.20 which states;

"Appellant shall serve and file an amended initial brief that excludes all references to "new exhibits" .... "Appellant is reminded that his designation of matter shall not include any documents that were not presented to the Administrative Law Court."

Further, Appellants Document "SECOND AMENDED INITIAL BRIEF CASES, STATUTES AND OTHER AUTHORITIES CITED" which included copies of the Cases, Statutes and Other Authorities, is NOT DISALLOWED.

**ALLEGATION #2:** The above-noted filings by Appellant include alleged facts, arguments and exhibits that were not before the Administrative Law Court. Further, the filings constitute an effort by Appellant to retry the matter de novo on appeal before this Court in violation of S.C Code Ann. Section 1-23-610 (B) (Supp. 2015).

**RESPONSE #2:** With this allegation, Mr. Holly is trying to make the same argument he made with his prior Motion. That Motion alleged as follows;

"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)."

The Comparative Analysis on pages 16 and 17, and continuing through page 34, is the direct result of 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 (2<sup>nd</sup> Amended Initial Brief "Other Authorities"). The resulting Impeachment of Mr. Sapp's Testimony AND Mr. Sapp's Appraisal, gives rise to the Appeal Issues and this Comparative Analysis, which presents the impact of Mr. Sapp's Impeachment, which totals an amount greater than \$91,000 (2<sup>nd</sup> Amended Initial Brief, page 39), in overstated Improvements PER PARCEL. 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 Comparative Analysis on pages 16 and 17, and continuing through page 34, is intended to help the Court get a feel for the impact of this Impeachment, in their decision making process.

**Regarding Appellant's Personal Credentials.** This information was provided, as it was important for the Court to know the background of Appellant, as I am NOT an attorney. The intent of this information was to shed some light on the subject as to my capabilities to dissect and properly deal with the information included in Appellant's 2<sup>nd</sup> Amended Initial Brief. Further, based on my reading of the rules, Appellant's providing of his Personal Credentials is NOT DISALLOWED.

**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 (2<sup>nd</sup> Amended Initial Brief "Other Authorities"), and Mr. Sapp's overstatement of the Market Value of Improvements of his 5 Comparable Parcel's, by an amount greater than \$91,000 PER PARCEL (2<sup>nd</sup> Amended Initial Brief, page 39), are the direct causes of this Appeal. 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.

Thus, Appellant respectfully requests that Respondents Motion To Dismiss Appeal, To Strike Or For Other Relief By Respondent, be Denied.

Respectively Submitted, July 15, 2016



07/15/2016

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)

**MOTION (DATED 2016.07.05) RESPONSE BY APPELLANT**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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**SC Court of Appeals**

APPEAL FROM COLUMBIA COUNTY  
Administrative Law Court

S. Phillip Lenski, Administrative Law Judge

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

Aiken County Assessor,

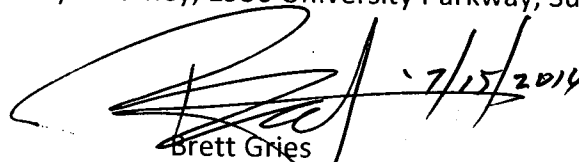
v.

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 July 15, 2016, addressed to Mr. James Holly, Aiken County Attorney, 1930 University Parkway, Suite 3600, Aiken, South Carolina 29801.

July 15, 2016



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

680 Implement Rd  
Aiken, SC 29803



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SC Court of Appeals

THE SOUTH CAROLINA COURT OF APPEALS  
1220 SENATE STREET  
COLUMBIA, SC 29201

**FIRST CLASS**