

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT COUNTY

SEP 06 2016
SC Court of Appeals

H. W. Funderburk, Jr., Administrative Law Judge

Case No. 13-ALJ-17-0601-CC

Appellate Case No. 2016-001210

Rent-A-Center East, Inc. and Rent Way, Inc., Appellants,

v.

South Carolina Department of Revenue, Respondent.

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

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

ORDERS

1. Final Order and Decision dated March 30, 2016
2. Order Denying Motion for Reconsideration dated May 5, 2016

DETERMINATIONS

3. Department Determination for RAC East dated November 18, 2013
4. Department Determination for Rent Way dated November 18, 2013

MOTIONS

5. Petitioners' Motion for Reconsideration under ALC Rule 29(D) and/or to Alter or Amend Under SCRCRCP Rule 59(E) and Memorandum Supporting Same filed April 12, 2016.
6. Respondent's Response in Opposition to Petitioner's Motion for Reconsideration dated April 21, 2016
7. Petitioners' Reply in Support of Its Motion for Reconsideration filed April 28, 2016

TRANSCRIPTS

8. Hearing Transcript dated September 24, 2015

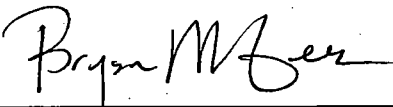
EXHIBITS AND OTHER MATERIALS OR DOCUMENTS

9. SCDOR Audit Report for RAC East dated April 30, 2012
10. SCDOR Audit Report for Rent Way dated April 30, 2012
11. RAC East's Protest dated July 30, 2012
12. Rent Way's Protest dated July 30, 2012
13. SCDOR Audit File for RAC East
14. SCDOR Audit File for Rent Way
15. Consumer Rental-Purchase Agreement (blank)
16. Sample Consumer Rental-Purchase Agreement
17. Optional Liability Waiver Provision
18. Sample Receipt
19. Waiver Policy Statement
20. Petitioners' Proposed Order
21. SCDOR's Proposed Order
22. February 16, 2017 letter from Rent-A-Center counsel to Judge Funderburk in response to SCDOR's proposed Order

23. February 16, 2016 letter from SCDOR counsel to Judge Funderburk forwarding Respondent's Response to Petitioner's Proposed Order
24. February 17, 2016 letter from Rent-A-Center counsel to Judge Funderburk responding to SCDOR's February 16, 2016 letter and response
25. February 18, 2016 letter from SCDOR counsel to Judge Funderburk in response to Petitioner's letter of February 17, 2016
26. CV of Professor Richard Pomp
27. House Bill 3700, Part IB, Section 90, Proviso 90.21 (Act No. 73)
28. May 31, 2016 Letter to SCDOR enclosing \$919,585.55 check for payment of RAC's taxes and interest through June 1, 2016

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

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

John C. von Lehe, Jr.
SC Bar No. 5719
E-Mail: john.vonlehe@nelsonmullins.com
Bryson M. Geer
SC Bar No. 13606
E-Mail: bryson.geer@nelsonmullins.com
151 Meeting Street / Sixth Floor
Post Office Box 1806 (29402-1806)
Charleston, SC 29401-2239
(843) 853-5200

Attorneys for Rent-A-Center East, Inc. and Rent-Way,
Inc.

Charleston, South Carolina
September 1, 2016

CERTIFICATE OF SERVICE

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

Pleadings:

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

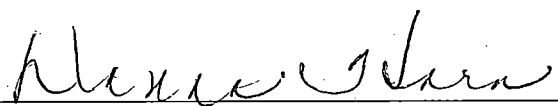
Counsel Served:

Sean G. Ryan, Esq.
Lauren Acquaviva, Esq.
Office of the General Counsel for Litigation
South Carolina Department of Revenue
PO Box 12265
Columbia, SC 29211

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SC Court of Appeals



Donna Horn
Administrative Assistant

September 6, 2016

Nelson Mullins

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

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

September 6, 2016

Via Hand Delivery

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1220 Senate Street
Columbia, SC 29211

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SC Court of Appeals

RE: Rent-A-Center East, Inc., and Rent Way, Inc., Appellants v. South Carolina
Department of Revenue, Respondent.
SC Appellate No.: 2016-001210
Our File No. 17856/09003

Dear Ms. Kitchings:

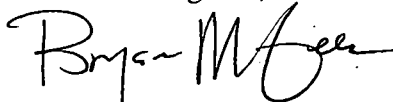
Enclosed are the originals and one copy of the following documents in the above matter:

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

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

Thank you for your assistance with this matter.

With kind regards,



Bryson M. Geer

BMG:dh

Enclosures

cc: Sean G. Ryan, Esq.
Lauren Acquaviva, Esq.