

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.

REPLY BY APPELLANT,

TO APPELLANTS MOTION TO INCLUDE TWO DOCUMENTS AS OTHER AUTHORITIES,

DATED JANUARY 04, 2017

The Appellant, Brett Gries, hereby Requests, that Appellants MOTION TO INCLUDE TWO DOCUMENTS AS OTHER AUTHORITIES be GRANTED.

RESPONDENT ISSUE #1: Per the Court Order dated 05.06.2016 "Appellant was ordered not to include, among other things, the Police Report in the record or briefs to be submitted to the court."

Per the Court Order dated 08.25.2016, the Court Ordered Appellant to strike that offending material, which included the Police Report, and "to file an amended initial brief

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that omits any references or citations to matters that were not presented to the lower court.”

Appellant sought to include the Police Report again in his Third Amended Initial Brief under “Other Authorities” which resulted in the Order issued by this Court on December 15, 2016.”

APPELLANT REPLY #1: Appellants Second Amended Initial Brief met the requirements of the Court Order dated 05.06.2016. See Memorandum In Support for details’

Appellants Third Amended Initial Brief met the requirements of the Court Order dated 08.25.2016. See Memorandum In Support for details

Appellants Fourth Amended Initial Brief has yet to be filed. However, when filed it WILL MEET the requirements of the Court Order dated 08.25.2016.

RESPONDENT ISSUE #2: The Columbia Police Report “date is approximately nine months after the hearing on this matter was held before the Administrative Law Court on May 26, 2015, and approximately two and one-half months after the Administrative Law Judge issued his Order in this matter on December 4, 2015.

APPELLANT REPLY #2: Three events needed to occur BEFORE a Police Report could be requested. FIRST, receipt of the Judge’s Order, which was issued on December 4, 2015. SECOND, receipt of the Transcript of Mr. Sapp’s Testimony, which was received on approximately February 17, 2016. THIRD, receipt of a copy of the Property Card for the specific property, dated December 31, 2014. Once these 3 Events occurred, Appellant had sufficient evidence to request a Police Report, which was done on February 19, 2016. See Memorandum In Support for details

RESPONDENT ISSUE #3: Respondent's Motion Return does NOT address the importance of these Two requested Documents.

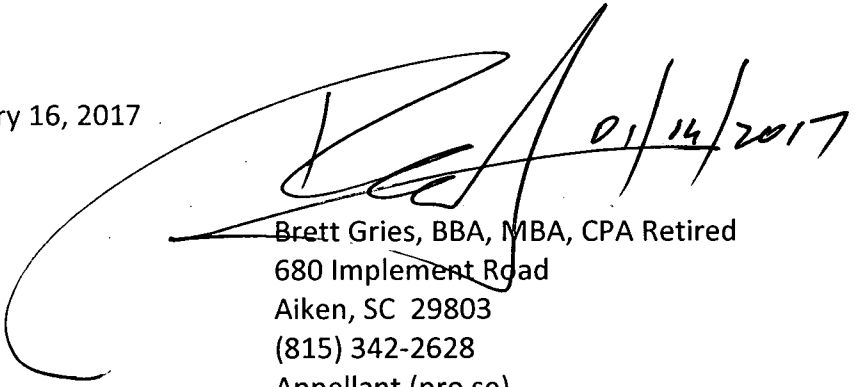
APPELLANT REPLY #3: The key issues in this case are these. NUMBER ONE: Whether the Assessors Appraisal should be for Land Value Only. NUMBER TWO: For Land Value Only, what are the appropriate Comparable Properties. NUMBER THREE: If the Assessor IS required to assess the whole Property, the accuracy of Mr. Mark Sapp's adjustments.

Based on the facts included in these two requested Documents, the testimony of Mr. Sapp and Mr. Janzen on these three issues was incorrect, and thus very misleading for Judge Lenski. See Memorandum In Support for details.

Additionally, these two Requested Documents meet the relevant test of SCRE 402. See Memorandum In Support for details.

CONCLUSION: Based on the Facts, Appellants 2nd Amended Initial Brief was filed in accordance with the Court Orders dated 05.06.2016, and Appellants 3rd Amended Initial Brief was filed in accordance with the Court Orders dated 08.25.2016. The two Requested Documents contain facts regarding the Testimony of both Mr. Mark Sapp and Mr. Rick Jansen, which prove that their Testimony on three of the key issues of this Case was inaccurate, and very misleading to Judge Lenski. The two requested Documents prove that the purported Appraisal of Mr. Mark Sapp, breached numerous Rules of the Uniform Standards of Professional Appraisal Practice. Therefore, Appellant respectfully Requests, that Appellants MOTION TO INCLUDE TWO DOCUMENTS AS OTHER AUTHORITIES in APPELLANTS FOURTH AMENDED INITIAL BRIEF be GRANTED.

Respectively Submitted, January 16, 2017

A large, stylized handwritten signature in black ink, followed by the date "01/14/2017" written in a similar style.

Brett Gries, BBA, MBA, CPA Retired
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(815) 342-2628
Appellant (pro se)

Mr. James Holly
Aiken County Attorney
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Attorney for Respondent (Aiken County
Assessor)

PROOF OF SERVICE – MOTION REPLY

THE STATE OF SOUTH CAROLINA
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Administrative Law Court

S. Phillip Lenski, Administrative Law Judge

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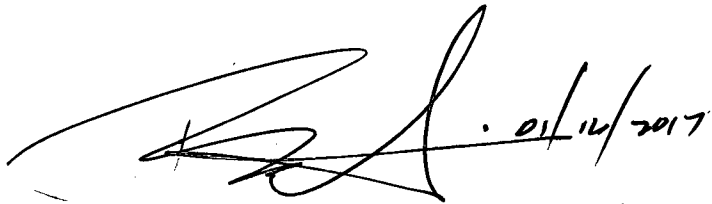
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I certify that I have served the Appellants Motion Reply, With Respect To Appellants Motion To Include Two Documents As Other Authorities, on the Aiken County Attorney, by depositing a copy of it in the United States Mail, postage prepaid, on January 17, 2017, addressed to Mr. James Holly, Aiken County Attorney, 1930 University Parkway, Suite 3600, Aiken, South Carolina 29801.

January 16, 2017



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Appellant (pro se)

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680 Implement Road
Aiken, SC 29803
January 16, 2017

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

RE: Brett Gries vs Aiken County Assessor
Appellate Case No. 2015-002637

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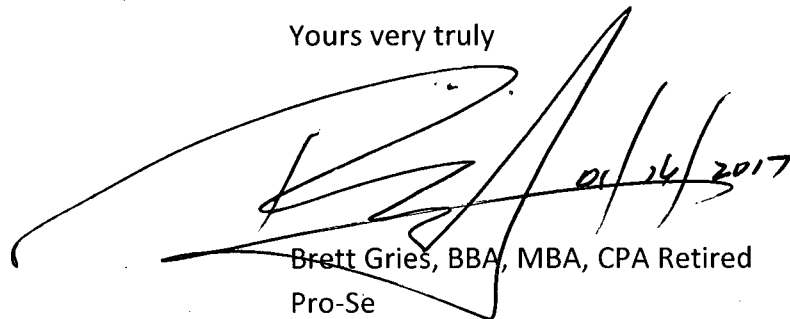
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Dear Clerk Kitchings:

Please find enclosed for filing, one original and six copies of Appellants Motion Reply, to Appellants Motion To Include Two Documents As Other Authorities, with the supporting Memorandum and one copy of the Certificate of Service on Respondent.

Yours very truly



01/16/2017

Brett Gries, BBA, MBA, CPA Retired
Pro-Se

Cc: Mr. James M. Holly
Attorney for Respondent