

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE ADMINISTRATIVE LAW COURT

S. Phillip Lenski, Administrative Law Judge

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

Appellate Case No. 2015-002637

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Brett Gries, Appellant,

v.

Aiken County Assessor, Respondent.

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**RECEIVED**

JUN 08 2017

**SC Court of Appeals**

**RESPONSE BY APPELLANT**

**TO MOTION TO DISMISS OR FOR OTHER RELIEF ON THE RECORD ON APPEAL BY RESPONDENT**

**DATED 2017.05.30**

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The Appellant, Brett Gries, hereby Requests, that Respondents MOTION TO DISMISS APPEAL OR FOR OTHER RELIEF ON THE RECORD ON APPEAL, be DENIED.

**ALLEGATION #1:** Respondent, Aiken County Tax Assessor, through its counsel of record, hereby moves before this Court for an order dismissing this appeal on the grounds that the Record On Appeal ("Record") prepared and filed by Appellant on or about May 22, 2017, violates Rules 210 (c), (d), (e), SCACR.

**RESPONSE #1:** My Record On Appeal was filed on May 18, 2017, which was one day prior to its due date of May 19, 2017. On May 19, 2017, I started reading Rule 211 to

prepare my Final Brief, and based on the added References to the Record, I realized that each Exhibit included in the Record On Appeal must have its own Line number on the **INDEX**. I immediately called the Court to understand the proper procedure to submit a Revised "Record On Appeal". I was advised by the Court to wait a Letter identifying all deficiencies.

Late in the day on June 2, 2017, I received Mr. Holley's two letters, dated May 26, 2017 and May 30, 2017, one of which stated that Mr. Holley had received the Deficiency Letter dated May 25, 2017. As of June 2, 2017, I had not received the Clerks letter via the US Post Office, advising of the deficiencies in my filed Record On Appeal. Further, as of June 6, 2017, I had not received the Clerks letter via the US Post Office, advising of the deficiencies in my filed Record On Appeal.

On June 5, 2017, I called the Clerk who was out. On June 6, 2017, I again called the Clerk, and was directed to where I could access and print the Deficiency Letter, dated May 25, 2017. With a copy of the Deficiency Letter, dated May 25, 2017, I can now correct the deficiencies in my "Record On Appeal".

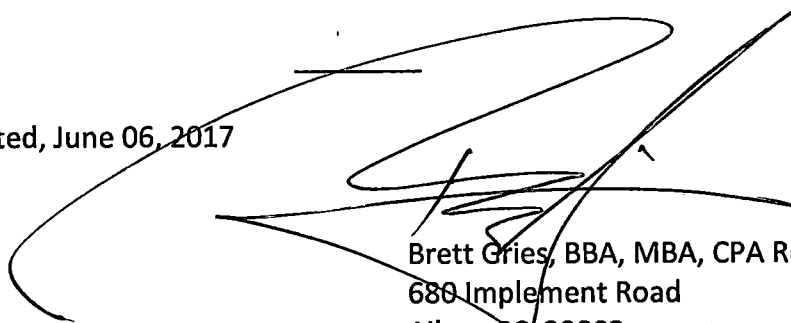
**ALLEGATION #2:** In addition to the deficiencies in the Record listed in the letter from the Clerk to Appellant dated May 25, 2017, Appellant also failed to include items listed in the Respondents Designation of Matter clearly required by Rule 210 (c). These omitted items include the Final Order, The Honorable S. Phillip Lenski, Administrative Law Judge, dated December 4, 2015; the decision of the Aiken County Board Of Appeals, dated January 29, 2015; and all of Respondents designated excerpts from the Transcript of Hearing held May 26, 2015.

**RESPONSE #2:** Mr. Holley is incorrect. Each and every one of the items on Mr. Holley's "DESIGNATION OF MATTER TO BE INCLUDED IN TH RECORD ON APPEAL" (**EXHIBIT A**) is included in my Record On Appeal filed May 18, 2017 (**EXHIBIT B**). The Final Order, The Honorable S. Phillip Lenski, Administrative Law Judge, dated December 4, 2015 is included on the **INDEX** as 1. The decision of the Aiken County Board Of Appeals is included on the **INDEX** as 2. The designated excerpts/pages from the Transcript are included on the **INDEX** in 4.

**CONCLUSION:** While Appellant's Record On Appeal, filed May 18, 2017, included certain deficiencies, as soon as Appellant became aware of those deficiencies, Appellant took immediate action, to correct those deficiencies.

Thus, Appellant respectfully requests that Respondents MOTION TO DISMISS OR FOR OTHER RELIEF ON THE RECORD ON APPEAL, be Denied.

Respectively Submitted, June 06, 2017



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(815) 342-2628  
[brettgries@aol.com](mailto:brettgries@aol.com)

Appellant (pro se)

Other Counsel Of Record  
Mr. James Holly  
Aiken County Attorney  
1930 University Parkway, Suite 3600  
Aiken, SC 29801  
(803) 642-3628

Attorney for Respondent (Aiken County  
Assessor)

**EXHIBIT B**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM STATE OF SOUTH CAROLINA  
Administrative Law Court

S. Phillip Lenski, Administrative Law Judge

Appellate Case No. 2015-002637

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SC Court of Appeals

Brett Gries .....Appellant,

v.

Aiken County Assessor .....Respondent.

DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL

Respondent proposes the following be added to the Record on Appeal:

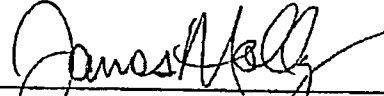
1. Final Order, The Honorable S. Phillip Lenski, Administrative Law Judge, dated December 4, 2015.
2. Decision of Aiken County Board of Assessment Appeals, dated January 29, 2015.
3. Stipulation dated May 26, 2015.
4. Transcript of Hearing held May 26, 2015:
  - Pages 4-5
  - Pages 48 to 52
  - Pages 54 to 55
  - Page 60
  - Pages 66 to 95
  - Pages 100 to 102
  - Page 104
  - Page 106
  - Pages 128 to 132
  - Pages 138 to 141
  - Pages 144 to 152
  - Pages 156 to 159

Pages 162 to 165  
Pages 168 to 170  
Pages 172 to 174  
Pages 179 to 184  
Pages 191 to 193  
Pages 194 to 195  
Pages 198 to 199  
Pages 200 to 202  
Page 210  
Page 225

5. Exhibit 1
6. Exhibit 3
7. Exhibit 4
8. Exhibit 5
9. Exhibit 6
10. Exhibit 7
11. Exhibit 8
12. Exhibit 9
13. Exhibit 10
14. Exhibit 11
15. Exhibit 12
16. Exhibit 13
17. Exhibit 14
18. Exhibit 16
19. Exhibit 17
20. Exhibit 23
21. Exhibit 29
22. Exhibit F, pages 1-4, 680 Implement, only

I certify that this designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,



James M. Holly (S.C. Bar No. 02572)

P. O. Box 5925

Aiken, SC 29804

(803) 642-3628

[jholly@aikencountysc.gov](mailto:jholly@aikencountysc.gov)

Attorney for Respondent

Aiken, South Carolina  
April 10, 2017

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE STATE OF SOUTH CAROLINA  
Administrative Law Court

S. Phillip Lenski, Administrative Law Judge

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Appellate Case No. 2015-002637

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Brett Gries ..... Appellant

v.

Aiken County Assessor..... Respondent

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**RECORD ON APPEAL**

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Brett Gries, BBA, MBA, CPA, Retired  
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[brettgries@aol.com](mailto:brettgries@aol.com)

Appellant (pro se)

## INDEX

1. Final Order, The Honorable S. Phillip Lenski, Administrative Law Judge, dated December 4, 2015.
2. Decision of Aiken County Board Of Assessment Appeals, dated January 29, 2015.
3. Stipulation dated May 26, 2015.
4. **TRANSCRIPT APPLICABLE PAGES**  
Pages 4, 5, 9, 48 to 52, 54, 55, 60, 66 to 95, 100, 101, 102, 104, 106, 108, 109, 110, 113, 115, 116, 118, 119, 120, 121, 122, 123, 125, 128 to 132, 138 to 141, 144 to 152, 153, 156 to 159, 162 to 165, 168, 169, 170, 172, 173, 174, 179 to 184, 191 to 195, 198, 199, 200, 201, 202, 210, 225.
5. **ALC PETITIONERS EXHIBITS (Copies attached)**  
**PETITIONERS EXHIBIT C:** South Carolina Law, section 31-6-30 Definitions (10) "Vacant land"  
**PETITIONERS EXHIBIT E:** Land Value Per Acre (\$10,183), requested at the Administrative Law Court Hearing  
**PETITIONERS EXHIBIT F:** 2014 Property Cards for these 6 Parcels ONLY

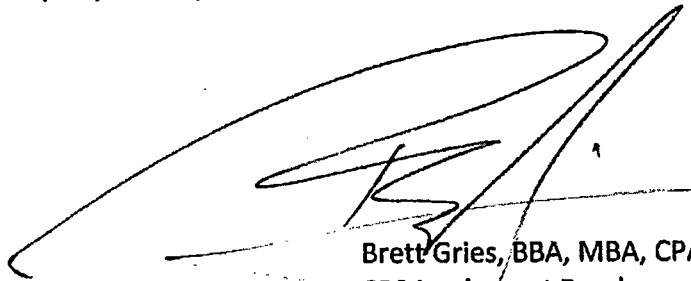
Subject Parcel:	138-15-01-005	680 Implement Road
Comparable #1:	073-07-02-001	301 Boyd Pond Road
Comparable #2:	073-06-01-014	217 Boyd Pond Road
Comparable #3:	188-00-12-009	484 Coleman Bridge Road
Comparable #4:	205-00-06-005	3042 Farmer Road
Comparable #5:	191-00-09-029	1874 Joyner Pond Road

  
**PETITIONERS EXHIBIT H:** Mr. Sapp Appraisal, document #5  
**PETITIONERS EXHIBIT I:** Comparable Sales (Assessed FMV)  
**PETITIONERS EXHIBIT M:** Mark Sapp Comparable #1 (301 Boyd Pond Road)  
**PETITIONERS EXHIBIT N:** Mark Sapp Comparable #2 (217 Boyd Pond Road)  
**PETITIONERS EXHIBIT O:** Mark Sapp Comparable #3 (484 Coleman Bridge Road)  
**PETITIONERS EXHIBIT P:** Mark Sapp Comparable #4 (3042 Farmer Road)  
**PETITIONERS EXHIBIT Q:** Mark Sapp Comparable #5 (1874 Joyner Pond Road)
6. **ALC RESPONDENTS EXHIBITS (Copies Attached)**  
**RESPONDENTS EXHIBIT 1**

**RESPONDENTS EXHIBIT 3**  
**RESPONDENTS EXHIBIT 4**  
**RESPONDENTS EXHIBIT 5**  
**RESPONDENTS EXHIBIT 6**  
**RESPONDENTS EXHIBIT 7**  
**RESPONDENTS EXHIBIT 8**  
**RESPONDENTS EXHIBIT 9:** Respondents photograph of Comparable #4, taken on  
02/06/2014  
**RESPONDENTS EXHIBIT 10**  
**RESPONDENTS EXHIBIT 11**  
**RESPONDENTS EXHIBIT 12**  
**RESPONDENTS EXHIBIT 13**  
**RESPONDENTS EXHIBIT 14**  
**RESPONDENTS EXHIBIT 16**  
**RESPONDENTS EXHIBIT 17:** Land Sales Sheet, presented at the ALC  
**RESPONDENTS EXHIBIT 23**  
**RESPONDENTS EXHIBIT 25:** Article 25 of the South Carolina Real Property Valuation  
Reform Act  
**RESPONDENTS EXHIBIT 29**

**CERTIFICATION**

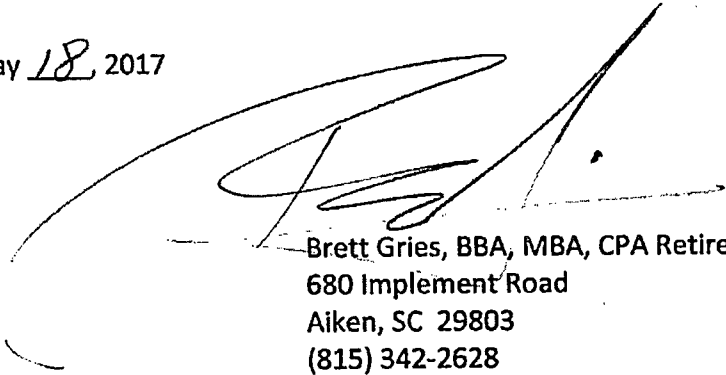
I Brett Gries, Appellant, certify that the above Record On Appeal, contains all matters proposed to be included by any of the parties and not any other material.



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[brettgries@aol.com](mailto:brettgries@aol.com)

Appellant (pro se)

Respectively Submitted, May 18, 2017

A large, stylized handwritten signature in black ink, appearing to read 'Brett Gries', is written over the typed name and contact information.

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[brettgries@aol.com](mailto:brettgries@aol.com)

Appellant (pro se)

Other Counsel of Record:  
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 2017.05.30) RESPONSE BY APPELLANT**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM COLUMBIA COUNTY  
Administrative Law Court

S. Phillip Lenski, Administrative Law Judge

---

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

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Aiken County Assessor,

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Brett Gries, Appellant.

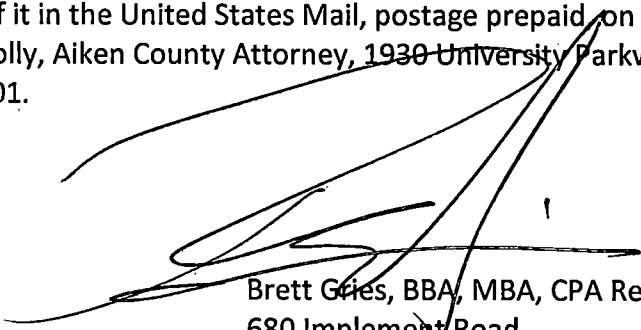
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PROOF OF SERVICE

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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 June 06, 2017, addressed to Mr. James Holly, Aiken County Attorney, 1930 University Parkway, Suite 3600, Aiken, South Carolina 29801.

June 06, 2017



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Appellant (pro se)

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JUN 08 2017

**SC Court of Appeals**

Brett Gries, BBA, MBA, CPA Retired  
680 Implement Road  
Aiken, SC 29803  
June 06, 2017

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

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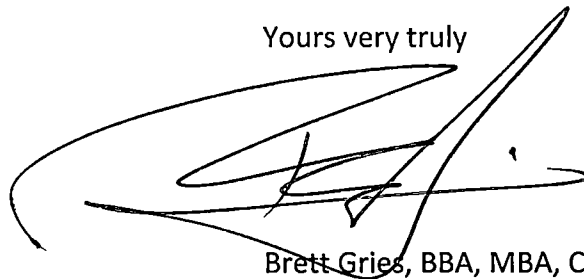
**SC Court of Appeals**

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

Dear Clerk Kitchings:

Please find enclosed for filing, one original and six copies of Appellants Motion Response, to Respondents "Motion To Dismiss Or For Other Relief On The Record Of Appeal" and one copy of the Certificate of Service on Respondent.

Yours very truly

A handwritten signature in black ink, appearing to be 'Brett Gries', written over a large, loopy flourish that extends to the left and underlines the signature.

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

Cc: Mr. James M. Holly  
Attorney for Respondent

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