

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

John D. McLeod, Presiding Administrative Law Judge

RECEIVED

AUG 10 2017

Docket No. 15-ALJ-07-0579-CC

SC Court of Appeals

Sunset Cay, L.L.C., .....Appellants,

v.

South Carolina Department of Health and  
Environmental Control, Office of Ocean and  
Coastal Resource Management, .....Respondents.

DESIGNATION OF MATTER TO BE INCLUDED  
IN THE RECORD ON APPEAL

The Department proposes that the following items be included in the record on appeal:

1. Department's *Partial Motion To Dismiss For Lack of Jurisdiction and Lack of Ripeness* (with all exhibits) dated June 1, 2016;
2. ALC's *Order of Dismissal* dated October 17, 2016;
3. ALC's *Amended Order of Dismissal* dated October 21, 2016;
4. Appellant's *Motion for Reconsideration* dated November 2, 2016;
5. Department's *Motion to Amend Order Vacating Previous Order and Amended Order of Dismissal* (with all exhibits) dated November 3, 2016;
6. ALC's *Second Amended Order of Dismissal* dated January 4, 2017;
7. Sunset Cay's Request for Contested Case (with all exhibits);
8. Sunset Cay's *Petition for Declaration under Regulation 30-9* (with all exhibits) dated August 27, 2015;
9. Department's October 12, 2015 response to Sunset Cay's Petition for Declaration (with all exhibits);
10. Transcript from June 27, 2016 Motion Hearing, p. 29;
11. Sunset Cay's Request for Final Review dated October 23, 2015;
12. Department's Cease and Desist directive with cover letter dated October 26, 2015;
13. Department's Notice of Violation and Admission Letter (NOV/AL) with cover letter dated October 26, 2015;
14. Department's *Motion to Amend Order Vacating Previous Order and Amended Order of Dismissal* (with all exhibits) dated November 3, 2016;

15. Department's Denial of Board Review dated December 2, 2015;
16. Sunset Cay's Request for a Contested Case (with all exhibits) dated December 23, 2015;
17. September 27, 2016 email from Brad Churdar to Tommy Goldstein;
18. December 13, 2016 email from Brad Churdar to the ALC and Tommy Goldstein;
19. December 13, 2016 Affidavit of Adam Page.



Bradley D. Churdar  
Chief Counsel, OCRM  
South Carolina Department of Health and  
Environmental Control  
1362 McMillan Avenue, Suite 400  
North Charleston, SC 29405  
(843) 953-0213  
(843) 953-0201 (fax)  
[churdabd@dhec.sc.gov](mailto:churdabd@dhec.sc.gov)

*Attorney for Respondent*

August 7, 2017

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

John D. McLeod, Presiding Administrative Law Judge

RECEIVED

Docket No. 15-ALJ-07-0579-CC

AUG 10 2017

SC Court of Appeals

Sunset Cay, L.L.C., .....Appellants,

v.

South Carolina Department of Health and  
Environmental Control, Office of Ocean and  
Coastal Resource Management, .....Respondents.

CERTIFICATE OF COUNSEL

I, Bradley D. Churdar, counsel of record for the Respondent SCDHEC, hereby certify that the Designation of Matter to be Included in the Record on Appeal contains no matter which is irrelevant to the appeal.



Bradley D. Churdar  
Chief Counsel, OCRM  
South Carolina Department of Health  
and Environmental Control  
1362 McMillan Avenue, Suite 400  
North Charleston, SC 29405  
(843) 953-0213  
(843) 953-0201 (fax)  
[churdabd@dhec.sc.gov](mailto:churdabd@dhec.sc.gov)  
*Attorney for Respondent*

August 7, 2017