

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

APPEAL FROM HORRY COUNTY
COURT OF COMMON PLEAS

SEP 05 2017

SC Court of Appeals

BENJAMIN H. CULBERTSON, CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2017-001381

MOTION TO VACATE LOWER COURT JUDGEMENT

AND

MOTION TO GRANT APPELLANT

SUMMARY JUDGEMENT ORIGINAL RELIEF
DEMANDED

RICHARD B. LAMB APPELLANT

✓

STATE OF SOUTH CAROLINA DMV. RESPONDENT
OFFICE OF GENERAL COUNSEL

THE FOLLOWING IS A MEMORANDUM OF CITATIONS
AND DOCUMENTS IN SUPPORT OF APPELLANT
FILING PER SCACR 240 (C)(1)(2)(3)
P.5

IN THE INTEREST OF JUSTICE AND EXPEDIENCE, THIS OUTLINES THE EVENTS AND FACTS OF THIS CASE THAT ARE UNARGUABLY IN SUPPORT OF APPELLANT.

EXHIBIT 1

RESPONDENTS AFFIDAVIT DATED MARCH 23, 2017 ADMITTING GUILT OF VIOLATING SOUTH CAROLINA TITLE CODE LAW § 56-10-650 AND § 1-23-370

EXHIBIT 2

COPY OF SOUTH CAROLINA TITLE CODE LAW § 56-10-650 (A)

EXHIBIT 3

COPY OF SOUTH CAROLINA TITLE CODE LAW § 1-23-370 (A) (C)

EXHIBIT 4

FR4 NOTICE FROM RESPONDENTS TO APPELLANT INDICATING DRIVERS LICENSE SUSPENSION DATE IN VIOLATION OF THE LAW DECEMBER 17, 2008.

EXHIBIT 5

2008 CALENDER INDICATING RESPONDENTS
IN VIOLATION OF MANDATING DUE PROCESS.
SPEAKS FOR ITSELF

EXHIBIT 6

COPY OF APPELLANTS SOUTH CAROLINA
D.M.V. DRIVING RECORD INDICATING
STATUS OF DRIVERS LICENSE SUSPENSION
AS INDEFFINATE

EXHIBIT 7

REINSTATEMENT OF APPELLANTS DRIVERS
LICENSE DATE AND FEES PAID, JULY 7, 2017

EXHIBIT 8

E-MAIL LETTER FROM APPELLANT TO
RESPONDENTS FILING NEW CLAIM.

EXHIBIT 9

RESPONDENTS RESPONSE DENYING NEW
CLAIM ACKNOWLEDGING THAT IT IS PART AND
PARCEL TO ORIGINAL CLAIM, THUS MAKING IT
A CONTINUING OFFENSE P. 7

EXHIBIT 10

APPELLANTS ASSERTION OF ISSUES BEING
A CONTINUING OFFENSE BASED ON
UNITED STATES ATTORNEY MANUAL SUBJECT
651, THE STATUS OF DRIVERS LICENSE
SUSPENSION AS INDEFFINATE (EXHIBIT 6)
THE ACT OF RESPONDENTS TAKING MONIES
ON JULY 7, 2017 (EXHIBIT 7) RESPONDENTS
ACKNOWLEDGEMENT OF PART AND PARCEL
(EXHIBIT 9)

EXHIBIT 11

LETTER IN RESPONSE TO COMPLAINT FILED
BY APPELLANT TO THE SOUTH CAROLINA
OFFICE OF INSPECTOR GENERAL DEMONSTRATING
AND STATING THEIR ACTIONS OF REFERRING
COMPLAINT TO RESPONDENTS INSURANCE CO.
INSURANCE RESERVE FUND.

EXHIBIT 12

PORTION OF RESPONDENTS INSURANCE
POLICY INDICATING TORT LIABILITY
COVERAGE FOR THE DENIAL OF DUE
PROCESS AS GUARANTEED BY THE 5TH AND 14TH
AMMENDMENTS OF THE U.S. CONSTITUTION,
P. 8

APPELLANT RESPECTFULLY ASSERTS THAT RESPONDENTS PURCHASE OF TORT LIABILITY INSURANCE THAT COVERS THE VIOLATION OF THE 5TH AND 14TH AMMENDMENTS OF THE UNITED STATES CONSTITUTION (DUE PROCESS) IS AN ACKNOWLEDGEMENT THAT THEY ARE LIABLE AND RESPONSIBLE FOR EXIBIT 12.

APPELLANT RESPECTFULLY PRAYS FOR THE RELIEF MOTIONED FOR.

RICHARD B. LAMB PROSE
9541 MAISON CT
MYRTLE BEACH, SC 29572
PROSE 843-516-0468

DOUGLAS CHARLES BAXTER
ESQUIRE, SC BAR NO. 6272
P.O. BOX 3646
MYRTLE BEACH, SC 29578
843-448-1008 843-448-1533 FAX
ATTORNEY FOR RESPONDENT

RESPECTFULLY,

Richard B. Lamb AUGUST 30, 2017
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STATE OF SOUTH CAROLINA
COUNTY OF HORRY

) IN THE COURT OF COMMON PLEAS
) FIFTEENTH JUDICIAL CIRCUIT
) C/A No. 2017-CP-26-0489

Richard B. Lamb,
Plaintiff,

vs.

State of South Carolina DMV,
Office of General Counsel,
Defendants.

AFFIDAVIT OF WILLIAM C.
WANNAMAKER

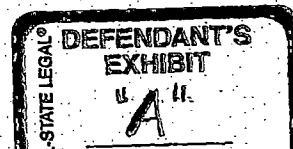
PERSONALLY APPEARED BEFORE ME William C. Wannamaker who, after being duly sworn, deposes and states as follows:

1. I am above the age of eighteen (18) and have personal knowledge of the facts stated herein.
2. I am currently the Financial Responsibility Manager for the State of South Carolina DMV ("SCDMV") and have been the Financial Responsibility Manager for fifteen (15) years.
3. In my capacity as the Financial Responsibility Manager, I have knowledge of the issuance of South Carolina driver's licenses and vehicle license plate tags.
4. In 2008, the Plaintiff was the record owner of a 2003 Dodge vehicle, tag number 2897DB and the SCDMV received notification from Progressive Direct Insurance that the vehicle might be uninsured.
5. On or about November 25, 2008, the SCDMV sent the Plaintiff a letter that his vehicle may be uninsured and informed the Plaintiff that he was required to respond to the notice by providing proof of insurance for the vehicle, providing proof that the vehicle had been sold/traded, or turn in the vehicle tag.

~~6. Due to a computer glitch, the letter misstated that the Plaintiff must respond before the suspension date of December 17, 2008, which was less than twenty (20) working days.~~

~~7. Allowing for twenty (20) working days from November 25, 2008, the Plaintiff had until December 30, 2008 to respond to the notice; however, the Plaintiff did not turn in his vehicle license plate tag (Tag No. 2897DB) into the SCDMV until January 14, 2009.~~

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8. As of January 14, 2009, the Plaintiff was eligible to apply to have his driver's license reinstated upon submitting an application and paying a fee.
9. Since January 14, 2009, the SCDMV has no record of the Plaintiff submitting an application and fee to reinstate his driver's license.
10. The SCDMV has no record of the re-issuance of vehicle license plate tags for the 2003 Dodge in the Plaintiff's name.

FURTHER THE AFFIANT SAYETH NOT.

William C Wannamaker
William C. Wannamaker

SWORN TO and subscribed before me
this 30 day of March 2017.

Brandy A. Duncan
Notary Public for South Carolina

My commission expires May 9, 2023



(2) assigning a newly-licensed driver to the proper automobile insurance policy for rating purposes; and

(3) ordering a motor vehicle report on a newly-licensed driver.

HISTORY: 2002 Act No. 324, Section 1; 2004 Act No. 241, Section 5.

Code Commissioner's Note

Pursuant to the direction to the Code Commissioner in 2003 Act No. 51, Section 18, "Department of Motor Vehicles" was substituted for "Motor Vehicle Division" and "department" for "division" in subsections (A) and (B).

~~SECTION 56-10-650. Suspension of owner's driving privileges and license plates of uninsured motor vehicle; notification of owner; proof of insurance.~~

(A) If the database indicates that a motor vehicle is not insured or if the Department of Motor Vehicles receives notification as prescribed by regulation that a vehicle may not be insured, the department shall notify the owner of the motor vehicle that he has twenty working days to provide the department with one of the following, or the owner's driving privileges and the vehicle license plates will be suspended:

(1) proof of complying coverage in accordance with Sections 56-10-10 or 56-10-220, or of self-insurance in accordance with Section 56-9-60; or

(2) proof of exemption from the financial security requirements.

(B) Verification in a manner prescribed by regulation from an insurer or agent verifying that the person had the required motor vehicle insurance coverage on the date specified is considered proof of financial responsibility for purposes of this section.

HISTORY: 2002 Act No. 324, Section 1; 2004 Act No. 241, Section 6.

Code Commissioner's Note

2002 Act No. 324, Section 12, provides as follows:

"This act takes effect July 1, 2002; provided, however, that Section 56-10-650 and Sections 5, 6, and 9 are effective one hundred eighty days after the latter of certification by the department to the President Pro Tempore of the Senate and the Speaker of the House of Representatives that the program has been implemented and is fully prepared to accept data transmitted by the insurers or publication of final regulations by the department."

Pursuant to the directive to the Code Commissioner in 2003 Act No. 51, Section 18, "Department of Motor Vehicles" was substituted for "department" and "department" for "division" in subsection (A).

SECTION 56-10-660. Database information disclosure; fee.

(A) The division, for a fee as prescribed and promulgated by regulation, shall disclose an individual's reported database information upon request by the following individuals and agencies only:

(1) the individual;

(2) the parent or legal guardian of an individual who is an unemancipated minor;

(3) the legal guardian of an individual who is legally incapacitated;

(4) a person who has power of attorney from the individual;

(5) a person who submits a notarized release from the individual that is dated no more than ninety days before the date the request is made;

findings. If, in accordance with agency rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Parties shall be notified either personally or by mail of any decision or order. Upon request a copy of the decision or order shall be delivered or mailed forthwith to each party and to his attorney of record.

HISTORY: 1977 Act No. 176, Art. II, Section 5.

SECTION 1-23-360. Communication by members or employees of agency assigned to decide contested case.

Unless required for the disposition of ex parte matters authorized by law, members or employees of an agency assigned to render a decision or to make findings of fact and conclusions of law in a contested case shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor, in connection with any issue of law, with any party or his representative, except upon notice and opportunity for all parties to participate. An agency member:

- (1) May communicate with other members of the agency; and
- (2) May have the aid and advice of one or more personal assistants.

Any person who violates the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than two hundred fifty dollars or imprisoned for not more than six months.

HISTORY: 1977 Act No. 176, Art. II, Section 6.

SECTION 1-23-370. Procedures regarding issuance, denial or renewal of licenses.

(a) When the grant, denial or renewal of a license is required to be preceded by notice and opportunity for hearing, the provisions of this article and Article 1 concerning contested cases apply.

(b) When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

(c) No revocation, suspension, annulment, or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency gave notice by mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

HISTORY: 1977 Act No. 176, Art. II, Section 7.

SECTION 1-23-380. Judicial review upon exhaustion of administrative remedies.

A party who has exhausted all administrative remedies available within the agency and who is aggrieved by a final decision in a contested case is entitled to judicial review pursuant to this article and Article 1. This section does not limit utilization of or the scope of judicial review available under other means of review, redress, relief, or trial de novo provided by law. A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy. Except as otherwise provided by law, an appeal is to the court of appeals.

(1) Proceedings for review are instituted by serving and filing notice of appeal as provided in the South Carolina Appellate Court Rules within thirty days after the final decision of the agency or, if a rehearing is requested, within thirty days after the decision is rendered. Copies of the notice of appeal must be served upon the agency and all parties of record.

(2) Except as otherwise provided in this chapter, the serving and filing of the notice of appeal does not itself stay enforcement of the agency decision. The serving and filing of a notice of appeal by a licensee for review of a fine or penalty or of its license stays only those provisions for which review is sought and matters not affected by the notice of appeal are not stayed. The serving or filing of a notice of appeal does not automatically stay the suspension or revocation of a permit or license authorizing the sale of beer, wine, or alcoholic liquor. The agency may grant, or the reviewing court may order, a stay upon appropriate terms, upon the filing of a petition under Rule 65 of

Department of Motor Vehicles



11/25/2008

LAMB, RICHARD B
9541 MAISON CT
MYRTLE BEACH, SC 29572-5177

FR4 Reference No:006153511
Date of Cancellation:10/31/2008
Date of Suspension:12/17/2008
Customer No. 30262319
Driver License No: 101451988

South Carolina Department Of Motor Vehicles
FR4 Notice Of Cancellation

PLEASE DO NOT IGNORE THIS NOTICE

Failure to respond to this notice BEFORE the suspension date listed above will result in the SUSPENSION OF YOUR REGISTRATION AND DRIVER LICENSE privileges in this state.

The South Carolina Department of Motor Vehicles (SCDMV) has received notification from PROGRESSIVE DIRECT INSURANCE C that the following vehicle may be uninsured:

YR/MAKE: 2003 DODG PK VIN NO: 1D7HA16D63J599166 TAG NO: 2897DB

If you currently have liability insurance or must obtain liability insurance on the vehicle listed above, YOU MUST TAKE THIS LETTER TO YOUR INSURANCE COMPANY EVEN IF YOU BELIEVE YOU HAVE RECEIVED THIS NOTICE IN ERROR. Your insurer or agent must electronically transmit the insurance information to DMV using the SC ALIR system (available at www.sc-alir.com.)
OR

Commercial carriers and out-of-state agents that do not have access to the SC ALIR system can complete the insurance information located on the reverse side of this notice and submit to the DMV. It will be your responsibility to ensure that DMV receives the insurance information in order to clear the suspension.

If you have sold or traded the vehicle above you must complete the vehicle Sold/Traded section of the FR4a form located on the back of this notice.

If you do not wish to obtain liability insurance, South Carolina law requires that you surrender your vehicle tag and registration card to your nearest DMV branch office. If you do not surrender your vehicle tag, it will be confiscated by law enforcement and additional penalties and fines may also apply.

If there has been a lapse in your insurance coverage, you will be charged a penalty of \$5.00 per day for each uninsured day from 10/31/2008, up to a maximum of \$200.00.

Failure to comply with this notice before the suspension date listed above will result in the suspension of your vehicle registration and/or drivers license. If suspended, you could be charged an additional \$200.00 to reinstate your registration and/or driving privilege.

File No: 9112121
SC Law Code: 56-10-240, 56-10-245

FORM FR4
Revised 10/06



GENERAL SERVICES ADMINISTRATION

2008

January

PP#	S	M	T	W	T	F	S
			1	2	3	4	5
2	6	7	8	9	10	11	12
	13	14	15	16	17	18	19
3	20	21	22	23	24	25	26
	27	28	29	30	31		

February

PP#	S	M	T	W	T	F	S
						1	2
4	3	4	5	6	7	8	9
	10	11	12	13	14	15	16
5	17	18	19	20	21	22	23
	24	25	26	27	28	29	

March

PP#	S	M	T	W	T	F	S
							1
6	2	3	4	5	6	7	8
	9	10	11	12	13	14	15
7	16	17	18	19	20	21	22
	23	24	25	26	27	28	29
8	30	31					

April

PP#	S	M	T	W	T	F	S
8		1	2	3	4	5	
	6	7	8	9	10	11	12
9	13	14	15	16	17	18	19
	20	21	22	23	24	25	26
10	27	28	29	30			

May

PP#	S	M	T	W	T	F	S
10					1	2	3
	4	5	6	7	8	9	10
11	11	12	13	14	15	16	17
	18	19	20	21	22	23	24
12	25	26	27	28	29	30	31

June

PP#	S	M	T	W	T	F	S
	1	2	3	4	5	6	7
13	8	9	10	11	12	13	14
	15	16	17	18	19	20	21
14	22	23	24	25	26	27	28
	29	30					

July

PP#	S	M	T	W	T	F	S
			1	2	3	4	5
15	6	7	8	9	10	11	12
	13	14	15	16	17	18	19
16	20	21	22	23	24	25	26
	27	28	29	30	31		

August

PP#	S	M	T	W	T	F	S
						1	2
17	3	4	5	6	7	8	9
	10	11	12	13	14	15	16
18	17	18	19	20	21	22	23
	24	25	26	27	28	29	30
19	31						

September

PP#	S	M	T	W	T	F	S
19		1	2	3	4	5	6
	7	8	9	10	11	12	13
20	14	15	16	17	18	19	20
	21	22	23	24	25	26	27
21	28	29	30				

October

PP#	S	M	T	W	T	F	S
21			1	2	3	4	
	5	6	7	8	9	10	11
22	12	13	14	15	16	17	18
	19	20	21	22	23	24	25
23	26	27	28	29	30	31	

November

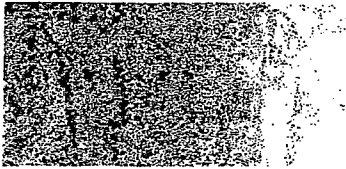
PP#	S	M	T	W	T	F	S
23							1
	2	3	4	5	6	7	8
24	9	10	11	12	13	14	15
	16	17	18	19	20	21	22
25	23	24	25	26	27	28	29
	30						

December

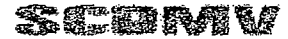
PP#	S	M	T	W	T	F	S
							6
25	7	8	9	10	11	12	13
	14	15	16	17	18	19	20
1	21	22	23	24	25	26	27
	28	29	30	31			

HOLIDAYS: CHECK-PAY DATES: QTR: PAY PERIOD END DATES: EFT PAY DATES:

R15



South Carolina Department of Motor Vehicles



[Home](#) [Driver Services](#) [Vehicle Services](#) [General Services](#) [Support](#)

[DMV Home](#) > [Public Services Home](#) > [Driver Record Points and Status](#)

Step 2: Transaction Completed

Reference Number:	1517199690
Date:	06/20/2015
Time:	17:25:48

A summary of your driver record is provided below.

Point Summary

Current Points Against Record: 0 (Includes Defensive Driving Credits)

Regular Driver's Privilege

Suspended: Yes

Suspension End Date: INDEFINITE

Commercial Driver Privilege (CDL)

Disqualified: Yes

Disqualification End Date: INDEFINITE

Moped Driver Privilege

Suspended: No

Suspension End Date: N/A

*ENS for 7 years
she i do not
have a liscence*

Regular Driver Privilege Reinstatement Requirements

POSITIVE PROOF OF INSURANCE FROM SUSPENSION DATE TO PRESENT

Multiple Financial Responsibility Requirements - please contact DMV for details

Commercial Driver Privilege (CDL) Reinstatement Requirements

(none)

Moped Driver Privilege Reinstatement Requirements

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1



**SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES
0074 N. Myrtle Beach
107 HWY 57 NORTH
LITTLE RIVER, SC 29566-0000**

**Receipt of Fees Paid
7/7/2017 1:22:40 PM**

**30262319
LAMB, RICHARD B
9541 MAISON CT
MYRTLE BEACH, SC 29572-5177**

Reference No: 128226401

SERVICES

Customer Name	ServiceDescription	Identifier	Amount
LAMB, RICHARD B	REINSTATEMENT	006153511	\$200.00
LAMB, RICHARD B	REINSTATEMENT	006153511	\$200.00
LAMB, RICHARD B	RENEW REGULAR DL	DL 0101451988	\$25.00
		Donate Life SC:	\$0.00
		Total Fees Due:	\$425.00

PAYMENTS

NANCYLAMBI	Card Number: XXXXXXXXXXXX7651	Exp: 06/20	
Card Type: MasterCard	Merchant ID: 000415018074997	Card Amount:	\$425.00
Auth Code: 700201		Total Payments:	\$425.00

End of Receipt

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Entire Mailbox

FW: correction to claim dated July 21,2017 received in your office July 24,2017 cerified return rec.

rblmaverick [rblmaverick@msn.com]

Sent: Sunday, August 6, 2017 4:53 AM

To:

Attachments:

- Deleted Items
- Drafts
- Inbox**
- Junk Email
- Sent Items

From: rblmaverick

Sent: Sunday, August 6, 2017 4:41 AM

To: clombard@irf.sc.gov; aflynn@irf.sc.gov; jdoty@irf.sc.gov; oig@oig.sc.gov

Subject: correction to claim dated July 21,2017 received in your office July 24,2017 cerified return rec.

Archive

Mr Lombard, This is Richard Lamb , This notice is to correct and clairify the claim submitted to you on said date. The amount of the demand for damages is for the maximun stated in the policy , that amount is \$600.000. I mistated the amount of \$300.000. Also i respectfully would like to point out the policy and specifcly pages 7 and 8 on the document , Tort Liability definiinitions B-6 on page 8. See policy attached. Please be advised that Mr. Brian Lamkin with South Carolina Inspector Generals office is receiving a copy of this notice and claim as i have filed a formal complaint with their office in regards to the SC DMV unlawful actions. I respectfully ask you to please expodite this claim, the 2008 calander does not lie and the state of South Carolina has admitted by sworn affidavit dated March 23,2017 that they did not provide the Due Process oppurtunity mandated by statutory law. Also if your office has concerns about an plder claim and any law suits that may be pending, l please take notice that that is for a state law violation claim of Shame Legal Process, and if we cant settle this i will file a federal claim in court for violating the Due Process Clause of the 5th and 14th admendments of the United States Constitution. I am also attaching directive and case law from the United States Attorneys Manual Subject 651 Statute of Limitations for Continuing Offences. Seeing as they admitted to the violations and still required a monitary fined of \$425.00 Received by the South Carolina DEpartment of Motor Vehicles on July 7th,2017 denied me Due Process and Liberty. These documents spell it out very clearly . Thank You for your attention to this matter!! Sincerly Richard Lamb,,

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Reply To:
Myrtle Beach
dbaxter@richardsonplowden.com
Direct Dial: 843-443-3580

August 15, 2017

Richard B. Lamb
9541 Maison Court
Myrtle Beach, SC 29572

Re: Richard B. Lamb v. State of South Carolina DMV, Office of General Counsel
C/A No.: 2017-CP-26-0489
RPR No.: 181-891

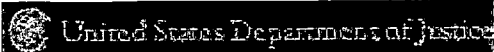
Dear Mr. Lamb:

In response to your email to Chris Lombard dated August 6, 2017, it is the Defendant's position that the reinstatement of your driver's license does not constitute a new claim and is part and parcel of the causes of action asserted in the current litigation, which is on appeal. Additionally, it appears that, other than the reinstate fee, you are claiming the same damages as were asserted in the current litigation.

Sincerely yours,


Douglas Charles Baxter

DCB/geh



OFFICES OF THE
UNITED STATES ATTORNEYS

[U.S. Attorneys](#) » [Resources](#) » [U.S. Attorneys' Manual](#) » [Criminal Resource Manual](#) » [CRM 500-999](#) » [Criminal Resource Manual 601-699](#)

651. Statute of Limitations for Continuing Offenses

Normally, a statute of limitations begins to run on the date when the offense is completed. See *Toussie v. United States*, 397 U.S. 112 (1970). Some offenses, by their nature, have attributes of nonfinality and are called continuing offenses. For example, possession-of-contraband offenses are continuing offenses. *Von Eichelberger v. United States*, 252 F.2d 184 (9th Cir. 1958). Escape from federal custody is a continuing offense, see *United States v. Bailey*, 444 U.S. 394 (1980), as is conspiracy, see this [Manual at 652](#).

The finding that an offense is a continuing offense is disfavored. It must be found that "the explicit language of the substantive criminal statute compels such a conclusion, or that the nature of the crime involved is such that Congress must assuredly have intended that it be treated as a continuing one." *Toussie, supra*, at 115.

[cited in [USAM 9-18.000](#)]

[< 650. Length of Limitations Period](#)

[up](#)

[652. Statute of Limitations for Conspiracy >](#)

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Entire Mailbox ▾



**Complaint to the SC Office of the Inspector General -
File No.: 2017-2343-C**

Wentworth, Patty [PattyWentworth@oig.sc.gov]

Sent: Wednesday, August 16, 2017 1:28 PM

To:

Dear Mr. Lamb:

I am writing in response to a complaint you sent to the SC Office of the Inspector General regarding your concerns about the SC Department of Motor Vehicles suspending your driver's license in violation of title code law and mandated procedure. This office will refer your complaint to the Insurance Reserve Fund and to the SC Department of Motor Vehicles Inspector General Karl McClary. You may want to contact the Federal Bureau of Investigation with your concerns about violation of your civil rights.

Thank you for registering your complaint with the SC Office of the Inspector General.

Sincerely,

Patty Wentworth
Administrative Coordinator
Office of the Inspector General

Deleted Items

Drafts

Inbox

Junk Email

Sent Items

Archive

P. 21



POLICYHOLDER'S MANUAL

ALL LINES

**STATE FISCAL ACCOUNTABILITY AUTHORITY
INSURANCE RESERVE FUND
POST OFFICE BOX 11066
1201 MAIN STREET - SUITE 500
COLUMBIA, SOUTH CAROLINA 29201**

PHONE NUMBER (MAIN)

803-737-0020

FAX NUMBERS

803-737 0393 - Underwriting

803-737-3757 - Medical Professional Liability

803-737-0042 - Claims

July 2015 (REV.)

B. Tort Liability

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 - a. Insured
 - b. Personal Injury**
 - c. Property Damage
 - d. Occurrence
2. Coverages
3. Exclusions
4. Limits of Liability
 - a. Primary
 - b. Excess
5. Prepaid Legal Expense
 - a. Purpose
 - b. Eligibility
 - c. Coverages
6. Sewer Backup Coverage
 - a. Purpose
 - b. Limits

C. Medical Professional Liability

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2. Definitions
3. Exclusions

D. Automobile

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1. Definitions
2. Coverages
3. Exclusions
4. Limits of Liability

E. School Bus Accident (State and District Owned Route Buses)

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1. Description
2. Coverages
3. Exclusions

**F. School Activity Bus Accident
(School District Owned/Contracted Vehicles)**

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1. Description
2. Definitions
3. Coverages
4. Exclusions

G. Pollution Liability Coverage for Owners of Underground Storage Tanks

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2. Coverages
3. Exclusions
4. Limits of Liability

H. Aircraft

Page 18

1. Description
2. Coverages

P. 23

7. INLAND MARINE

- a. COVERAGE: Applies to property moving, capable of being moved or aiding in the movement of property. The Fund will pay for direct physical loss of or damage to covered property unless excluded. Coverage is written on the following forms:
- i. "Contractors equipment form" (Form PD13 01-01) applies to mobile heavy equipment. The Fund will pay for direct physical damage of or loss to covered property unless excluded or limited. Coverage is written on an actual cash value basis with a 100% coinsurance clause. A deductible equal to 2% of the amount of loss, with a \$500 minimum applies to each loss. Automatic coverage is provided on newly acquired property if reported within 30 days of acquisition, limited to the lesser of \$25,000 or 25% of total limits of insurance.
 - ii. "Fine arts floater form" (Form PD19 01-91) applies to objects of art such as pictures, statuary, bronzes and antiques, rare manuscripts and books, etc. The Fund will pay for direct physical loss of or damage to covered property unless excluded or limited. Coverage is written on an agreed value basis with a 100% coinsurance clause. A standard \$500 deductible applies.
 - iii. "Scheduled property floater form" (Form PD14 01-01) applies to miscellaneous property that is mobile in nature. The Fund will pay for direct physical damage of or loss to covered property unless excluded or limited. Coverage is written on an actual cash value basis with a 100% coinsurance clause. A standard \$500 deductible applies to each loss.
 - iv. "Trip transit endorsement" (Form PD22 01-91) applies to the owner's property while being transported. The Fund will pay for direct physical damage of or loss to covered property unless excluded or limited. Coverage is written on an actual cash value basis with a 100% coinsurance clause. A standard \$500 deductible applies to each loss.
 - v. "Watercraft form" (Form PD18 01-91) applies to outboard boats, inboard boats, inboard/outboard boats, and sailboats, less than 26 feet. The Fund will pay for direct physical loss of or damage to covered property, unless excluded or limited. Coverage is written on an actual cash value basis with a 100% coinsurance clause. A standard \$500 deductible applies to each loss.

B. TORT LIABILITY (Form CD013-05)

1. DEFINITIONS

- a. "Insured" includes the entity named on the declaration page, employees of the entity, while acting in the scope of their official duties and volunteers, as defined by Section 8-25-10 of the S. C. Code, while acting in the scope of their official duties.

An insured does not include an independent contractor or non-governmental entities/employees, except when acting as volunteers.

~~b. "Personal injury" means:~~

i. Bodily injury caused by an occurrence

~~ii. Injury arising out of or one or more following offenses committed during the policy period:~~

1. false arrest, detention, imprisonment, malicious prosecution or humiliation resulting from false arrest, detention, imprisonment or malicious prosecution
2. wrongful entry or eviction
3. libel and slander
4. assault and battery
5. discrimination on the basis of race, sex, age, religion or handicap
- ~~6. denial of due process as guaranteed by the 5th and 14th Amendments of the United States Constitution.~~
7. violation of the 1st, 4th, and 8th Amendments of the United States Constitution.

c. "Property damage" means physical damage to or destruction of tangible property, including loss of use.

d. "Occurrence" means an accident, including continuous or repeated exposure to conditions, which result in personal injury or property damage neither intended nor expected from the standpoint of the insured. (Negligence)

2. COVERAGES

The Fund will pay on behalf of the insured all sums (up to the policy limits) which the insured shall become legally obligated to pay to a third party as damages because of personal injury or property damage caused by an occurrence. In addition, the Fund will pay all defense costs; reasonable medical expenses (limited to \$1,000 per person); and premiums on appeal bonds and attachment bonds.

A standard \$250 per claim deductible applies to all property damage claims.

Coverages are written on an "occurrence" policy form. Coverage of the "occurrence" policy is triggered by the event resulting in damages to a third party. The "occurrence" policy will respond to covered events arising during the policy period, no matter when the claim is eventually reported.

3. EXCLUSIONS INCLUDE

- a. Contractual liability. Contractual liability exists when one party assumes the liabilities of another party, or the financial responsibility for those liabilities, by means of a contract. Two examples are "hold harmless" clauses and "indemnification" clauses in written agreements. The insured should be alert to any wording in contracts that state you will "hold harmless", "indemnify" or "name an additional insured."

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM Horry COUNTY
COURT OF COMMON PLEAS

RECEIVED

SEP 05 2017
SC Court of Appeals

BENJAMIN H CULBERTSON, CIRCUIT COURT JUDGE
APPELLATE CASE NO. 2017-001381

RICHARD B. LAMB

APPELLANT



STATE OF SOUTH CAROLINA DMV. RESPONDENT
OFFICE OF GENERAL COUNSEL

MOTION TO VACATE
AFFIDAVIT MOTION FOR SUMMARY JUDGEMENT

PERSONALLY APPEARED RICHARD B. LAMB WHO STATES THAT HE SERVED THE RESPONDENTS WITH A COPY OF THE MOTION TO VACATE LOWER COURT JUDGEMENT AND MOTION TO GRANT APPELLANT SUMMARY JUDGEMENT ORIGINAL RELIEF DEMANDED WITH EXIBITS 1 THRU 12 BY MAILING FIRST CLASS MAIL, CERTIFIED MAIL AND RETURNED RECEIPT. IN THE UNITED STATES MAIL WITH PROPER POSTAGE ATTACHED. ON 08-31-2017 ON ADDRESSED AS FOLLOWS:

DOUGLAS CHARLES BAXTER ESQUIRE, SC BAR NO. 6272
P.O. BOX 3646 MYRTLE BEACH, SC 29578

MOTIONS, EXIBITS, STATMENTS LISTED ARE TRUE AND CORRECT.

SWORN TO BEFORE ME THIS
31ST DAY OF AUGUST 2017

Carmen E. Higham

NOTARY PUBLIC OF SOUTH CAROLINA



MY COMMISSION EXPIRES 2/03/2026

Richard B Lamb

AFFIANT

RICHARD B. LAMB PRO SE
9541 MAISON CT.
MYRTLE BEACH, SC 29578
PROSE
843-516-0468

DOUGLAS CHARLES BAXTER
ESQUIRE, SC BAR NO. 6272
P.O. BOX 3646
MYRTLE BEACH, SC 29578
843-448-1008 843-448-1533
FAX
ATTORNEY FOR RESPONDENT

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY
COURT OF COMMON PLEAS

BENJAMIN H CULBERTSON, CIRCUIT COURT JUDGE
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APPELLANT **RECEIVED**

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SC Court of Appeals

V

STATE OF SOUTH CAROLINA DMV. RESPONDENT
OFFICE OF GENERAL COUNSEL

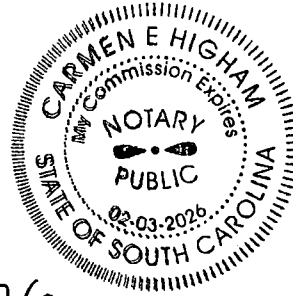
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NOTARY PUBLIC OF SOUTH CAROLINA



my COMMISSION EXPIRES 2/03/2026

Richard B Lamb
AFFIANT

RICHARD B. LAMB PRO SE
9541 MAISON CT.
MYRTLE BEACH, SC 29572
PRO SE
843-516-0468

DOUGLAS CHARLES BAXTER
ESQUIRE, SC BAR NO. 6272
P.O. BOX 3646
MYRTLE BEACH, SC 29578
843-448-1008 843-448-1533
FAX
ATTORNEY FOR RESPONDENT

TO-

HONORABLE JENNY ABBOTT KITCHINGS

PLEASE FIND 6 COPIES AND 1 ORIGINAL OF
AFFIDAVITS AND MOTIONS TO BE FILED
IN APPELLATE CASE NO. 2017-001381
MOTION FILING FEES AND CERTIFIED RECEIPT
ATTACHED TO ORIGINAL.

THANK YOU!
Richard B. Lamb

RICHARD B. LAMB

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