THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Robert E. Hood, Circuit Court Judge

Civil Action No. 2016-CP-40-01951
Appellate Case No. 2017-000052

Marion E. Crocker, Jr.,

Appellant,

v.

South Carolina Department of Health and Environmental Control,

Respondent.

BRIEF OF RESPONDENT

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STATEMENT OF ISSUES ON APPEAL

I. To the extent Appellant is attempting to bring a private cause of action for age discrimination against Respondent South Carolina Department of Health and Environmental Control ("DHEC") under S.C. Code Ann. § 1-13-90(c), the Court correctly held that there is no private right of action under S.C. Code Ann. § 1-13-90(c).

II. The "Notice of Right to Sue" on which Appellant relies does not apply to claims brought under the South Carolina Human Affairs Law.

III. To the extent Appellant is attempting to bring an age discrimination claim against DHEC under S.C. Code Ann. § 1-13-90(d), the Court correctly held that it was barred by the applicable statute of limitations.

STATEMENT OF THE CASE

On March 28, 2016, Appellant filed this action in the Court of Common Pleas of Richland County. (R, pp. 15-21). He brought two claims against DHEC, each stated under the South Carolina Human Affairs Law ("SCHAL"), S.C. Code Ann. § 1-13-10 *et seq*. (R, pp. 19-20). Appellant abandoned one of his claims during the course of the case, and only one remains on this appeal. (R, p. 1).

DHEC timely answered Appellant's Complaint and asserted several defenses, including failure to state a claim upon which relief may be granted, and a defense based on the statute of limitations contained in the SCHAL. (R, pp. 22-25).

Following a hearing on DHEC's Motion for Summary Judgment, the Court of Common Pleas dismissed the case with prejudice by Order dated November 16, 2016. (R, pp. 4-14).

Appellant timely moved to alter or amend the Order, which the Court of Common Pleas denied on December 8, 2013. (R, pp. 1-3; R, pp. 58-65).

Appellant timely filed his Notice of Appeal, and his appeal is currently before this Court.

STATEMENT OF FACTS

Appellant is a former employee of DHEC. (R, p. 15, ¶ 2). While he was employed by DHEC, in September 2012, DHEC posted the position of Agency Chief Information Officer, and solicited applications for the position. (R, p. 16, ¶ 13). Appellant submitted his own application. In fact, several persons, including five (5) internal DHEC employees, also submitted their applications. (R, p. 33). As a courtesy, one DHEC employee, Dakin MacPhail, received an interview, even though he did not meet the technical minimum qualifications for the position. (R, p. 33).

A three-member panel conducted interviews of five (5) candidates, including Appellant, and recommended the top three (3) applicants to Ms. Barbara Derrick, then DHEC's Director of Administration. Plaintiff was not one of the top three applicants. (R, p. 33).

Ms. Derrick selected Dakin MacPhail, who was an internal DHEC candidate for the position. Although he did not technically meet the minimum qualifications, DHEC chose him because he performed best in his interview. At the time of his selection for the position, Dakin MacPhail was 45 years old. Appellant was 55 years old at the time. (R. p. 17, ¶ 23; R, p. 33).

On August 7, 2013, Plaintiff submitted a Charge of Discrimination to the South Carolina Human Affairs Commission ("SHAC"), alleging a claim of age discrimination, claiming that the "younger person that did not meet minimum hiring requirements for the advertised position was selected." (R. p. 37). SHAC deferred processing of the Charge to the EEOC. (R. p. 34).

On July 1, 2015, the EEOC found that "there is reasonable cause to believe [Appellant] was denied a promotion to Agency Chief Information Officer[] because of his age." (R, pp. 39-40). DHEC vehemently disagreed with the EEOC's finding, and so notified the EEOC.

Thereafter, the EEOC engaged in legally-required "conciliation" efforts between the parties that ultimately failed. (R, p. 41).

On February 11, 2016, the EEOC issued a "Notice of Conciliation Failure" to the parties. (R, p. 41). On the same date, the EEOC also issued a "Notice of Right to Sue" to the Plaintiff. (R, p. 42). Under the heading applicable to the federal Age Discrimination in Employment Act ("ADEA"), the notice states as follows:

> "[y]ou may file a lawsuit against the respondent(s) **under federal law** based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**, or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

(R, p. 42) (emphasis in the original).

On March 28, 2016, Appellant filed this action in the Court of Common Pleas of Richland County. He brought two claims against DHEC, each stated under the South Carolina Human Affairs Law, S.C. Code Ann. § 1-13-10 *et seq.*:

a. His first claim alleges that DHEC discriminated against him because of his age "when he was denied the position of Agency Chief Information Officer." He was allegedly denied this position on or about January 31, 2013.

b. His second claim alleges that "his termination was in retaliation for complaining of age discrimination." Appellant was notified about the RIF in July 2013, and his position was eliminated on or about September 17, 2013.[1]

[1] Appellant voluntarily dismissed his retaliation claim at oral argument. The only remaining claim is Appellant's claim for age discrimination under the SCHAL.

(R, pp. 19-20). Notably, Appellant did **not** bring any lawsuit against DHEC under ADEA, as referenced in the Notices of Right to Sue mentioned above.

DHEC timely answered Appellant's Complaint and asserted several defenses, including failure to state a claim upon which relief may be granted, and a defense based on the Statute of Limitations contained in the SCHAL.

Following a hearing on DHEC's Motion for Summary Judgment, the Court of Common Pleas dismissed the case with prejudice on the following grounds:

- There is no private right of action under S.C. Code § 1-13-90(c) of the SCHAL.
- To the extent that Appellant was attempting to bring a claim under S.C. Code § 1-13-90(d), such a claim was barred by the applicable statute of limitations.
- Appellant's "Notice of Right to Sue" from the EEOC applied, by its own terms, only to federal claims, not state claims.
- Appellant wrongly argued that DHEC entered into a conciliation agreement with him.[2]
- Appellant's argument that a plain reading of S.C. Code § 1-13-90(d)(6) would lead to absurd results was incorrect and unavailing.[3]
- Appellant failed to show that he was entitled to equitable tolling of the applicable statute of limitations in S.C. Code § 1-13-90(d)(6).

(R, pp. 19-20). This appeal follows.

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[2] Appellant has abandoned this argument. *See First Sav. Bank v. McLean,* 314 S.C. 361, 363, 444 S.E.2d 513, 514 (1994).

[3] Appellant has also abandoned this argument. *First Sav. Bank,* 314 S.C. at 363, 444 S.E.2d at 514.

ARGUMENT

I. TO THE EXTENT APPELLANT IS ATTEMPTING TO BRING A PRIVATE CAUSE OF ACTION FOR AGE DISCRIMINATION AGAINST DHEC UNDER S.C. CODE ANN. § 1-13-90(C), THE COURT CORRECTLY HELD THAT THERE IS NO PRIVATE RIGHT OF ACTION UNDER S.C. CODE ANN. § 1-13-90(C).

Appellant has attempted to bring an age discrimination claim against a state agency under the SCHAL. There is but one way a state agency can be subject to liability under SCHAL, and that is an administrative procedure set forth under S.C. Code Ann. § 1-13-90(c).

There are two statutory schemes for processing and adjudicating complaints about employment practices brought under the SCHAL.

- For complaints asserting an unlawful employment practice by **a state agency or department or local subdivisions of a state agency or department**, the procedure is set forth under S.C. Code Ann. § 1-13-90(c).

- For complaints asserting an unlawful employment practice by employers, employment agencies or labor organizations, including municipalities, counties, special purpose districts, school districts, and local governments, but **not including employers, employment agencies or labor organizations covered by Section 1-13-90(c)**, the procedure is set forth under S.C. Code Ann. § 1-13-90(d).

S.C. Code Ann. § 1-13-90(c) – which covers state agencies – sets forth an elaborate administrative process that begins with the Commission ordering a hearing under the authority of a supervisory commission member. Notably, the supervisory commission member's order for dismissal of the complaint or for a hearing is not subject to judicial or other further review. S.C. Code Ann. § 1-13-90(c)(5). The hearing is convened before a panel of three commission members and is subject to the Administrative Procedures Act. Certain remedies are available to the complainant, such as back pay and/or reinstatement. S.C. Code Ann. § 1-13-90(c) also provides for

appellate and judicial review of orders of the panel, as well as legal action by the Commission to enforce an order of the panel. Most notably, S.C. Code Ann. § 1-13-90(c) makes absolutely no reference to a private right of action.

The process for adjudicating complaints under S.C. Code Ann. § 1-13-90(d) is quite different. There is no provision for an administrative hearing convened by the Commission. Rather, under S.C. Code Ann. § 1-13-90(d)(4), the Commissioner – not a supervisory commission member – makes the determination whether the Commission will dismiss the charge or bring an action in equity in circuit court on behalf of the complainant against the respondent. The Commissioner's order is not subject to judicial or other further review.

Moreover, under S.C. Code Ann. § 1-13-90(d)(6), the complainant also has a private right of action, set forth as follows:

> If a charge filed with the commission by a complainant pursuant to this chapter is dismissed by the commission, or if within one hundred eighty days from the filing of the charge the commission has not filed an action under this chapter or entered into a conciliation agreement to which the complainant is a party, **the complainant may bring an action in equity against the respondent in circuit court**. **The action must be brought within one year from the date of the violation alleged, or within one hundred twenty days from the date the complainant's charge is dismissed, whichever occurs earlier,** except that this period may be extended by written consent of the respondent.

(emphasis added). Remedies for such an action are set forth in S.C. Code Ann. § 1-13-90(d)(9).

Despite this plain language, the Appellant attempts to conjure a "private right of action" under S.C. Code Ann. § 1-13-90(c) by arguing that, despite its clear language to the contrary, S.C. Code Ann. § 1-13-90(c) creates an "implied" private right of action. For the reasons set forth below, these arguments are groundless and must be rejected.

The Appellant correctly points out that a court may, under very limited circumstances, interpret a statute to "imply" a private right of action. However, where a statute does not specifically create a private cause of action, one can be implied **only** if the legislation was enacted for the special benefit of a private party. *Citizens for Lee County v. Lee County,* 308 S.C. 23, 416 S.E.2d 641 (1992); *Adkins v. S.C. Dep't of Corr.*, 360 S.C. 413, 418, 602 S.E.2d 51, 54 (2004). Further, and most importantly in this case, **where legislation expressly provides a particular remedy or remedies, courts should not expand the coverage of the statute to subsume other remedies**. *Wogan v. Kunze*, 366 S.C. 583, 601, 623 S.E.2d 107, 117 (S.C. App. 2005), *aff'd as modified*, 379 S.C. 581, 666 S.E.2d 901 (2008) (quoting *Nat'l R. R. Passenger Corp. v. Nat'l Ass'n of R. R. Passengers*, 414 U.S. 453, 458, 94 S.Ct. 690, 693, 38 L.Ed.2d 646 (1974)) (emphasis added).

The SCHAL is designed to protect the public in general rather than provide a special benefit to a private party. In this regard, the statute is similar to S.C. Code Ann. § 24-3-240(D), which requires that inmates participating in an industrial work program may not earn less "than the prevailing wage for work of similar nature in the private sector." In rejecting the argument that the statute "implied" a private right of action, the South Carolina Supreme Court found that, since "the overall purpose of the prevailing wage statute is to prevent unfair competition, and to aid society and the public in general, we cannot conclude that the statutes in question were enacted for the special benefit of Inmates." *Adkins*, 360 S.C. at 418, 602 S.E.2d at 54; *see also Citizens for Lee County,* 308 S.C. at 28-29, 416 S.E.2d at 645 (procurement code is designed to benefit all persons or groups that have a direct, intrinsic interest in the procurement practices of public

entities). Similarly, the nature of the SCHAL – and any other anti-discrimination statute – is not to confer a "special benefit" for a private person, but to aid society and the public in general in fighting discriminatory practices. Indeed, the SCHAL itself states as follows:

> **This chapter is an expression of the concern of the State for the promotion of harmony and the betterment of human affairs**. The General Assembly declares the practice of discrimination against an individual because of race, religion, color, sex, age, national origin, or disability as a matter of state concern and declares that this discrimination is unlawful and in conflict with the ideals of South Carolina and the nation, as this discrimination interferes with opportunities of the individual to receive employment and to develop according to the individual's own ability and is degrading to human dignity.

S.C. Code Ann. § 1-13-20 (emphasis added).

Moreover, the fact that the legislature explicitly included a private right of action in S.C. Code Ann. § 1-13-90(d), but instead chose to provide an administrative remedy in S.C. Code Ann. § 1-13-90(c), indicates clearly the intent of the legislature to omit a private right of action in S.C. Code Ann. § 1-13-90(c). *Wogan*, 366 S.C. at 601, 623 S.E.2d at 117. Where a statute expressly enumerates the requirements on which it is to operate, courts should not "imply" additional requirements. *Byrd v. Irmo High Sch.*, 321 S.C. 426, 433, 468 S.E.2d 861, 865 (1996). In *Byrd*, the South Carolina Supreme Court compared the statutes governing suspended students versus expelled students, noting that the expulsion statute explicitly provided for judicial review of the expulsion, but that the suspension statute provided only administrative review before the board of trustees. 321 S.C. at 433-434, 468 S.E.2d at 865. For that reason, the Supreme Court refused to "imply" an additional appeal right for suspended students, observing that because "no such language exists in the suspension provision, it appears that the Legislature intended that suspended students not be entitled to" a judicial appeal. *Id.*; *see also Doe v. Marion*,

373 S.C. 390, 398, 645 S.E.2d 245, 248-249 (2007) (the fact that the legislature provided a private right of action in S.C. Code §§ 20-7-567 and 20-7-570, and omitted it from its companion provision at S.C. Code § 20-7-510, "indicates that the legislative intent was for [§ 20-7-510] not to create civil liability").[4]

As noted by the Court of Common Pleas, it is not unique, or even unusual, for a statutory scheme not to provide a plaintiff with a private right of action. For instance, under the anti-retaliation provisions of the state's Occupational Safety and Health code, S.C. Code Ann. § 41-15-520, some complaints may only be filed in civil court by the Director of the S.C. Department of Labor, Licensing & Regulation ("LLR") ("If upon such investigation the director determines the provisions of Section 41-15-510 have been violated, he shall institute an action in the appropriate court of common pleas against such person. In any such action the court of common pleas shall have jurisdiction for cause shown to restrain violations of Section 41-15-510 and order all appropriate relief including rehiring or reinstatement of the employee to his former position with back pay.").

For these reasons, the Court of Common Pleas correctly held that there is no private right of action under S.C. Code Ann. § 1-13-90(c), and for this reason alone, the Appellant's appeal must be dismissed.

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[4] The Appellant argues curiously that S.C. Code Ann. § 1-13-90(c) "appears to contemplate a private right of action" after the conclusion of the Commission's administrative hearing. Specifically, he notes the subsection (c)(1) – dealing with information gathered during investigation – states that such information can be made public "as a result of being offered or received into evidence in an action brought under this subsection." Given that S.C. Code Ann. § 1-13-90(c) provides specifically for extensive appellate and judicial review following the panel's administrative decision, to say nothing of the complete absence of the explicit provision of a private right of action in S.C. Code Ann. § 1-13-90(c), it is clear that this argument has no merit.

II. THE "NOTICE OF RIGHT TO SUE" ON WHICH APPELLANT RELIES DOES NOT APPLY TO CLAIMS BROUGHT UNDER THE SOUTH CAROLINA HUMAN AFFAIRS LAW.

In attempting to explain his effort to bring a private cause of action under S.C. Code Ann. § 1-13-90(c), the Appellant states as follows:

> Subsection (c) sets forth no similar [statute of] limitation on the filing of an action; instead, it provides simply a time limit for filing a charge with the Commission. Appellant timely filed his charge, and the next time he was faced with a time limitation was upon receipt of the Notice of Right to Sue from the EEOC. This action was filed well within the 120-day [*sic*] limit set out in the Notice, and it is timely under the governing statute.

(Appellant's Brief, p. 4).

Appellant's discussion of the Notice of Right to Sue appears to have little in common with the actual language of the document, which states as follows:

> "[y]ou may file a lawsuit against the respondent(s) **under federal law** based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**, or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

(R, p. 42) (emphasis in the original). The Notice of Right to Sue clearly applies, by its own terms, only to claims brought under the federal law and not the SCHAL. Further, Appellant apparently ignores the Fourth Circuit's ruling that "[t]here is no basis under South Carolina law to attribute a dismissal by the EEOC to SHAC, because South Carolina requires that the dismissal be by its own agency". *Whitten v. Fred's, Inc.*, 601 F.3d 231, 241 (4th Cir. 2010), *abrogated on other grounds by Vance v. Ball State Univ.*, 133 S.Ct. 2434, 186 L.Ed.2d 565 (2013) (emphasis in the original). In so ruling, the Fourth Circuit looked to the actual text of the SCHAL itself, which states that:

> If a charge filed with *the commission* by a complainant pursuant to this chapter is dismissed by the commission, or if within one hundred eighty

> days from the filing of the charge *the commission* has not filed an action under this chapter or entered into a conciliation agreement to which the complainant is a party, the complainant may bring an action in equity against the respondent in circuit court. The action must be brought within one year from the date of the violation alleged, or within one hundred twenty days from the date the complainant's charge is dismissed, whichever occurs earlier, except that this period may be extended by written consent of the respondent.

Whitten, 601 F.3d at 240 (quoting S.C. Code Ann. § 1-13-90(d)(6)) (emphasis added). In this case, the Notice of Right to Sue may have authorized Plaintiff to file a lawsuit under ADEA, 29 U.S.C. § 621 *et seq.*, but did not come from the SCHAC, and had no bearing on Appellant's right to file a civil action under the SCHAL.[5]

In short, Appellant's reliance on the EEOC's Notice of Right to Sue is entirely misplaced. By its own terms, the Notice of Right to Sue governed when a plaintiff could file a lawsuit **under federal law**, not the SCHAL.

III. TO THE EXTENT APPELLANT IS ATTEMPTING TO BRING AN AGE DISCRIMINATION CLAIM AGAINST DHEC UNDER S.C. CODE ANN. § 1-13-90(D), THE COURT CORRECTLY HELD THAT THE CLAIM WAS BARRED BY THE APPLICABLE STATUTE OF LIMITATIONS.

The Appellant has explicitly argued that he did not bring his action against DHEC under S.C. Code Ann. § 1-13-90(d), and that S.C. Code Ann. § 1-13-90(d)(6) is "by its terms inapplicable to his claim." (Appellant's Brief, p. 6). Nevertheless, he also argues that, to the extent the statute of limitations set forth in S.C. Code Ann. § 1-13-90(d)(6) applies to his claim, it should be "equitably tolled." This argument has no basis, and was justly rejected by the Court of Common Pleas.

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[5] Notably, if Appellant relies only on S.C. Code Ann. § 1-13-90(c) as the source of his authority to bring a private right of action under the SCHAL, his reliance on any Notice of Right to Sue is entirely misplaced. Simply put, S.C. Code Ann. § 1-13-90(c) contains absolutely no reference to such a Notice.

As an initial matter, the party claiming that a statute of limitations should be subject to equitable tolling "bears the burden of establishing sufficient facts to justify its use...[and equitable tolling] should be used sparingly and only when the interests of justice compel its use." *Hooper v. Ebenezer Sr. Servs. & Rehab. Ctr.*, 386 S.C. 108, 115-117, 687 S.E.2d 29, 32-33 (2009).

The cases approving use of equitable tolling reference an affirmative act by a defendant that made such "sparing" use of the equitable tolling doctrine appropriate. *See Hopkins v. Floyd's Wholesale,* 299 S.C. 127, 382 S.E.2d 907 (1989) (limitation tolled for the time when the employer induced the employee to believe his claim would be taken care of without filing a workers' compensation claim); *Hooper*, 386 S.C. at 117-18, 687 S.E.2d at 33-34 (defendant's failure to properly list its registered agent for service with the Secretary of State as required by state law hindered Hooper's pursuit of service).

Appellant fails to point to any "act" by DHEC of this kind. Instead, he points to the following:

- Both parties engaged in the EEOC's processing of the Appellant's Charge of Discrimination, including its mandated conciliation process.
- Appellant was unaware that the ADEA did not validly abrogate states' Eleventh Amendment immunity from suit by private individuals, under *Kimel v. Florida Bd. of Regents*, 528 U.S. 62, 120 S.Ct. 631, 145 L.Ed.2d 522 (2000).[6]
- The South Carolina Human Affairs Commission deferred processing Appellants' Charge of Discrimination to the EEOC.
- The EEOC determined that there was "reasonable cause" to support Appellant's Charge of Discrimination.

[6] Appellant states, without any support in the record, that "it appears that all of Appellant, Respondent, and the EEOC were unaware" of the ruling in *Kimel*. (Appellant's Initial Brief, p. 6). With all possible respect, the undersigned represented the Respondent and was fully aware of *Kimel*, and has been since the decision was handed down.

(Appellant's Brief, pp. 6-8).

These "reasons" have absolutely nothing to do with equitable tolling. In fact, not a single reason listed by Appellant to support his claim for equitable tolling has anything to do with any action of DHEC. While Appellant claims his delay in bringing a claim under the SCHAL was "the result of circumstances over which Appellant had no control, as well as his full participation in the EEOC's processing of his charge," it remains absolutely true that nothing prevented Appellant from attempting to file a civil suit as prescribed by S.C. Code Ann. § 1-13-90(d)(6) within the proper statute of limitations. More importantly, none of these alleged grounds for Appellant's otherwise unexplained delay is attributable – in any manner – to DHEC.

In truth, when Appellant received his Notice of Right to Sue from the EEOC, he could have filed a lawsuit against DHEC under the ADEA. It is certainly accurate that, under *Kimel*, he could not have brought a claim against DHEC for money damages under the ADEA. However, Appellant may have been able to bring a claim against DHEC for non-monetary equitable relief under the ADEA. *Black v. S.C. Dep't of Corr.*, 2016 WL 7971297, at *3 (D.S.C. July 27, 2016), *R&R adopted*, 2016 WL 4433604 (D.S.C. Aug. 22, 2016) (regarding equitable claim under the FMLA). In any event, Appellant's decision to bring the claim under the SCHAL and not the ADEA was his to make, and his alone, and he must bear the consequences of his decision.

Further, Appellant fails to address substantively that his "equitable tolling" argument has already been tried and rejected in *Brown v. Lexington Cty. Health Servs. Dist., Inc.*, 2013 WL 5467623, at *5 (D.S.C. July 11, 2013), *R&R adopted,* 2013 WL 5467626 (D.S.C. Sept. 27, 2013). Appellant's only retort is that *Brown* did not receive

appellate review, and Appellant utterly fails to address the substance of the finding in *Brown* that stated as follows:

> Finally, the defendant correctly argues that any claim based on the South Carolina Human Affairs Law is untimely. *See* S.C.Code Ann. § 1–13–90(d)(6) (providing that the "action must be brought within one year from the date of the violation alleged, or within one hundred twenty days from the date the complainant's charge is dismissed, *whichever occurs earlier*") (emphasis added). **Brown does not dispute this, but contends that her statute of limitations should be equitably tolled because she reasonably waited until after the EEOC issued a right-to-sue letter before filing the instant lawsuit. However, South Carolina's doctrine of equitable tolling does not rescue a plaintiff in such circumstances**.

Id. (emphasis added).

Finally, Appellant argues that he has raised a "scintilla" of evidence supporting "equitable tolling" of the statute of limitations. He has done nothing of the sort. While equitable tolling might be a question of fact, summary judgment is appropriate where there is no evidence of conduct on the defendant's part warranting estoppel. *Vines v. Self Mem. Hosp.*, 314 S.C. 305, 443 S.E.2d 909 (1994). Moreover, the mere fact that settlement negotiations have been undertaken is no bar to the defendant's assertion of the statute of limitations. *See Gadsden v. Southern Railway,* 262 S.C. 590, 206 S.E.2d 882 (1974).

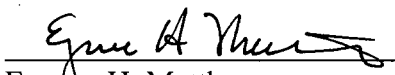
CONCLUSION

For the reasons stated above, the Respondent South Carolina Department of Health and Environmental Control respectfully requests that this Court affirm both of the decisions of the Court of Common Pleas to dismiss Appellant's claims with prejudice.

Dated this the 2nd day of October, 2017.

Respectfully submitted,

RICHARDSON PLOWDEN & ROBINSON, P.A.



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COUNSEL FOR RESPONDENT

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
The Honorable Robert E. Hood, Circuit Court Judge

Civil Action No. 2016-CP-40-01951
Appellate Case No. 2017-000052

Marion E. Crocker, Jr.,

Appellant,

v.

South Carolina Department of Health and Environmental Control,

Respondent.

CERTIFICATE OF COUNSEL

The Undersigned hereby certified that the final brief filed herewith complies with Rules 22(b).

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