

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Honorable S. Phillip Lenski, Administrative Law Judge

Case No. 13-ALJ-17-0244-CC
Appellate Case No. 2017-000968

RECEIVED
FEB 16 2018
SC Court of Appeals

Richard S. Beltram,.....Appellant/Respondent,

v.

South Carolina Department of Revenue,.....Respondent/Appellant.

RESPONDENT/APPELLANT'S DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Pursuant to Rule 209 of the South Carolina Appellate Court Rules, Respondent/Appellant South Carolina Department of Revenue, respectfully requests that the following items be included in the Record on Appeal:

ORDERS

1. ALC Order on Remand to Pay or Post Bond, dated January 12, 2018
2. ALC Amended Final Order, dated March 17, 2017
3. ALC Order Vacating Final Order, dated May 1, 2015
4. ALC Order, dated March 25, 2015

MOTIONS/BRIEFS AND RESPONSES

5. Department's Brief on Remand From the South Carolina Court of Appeals, dated September 18, 2017 (including Exhibits 1, 2, and 3)
6. Brief of Petitioner on Remand to the ALC, dated September 18, 2017 (including Exhibit 1)

7. Department's Response to Brief of Petitioner on Remand to the ALC, dated September 25, 2017
8. Department's Motion for Reconsideration (including Exhibit A)
9. Beltram's Motion to Reconsider, dated April 2, 2015

TRANSCRIPTS

10. Hearing Transcript, dated September 16-17, 2014

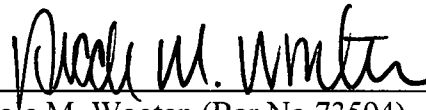
EXHIBITS AND OTHER MATERIALS OR DOCUMENTS

11. Petitioner's Exhibit 2: September 2, 2009 Responsible Party PNOA
12. Petitioner's Exhibit 6: Contractor Agreement
13. Petitioner's Exhibit 7: May 1, 2013 Department Determination with attached exhibit
14. Petitioner's Exhibit 8: September 15, 2014 Department letter with 11 pages attached
15. Petitioner's Exhibit 9: Records related to Beltram's protest
16. Respondent's Exhibit 1: Department's file
17. Respondent's Exhibit 2: Excel spreadsheet of tax liabilities
18. Respondent's Exhibit 3: October 1, 2005 Guarantee and Indemnity Agreement
19. Respondent's Exhibit 4: Secretary of State web print off
20. September 16, 2014 letter to Beltram's counsel¹

The undersigned counsel hereby certifies, pursuant to Rule 209(c) of the South Carolina Appellate Court Rules that this Designation contains no matter that is irrelevant to this appeal.

[signature on following page]

¹The September 16, 2014 letter was attached to the documents produced to Beltram's counsel on the afternoon of the first day of the hearing and relates to Petitioner's Exhibits 8 and 9. The September 16, 2014 letter and accompanying documents, as well as Petitioner's Exhibit 9, contain the documents at issue in the Department's Issue III on appeal. While a September 15, 2014 cover letter was attached to a similar exhibit (Petitioner's Exhibit 8), the September 16, 2014 letter was not attached to any exhibits admitted by Petitioner at the hearing.



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Attorneys for Respondent/Appellant

South Carolina Department of Revenue

February 16, 2018

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In The Court Of Appeals

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Honorable S. Phillip Lenski, Administrative Law Judge

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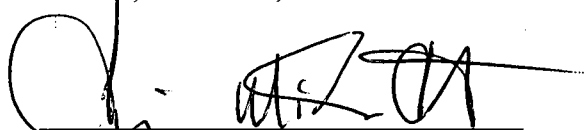
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South Carolina Department of Revenue,.....Respondent/Appellant.

PROOF OF SERVICE

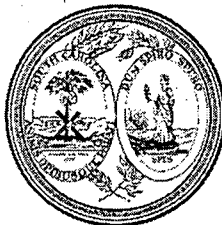
I, Tonie Miranda, hereby certify that I have caused to be mailed a copy of Respondent South Carolina Department of Revenue's Initial Appellant's Brief of Respondent/Appellant and Designation of Matter regarding the above-referenced case, by depositing the same in the United States Mail, postage prepaid, on February 16, 2018, addressed to the attorney of record, Ginger D. Goforth, Esquire, The Ward Law Firm, P.A., P.O. Box 5663, Spartanburg, SC 29304, and by hand delivery to the Court of Appeals, 1220 Senate Street, Columbia, SC 29201.



Tonie Miranda

STATE OF SOUTH CAROLINA
DEPARTMENT OF REVENUE
OFFICE OF THE GENERAL COUNSEL

300A Outlet Pointe Blvd.
Columbia, SC 29210



PO Box 12265
Columbia, SC 29211-9979

February 16, 2018

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1220 Senate Street
Columbia, SC 29201

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SC Court of Appeals

Re: Richard S. Beltram v. South Carolina Department of Revenue
Appellate Case No. 2017-000968
ALC Docket No. 13-ALJ-17-0244-CC

Dear Ms. Kitchings:

Enclosed please find the original and one copy of the following documents in the above-referenced matter:

1. Initial Appellant's Brief of Respondent/Appellant;
2. Respondent/Appellant's Designation of Matter to be Included in the Record on Appeal; and
3. Proof of Service.

By copy of this letter, we are serving these documents on counsel for Richard Beltram. If you have any questions, please do not hesitate to contact me.

Yours truly,

OFFICE OF GENERAL COUNSEL FOR LITIGATION

Handwritten signature of Nicole M. Wooten in black ink.

Nicole M. Wooten
Counsel for Litigation
803-898-1826
Nicole.Wooten@dor.sc.gov

Enclosures

cc: Ginger D. Goforth, Esq.