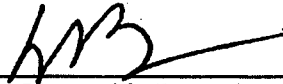


5. Defendant discovered Plaintiff's active suspended/revoked driving privileges in New York on June 11, 2015 due to technological advances made available to Defendant.
6. Defendant promptly notified Plaintiff on June 12, 2015, that the law required it to cancel Plaintiff's South Carolina driver's license, which does not amount to a violation of Plaintiff's due process rights. *See Hipp v. S.C. Dep't of Motor Vehicles*, 381 S.C. 323,325, 673 S.E.2d 416, 417 (2009); *Wilson v. S.C. Dep't of Motor Vehicles*, 419 S.C. 203, 208 796 S.E.2d 541, 543 (2017) (holding the suspension of a license after a lengthy delay following a DUI conviction when neither the driver nor the state were at fault, violates due process).
7. Plaintiff's active suspended/revoked driving privileges in New York preclude Defendant from renewing Plaintiff's South Carolina driver's license. *See S.C. Code Ann. § 56-1-40 (2)*.
8. Defendant has the authority to cancel Plaintiff's South Carolina driver's license as (1) Plaintiff is not entitled to hold a South Carolina driver's license pursuant to S.C. Code Ann. § 56-1-40 (2) and (2) because Plaintiff failed to provide required or correct information in his applications for a South Carolina driver's license pursuant to S.C. Code Ann. § 56-1-240.
9. Plaintiff applied to the New York State Department of Motor Vehicles ("NYDMV") to have his driving privileges reinstated in New York, but the application was denied.
10. Plaintiff appealed the NYDMV's determination to the Appeals Board in New York ("Appeals Board"). On April 25, 2017, the Appeals Board affirmed the NYDMV's decision.
11. The NYDMV informed Plaintiff he may appeal the determination of the Appeals Board to the New York State Supreme Court.
12. Plaintiff has not appealed the decision of the Appeals Board and has failed to exhaust administrative remedies available in New York.

CONCLUSION

Plaintiff has failed to exhaust administrative remedies available in New York and the
Complaint against Defendant is dismissed with prejudice.

IT IS SO ORDERED.



The Honorable DeAndrea G. Benjamin
Presiding Circuit Judge
Fifth Judicial Circuit

Columbia, South Carolina
June 25, 2018