

RECEIVED

AUG 31 2018

SC Court of Appeals

John Alden Bauer III
109 Ashton Hill Drive
Columbia, SC 29229

August 31, 2018

Jenny Abbott Kitchings
Deputy Clerk of Court
1220 Senate Street
Columbia, South Carolina 29201

V. Claire Allen
Clerk of Court
1220 Senate Street
Columbia, South Carolina 29201

RE: John Alden Bauer III, Appellant v. Beaufort County School District,
Respondent, Case # 2016-000955.

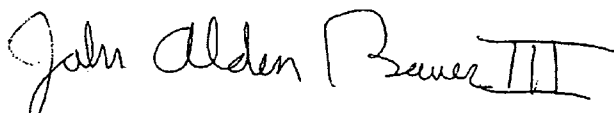
Dear Ms. Kitchings and Ms. Allen,

Please file this response.

Your deficiency letter of August 30, 2018 (attached) arrived. I responded to yours of August 10 by filing the Motion (attached), stamped August 27, 2018 (attached). The Proof of Service was included and the fee of \$25 was paid on the same day (receipt attached).

Did that satisfy any deficiency?

Very truly yours,



John Alden Bauer, III

RECEIVED

AUG 31 2018

SC Court of Appeals



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

August 30, 2018

John Alden Bauer, III
109 Ashton Hill Drive
Columbia SC 29229

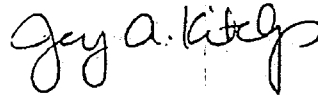
Re: John Alden Bauer, III v. Beaufort Co. Sch. Dist.
Appellate Case No. 2016-000955

Dear Mr. Bauer:

The Court received your letter dated August 13, 2018, stating that you did not intend to file a petition for rehearing. Whether we construe your request as a motion for clarification of the Court's opinion under Rule 240 of the South Carolina Appellate Court Rules (SCACR), or as a petition for rehearing pursuant to Rule 221, SCACR, you must correct the deficiencies listed below or the court or the Court will send the remittitur pursuant to Rule 221(b), SCACR. You must correct the following deficiencies within ten (10) days of the date of this letter or the Court will send the remittitur:

- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.
- The required filing fee has not been submitted. The correct filing fee is \$25.00.

Very truly yours,

A handwritten signature in cursive script that reads "Jay A. Kite". The signature is written in dark ink and is positioned above the typed name "CLERK".

CLERK

cc: David T. Duff, Esquire
Drew Henderson Davis, Esquire
David Nelson Lyon, Esquire



The South Carolina Court of Appeals

John Bauer

08/27/2018

RECEIPT #87663

Case No: 2016-000955
Case Short Title: John Alden Bauer, III v. Beaufort Co. Sch. Dist.
Event:
Fee Type: Motion Fee
Amount: \$25.00
Payment Type: Cash
Reference No:
Check/Money Order Date: 08/27/2018
Comments:

RECEIVED

AUG 31 2018

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

AUG 27 2018

SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Master in Equity and Special Circuit Court Judge

Case No.: 2015-CP-07-1343
APPELLATE CASE NO. 2016-000955

John Alden Bauer, III

Appellant

v

Beaufort County
School District

Respondent

**MOTION FOR CLARIFICATION
OF THE COURT'S OPINION**

Unpublished Opinion No. 2018-UP-329 Submitted June 1, 2018 – Filed July 18, 2018

From the Opinion:

“As to Bauer's remaining arguments: Lee Cty. Sch. Dist. Bd. of Trs. v. MLD Charter Sch. Acad. Planning Comm., 371 S.C. 561, 566, 641 S.E.2d 24, 27 (2007) (**holding that issues "not raised to and ruled on by the administrative agency" are not preserved for appellate review.**)”

CLARIFICATION REQUEST 1

Termination prior to a hearing violates law. **The issue was raised with and ruled on by the Beaufort County School Board**, with the ruling being in the Order of the Board on page 2, paragraph 3 (R. p 44). The issue was raised repeatedly by Appellant at the appeal hearing. (S.R. 471, lines 12-17; S.R. 470, lines 2-4; S.R. 650, lines 13-16; S.R. 665, line 15) Termination prior to a hearing violates case law Brown v. James. Opinion, 4674. THE STATE OF SOUTH CAROLINA. In The Court of Appeals, and it violates The Teacher Employment and Dismissal Act, (“TEDA”) Title 59-25-460 and 470. (R.P. 275-276)

The only exception to the above is for unfitness, such as, “*incompetent, to give instruction*” or “*conviction of a violation of the law of this State or the United States, gross immorality, dishonesty, illegal use, sale or possession of drugs or narcotics.*” (R. p 274, TEDA Title 59-25-430). No such accusation existed. Appellant had been terminated under TEDA Title 59-25-440, i.e., “Improvement Plan” (S.R. 543, lines 6-10). The witness in this citation was Alice Walton, Head of Human Resources, and was the person who executed the termination.

CLARIFICATION REQUEST 2

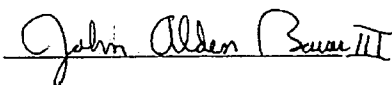
The Beaufort County School Board never issued the mandated Notice of Charges or “Cause of Dismissal” as required in TEDA 59-25-460 (R.P. 275). **The issue was raised with and ruled on by the Beaufort County School Board.** There was complete confusion at the appeal hearing as to Charges that were not defined until the third day of the appeal hearing (S.R.

650, lines 16-17). The Board's Order (R. p 44) only cites an email that the superintendent had testified did not contain the charges (S.R. 650, lines 12-15). In any case the Charges are required to come from the School Board (TEDA 59-25-460, R.P. 275).

CLARIFICATION REQUEST 3

The constitutional question was not addressed. The Beaufort County School District and the Beaufort County School Board are "*legally one in the same*." (according to David Duff, District Counsel in this case, and the District and the Board were combined and equated in the Order of the Court of Common Pleas on September 3, 2015 (written by Duff), (R. p 14, paragraph 3) The District and the Board functioned as both Prosecution and Jury. How does that not violate the SC Constitution, Article 1, Section 22? Justice is not served when prosecution and jury collaborate, and when counsel for the prosecution attends the deliberations of the jury. (S.R. 131, lines 1-2). It was learned after the hearing that the very same General Counsel for the District, who attended the deliberations, was not licensed to practice law in South Carolina.

Respectfully Submitted,



John Alden Bauer III
109 Ashton Hill Drive
Columbia, South Carolina 29229
aldenbauer706@gmail.com
(843) 384-1506

August 27, 2018

RECEIVED

AUG 31 2018

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

AUG 27 2018

SC Court of Appeals

APPELLATE CASE NO. 2016-000955

John Alden Bauer, III

Appellant

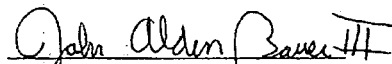
v

Beaufort County
School District

Respondent

PROOF OF SERVICE

I certify that I have served the MOTION FOR CLARIFICATION OF THE COURT'S OPINION on the Beaufort County School District by depositing a copy of it in the United States Mail, postage prepaid, on August 27, 2018 addressed to the attorney of record, David T. Duff, of Duff and Childs, 3700 Forest Dr., Suite 404, Columbia, SC 29204.



John Alden Bauer, III, pro se

109 Ashton Hill Drive

Columbia, South Carolina 29229

aldenbauer706@gmail.com

RECEIVED

AUG 31 2018

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

AUG 27 2018

SC Court of Appeals

APPELLATE CASE NO. 2016-000955

John Alden Bauer, III

Appellant

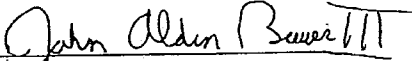
v

Beaufort County
School District

Respondent

PROOF OF SERVICE

I certify that I have served the MOTION FOR CLARIFICATION OF THE COURT'S OPINION on the Beaufort County School District by depositing a copy of it in the United States Mail, postage prepaid, on August 27, 2018 addressed to an attorney of record David Lyon of Duff and Childs, 3700 Forest Dr., Suite 404, Columbia, SC 29204.



John Alden Bauer, III, pro se
109 Ashton Hill Drive
Columbia, South Carolina 29229
aldenbauer706@gmail.com