

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

RECEIVED

2018 JUL 26

S.C. SUPREME COURT

Appellate Case No. 2018-001876
Unpublished Opinion No. 2018-UP-333 (S.C. Ct. App. filed July 18, 2018)

ROOSEVELT SIMMONS,Appellant,

v.

MASE and COMPANY, LLC,
J. AL CANNON, JR., CHARLESTON
COUNTY SHERIFF'S DEPT.,
CHARLESTON COUNTY REVENUE
COLLECTIONS DEPT., and HARRY
LONG,Respondents.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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County Revenue Collections Dept., and Harry Long

STATEMENT OF THE CASE

Petitioner owned several pieces of property on Johns Island, including a parcel designated as TMS 282-00-00-138 ("TMS 138"). This property had a residential dwelling on it and was therefore subject to a User Fee. (R. p. 109). For years, Petitioner refused to pay the User Fee based on his mistaken belief that because the County did not collect the trash from his house, he did not have to pay the User Fee. (R. p. 108). Further evidence of Petitioner's misunderstanding of the law is with regard to a County-mandated Storm Water Fee. Petitioner did not believe he had to pay the Storm Water Fee "[b]ecause I don't feel that I have to pay for an act of God, stop it from raining." (R. p. 108). Petitioner's position was that "a user fee, business license fee, storm water bill, none of that pertained to me. So if it don't pertain to me, why should I pay for it." (R. p. 108).

As a result of Petitioner's misunderstanding of the law, several years of User Fees remained unpaid, and after some time, the Revenue Department instituted court proceedings to obtain judgments against Petitioner for the unpaid fees. (R. p. 165). After receiving several judgments against Petitioner, the Sheriff's Office was contacted in 2009 and asked to assist with enforcing these judgments. Within the Sheriff's Office Judgments Division, Master Deputy Harry Long was given a judgment from 2000 for levy and execution. (R. p. 165; p. 180). When provided with a judgment for levy and execution, Dep. Long first conducts research to determine what property he can prove a person owns that would satisfy a judgment. (R. p. 166). In accordance with South Carolina statute, Dep. Long selects property to sell "for the best price that can be got for them." S.C. Code Ann § 15-39-610.

In Petitioner's case, the Sheriff's Office first attempted to contact Petitioner by letter dated March 3, 2009. (R. p. 166; p. 182). After no response was received, Deputy Long sent a second

letter to Petitioner on April 1, 2009. (R. p. 166; p. 184). Deputy Long received a response from his second letter in the form of a phone call from Petitioner on April 3, 2009. (R. p. 166). In that call, Petitioner made statements that Deputy Long perceived as a threat to the Sheriff's Office. Br. of Petitioner at 16. Deputy Long decided to flag the property for the protection of other deputies and first responders who may get called to the Petitioner's property. Id. Thereafter, the Sheriff's Office sent Petitioner additional letters advising of the judgment against him on May 11, 2009, and June 18, 2009. (R. p. 166; p. 186; p. 188). Petitioner claims that he did not receive any of these letters, but even if he did, he would not have acknowledged them. (R. p. 632, lines 120:8-15). In fact, instead of doing anything with these letters or attempting to return the request for communication, Petitioner testified that he ignored official correspondence from the County and treated the notices from the Sheriff's Office as junk mail. (R. p. 631, lines 107:8-109:11 and p. 633, lines 122:16-19).

Long conducted research into property records for property owned by Petitioner. Long found two pieces of real property as well as three motor vehicles, all of which were more than seventeen years old. (R. p. 284-285, 302-303, 397). Based on the information he found, Long made a discretionary decision to proceed against unimproved property, TMS-498, owned by Petitioner. (R. p. 166). Deputy Long personally served notices on Petitioner at his residence that his property was going to be sold. (R. p. 166; p. 194). Petitioner acknowledges that he received notice from the Sheriff's Office on August 26, 2009. (R. p. 396); Br. of Petitioner at 17. Yet, Petitioner did nothing with this notice. He did not contact Deputy Long or anyone from the County. (R. p. 632, lines 118:11-119:19). Petitioner claims that he did not receive any notice of the actual sale of his property, but he also asserts that even if he had known about it, "I wouldn't have gone." (R. p. 632, lines 119:20-120:7).

The sale of Petitioner's property was properly noticed and TMS-498 was auctioned off at a Sheriff's Sale on November 4, 2009. (R. p. 166). Two bidders were present, and the property was sold to the highest bidder, Mase and Company. (R. p. 166).

Petitioner filed his lawsuit on February 11, 2011, with three causes of action: Invalidating Sheriff's Deed, Invalidation of User Fees and Judgments, and a general civil rights claim regarding the imposition of fees and sale of property. (R. pp. 17-22). The thrust of Petitioner's Complaint was that he did not believe that the Charleston County Solid Waste Recycling and Disposal User Fee ("User Fee") applied to him because the county did not pick up his trash. (R. pp. 17-18). Rather, Petitioner "contracted with a private trash hauling company licensed by the county to remove his trash..." (R. p. 19). Further, he asserted that he applied for a waiver of the user fee, and the "county's User Fee Department granted Simmons' request for a waiver of the user fee for the initial year and for all years following up to the present." (R. p. 18).

Petitioner amended his Complaint on March 23, 2011, and alleged that "Simmons was not required to pay a user fee under Ordinance Section 10-56 for TMS 138 because the County did not remove any trash from TMS 138. Simmons contracted with a private, approved and licensed solid waste collection company to remove his trash as permitted by Ordinance Section 10-24." (R. p. 26-34). Petitioner again alleged that the County User Fee Department had granted him a waiver of all user fees. (R. p. 27)

Based on the constitutional violations alleged in the Complaint, the suit was removed to federal court on March 25, 2011. Thereafter, Plaintiff filed a Second Amended Complaint on October 15, 2011. (R. pp. 59-66). In the Second Amended Complaint, Petitioner admitted that Charleston County Ordinance Section 10-56 was adopted "to impose user fees upon the owners of real property located in the county for the express purpose of paying the costs of garbage and trash

disposal at the county's facilities." (R. pp. 59-60). Yet, Petitioner continued to argue that he was not required to pay the user fee because the "Defendant County does not provide any trash removal services" for Petitioner. (R. p. 61).

On November 7, 2011, "Petitioner filed a motion to dismiss the Second Amended Complaint on the basis that the District Court did not have subject matter jurisdiction to consider the validity of a state court judgment and that the civil rights claims were 'inextricably intertwined' with them." Br. of Petitioner at 9; (R. p. 89). Petitioner also asserted that review by the District Court "would require appellate review of those [Magistrate Court] decisions." (R. p. 88).

The Court ultimately granted Petitioner's motion to dismiss on February 6, 2012. (R. pp. 6-8). In this Order, the Court outlines Petitioner's five causes of action and states that "[a]ll of these causes of action arise from one or more of the Defendants allegedly assessing Plaintiff for various user fees and then obtaining judgments against Plaintiff based on these assessments." (R. p. 6). The Court found that it was prohibited from entertaining a claim to invalidate state court judgments referenced in Counts One, Two, and Three and also stated that "the Court agrees with Plaintiff that the § 1983 claim in Count Four is 'inextricably intertwined' with the challenged state court judgments, and the Court is therefore barred from exercising jurisdiction over this claim as well." (R. p. 8). The District Court declined to exercise jurisdiction over the fifth count and remanded the case back to state court. (R. p. 8).

Once back in state court, Petitioner filed a Motion to Amend his Second Amended Complaint to add a cause of action for Inadequacy of Sale price. (R. pp. 103-107). Respondents filed a Motion for Summary Judgment, which was initially denied at a court hearing on November 7, 2012. Thereafter, Respondents filed a Motion to Reconsider the denial of summary judgment, which was heard on March 20, 2013. (R. pp. 510-512). At that hearing, the issue of jurisdiction

was argued by both parties. Petitioner asserted that he was allowed to bring an independent action challenging magistrate court judgments pursuant to Rule 60(b), SCRCPC, because of exceptional circumstances. (R. p. 618, line 10-p. 619, line 3). However, the only exceptional circumstances given by Petitioner was that the magistrate court allegedly did not have jurisdiction and that Petitioner was allegedly not given notice. (R. p. 618, line 10-p. 619, line 3).

On April 2, 2013, the hearing judge's clerk sent an email to the parties advising that Respondents' Motion to Reconsider had been granted. (R. pp. 634-636). The clerk asked Respondents to submit a proposed order, and once the Order was submitted, all parties were asked to submit any proposed changes. (R. pp. 634-636). Petitioner submitted his proposed changes by email on April 15, 2013, and the Order was filed on June 21, 2013. (R. p. 634; pp.11-15).

On July 10, 2013, Petitioner then filed a Motion to Alter or Amend the Order of June 21, 2013, which dismissed his Second Amended Complaint. (R. pp. 556-572). The court entered an order denying Petitioner's Motion on October 13, 2014. (R. p. 16). This appeal followed.

ARGUMENT

I. The Court of Appeals correctly held that challenges to Magistrate Court judgments should be taken up with the Magistrate Court and not ten years later in the Court of Common Pleas.

In its unpublished opinion, the Court of Appeals held that 1) Petitioner should have sought relief in the Magistrate Court; 2) the Magistrate Court had jurisdiction over Petitioner's claims; 3) the Magistrate Court had subject matter jurisdiction over collection of User Fees; and 4) Petitioner's arguments regarding personal jurisdiction were conclusory. Petitioner's first two issues in his Petition address these holdings and argue that the Circuit Court had jurisdiction to decide issues regarding a ten year old magistrate court judgment, that the User Fee is a tax, and

that collection of User Fees does not fall in the general class of cases that magistrate courts hear. Petitioner's arguments are without merit and will be addressed below.

a. The User Fee is not a tax.

The User Fee is not a tax, but rather a fee to which all residential property owners of Charleston County are subject. (R. p. 164). Petitioner argues that because the User Fees are collected in a similar manner to how taxes are collected, that this somehow makes the User Fee a tax. However, as is explained in the record, the User Fee was added to the property tax bills issued by the County in order to save tax payer money on mailing. (R. p. 164). Petitioner relies on Brown v. Horry County, 308 S.C. 180, 185, 417 S.E.2d 565 (1982) and cites to the case as allegedly holding that “a user fee is a type of tax that is uniform and paid into a special fund.” Petition at p. 8. However, this statement/holding is not made anywhere in the Brown v. Horry County case. In fact, that case stands for the opposite proposition – that a fee charged that goes into a specific fund and is allocated for a specific purpose is a service fee and not a tax. Brown v. Horry County, 308 S.C. at 185.¹ This is precisely how the County handles User Fees, and based on cited case law, the User Fee is not a tax.

If a resident of Charleston County requests that the User Fee be taken off his property tax bill, the Office of the Auditor would automatically do this as a ministerial function. (R. p. 169-170). However, simply because the User Fee is removed from the property tax bill does not mean that the User Fee is waived for that particular resident. (R. pp. 164-165); see also Charleston Cnty., Ordinance 10-58 (no ministerial act or omission by the auditor will operate to defeat payment of the annual user fee). Instead, a new property tax bill is generated and the User Fee department is notified so that a separate bill for the User Fee can be sent to the resident. (R. p. 165). Further,

¹ The Ordinance actually cites to Brown v. Horry County to show judicial support in addition to legislative support for the imposition of a solid waste user fee. See Charleston County Ordinance Section 10-51(13).

the Ordinance gives the county council the discretion to send out separate bills if they decide that would be prudent. Charleston Cnty. Ord. § 10-56. Finally, while Petitioner references Ordinance Section 10-60(a) regarding a penalty the treasurer can assess similar to delinquent taxes, Petitioner leaves out Ordinance Section 10-60(b), which states that “the sheriff of the county is authorized to collect delinquent annual solid waste recycling and disposal fees.” Charleston Cnty. Ord. § 10-60(b).

The Court of Appeals correctly cited to *Skyscraper Corp. v. Cty. Of Newberry*, 323 S.C. 412, 416, 475 S.E.2d 764, 765-66 (1996) in finding that the User Fee in question is not a tax, but is rather a service fee that is applied equally and provides a special benefit to members of the community. Despite Petitioner’s argument that he did not receive a special benefit (those arguments will be addressed below), the Charleston County User Fee applies to all residential property owners who receive the special benefit of not having solid waste strewn about the county.

b. The Magistrate Court had jurisdiction.

The Court of Appeals cited to S.C. Code Ann. § 4-9-30 (5)(a) to show that counties can assess service charges for solid waste disposal. Petitioner argues that this particular code section does not grant magistrate courts jurisdiction to enforce the payment of those service charges. However, this particular code section gives counties that very authority. S.C. Code Ann. § 4-9-30 (14) gives counties the specific power to enact ordinances and to enforce those ordinances “in courts created by the general law including the magistrates' courts of the county.” S.C. Code Ann. § 4-9-30 (14). Therefore, Petitioners argument that S.C. Code Ann. § 4-9-30 does not give magistrate courts jurisdiction is unavailing.

Our South Carolina courts have held that “[s]ubject matter jurisdiction refers to a court’s powers to hear and determine cases of the general class or category to which proceedings in

question belong.” Mr. T v. Ms. T, 378 S.C. 127, 133, 662 S.E.2d 413, 416 (Ct. App. 2008) (citing Dove v. Gold Kist, Inc., 314 S.C. 235, 237-38, 442 S.E.2d 598, 600 (1994)). The courts in these cases are explaining that magistrate courts have jurisdiction over cases in a specific category (as outlined in S.C. Code Ann. § 22-3-10) and also over a general class of cases, which includes civil lawsuits for the collection of money, whether it be in contract or for general damages, so long as the amount in controversy is less than the jurisdictional limit. The Court of Appeals in our case correctly held that a suit for the collection of an unpaid \$144 service fee falls squarely within the general class of cases that magistrate courts hear. See Rock Hill Body Co. v. Rainey, 294 S.C. 426, 365 S.E.2d 228 (Ct. App. 1987) (magistrate courts can hear cases within their general jurisdiction, even if the case does not fit into one of the categories outlined in S.C. Code Ann. § 22-3-10, so long as the subject matter was under the jurisdictional limit);

- c. **Because the User Fee is not a tax and because the magistrate court had jurisdiction over the collection actions, Petitioners recourse was in the magistrate court or through a direct appeal.**

In his first issue in his Petition, Petitioner argues that he could collaterally attack a ten year old magistrate court judgment in circuit court under Rule 60(b), SCRCP. Rule 60(b), SCRCP, is a rule that allows a party to ask a court to change or modify a ruling. As the Court of Appeals correctly pointed out, though, “[t]he power to open, modify or vacate a judgment is possessed solely by the court that rendered the judgment.” Simmons v. Mase and Co., 2018-UP-333, at 2 (July 18, 2018) (quoting Coleman v. Dunlap, 306 S.C. 491, 494, 413 S.E.2d 15, 17 (1992)). In our current case, Petitioner was seeking to have a magistrate court order vacated. The proper place to seek that redress was in the magistrate court and not the circuit court ten years after the fact. Additionally, Petitioner could have sought relief in the Circuit Court through a direct appeal of the magistrate court’s Order. However, Petitioner chose not to do this and instead filed a separate

lawsuit more than ten years after the Order was entered. This is improper under the rules and, as the lower courts have held, should not be allowed.

II. The Court of Appeals correctly held that Petitioner could have made an equal protection challenge to the User Fee in the magistrate court; however, even if raised, imposition of the User Fee had a rational basis and Petitioner could not show arbitrary and purposeful discrimination.

a. No Equal Protection claim.

The Court of Appeals correctly held that the doctrine of res judicata bars Petitioner from now making an equal protection claim concerning the validity of the user fee and its applicability to Petitioner. See Plum Creek Dev. Co. v. City of Conway, 334 S.C. 30, 34, 512 S.E.2d 106, 109 (1999). Because it was not raised, Petitioner is barred from raising that issue now. However, even if it had been raised, Petitioner's equal protection claim is based on a misunderstanding of the law. In his initial lawsuit and in his appeal, Petitioner repeatedly asserted that he did not receive a benefit from the User Fee because he did not have county trash collection services come to his property. Even now in his Petition, Petitioner states without reference or support that the "express purpose of the Ordinance is to provide solid waste removal service for users and to charge a fee." See Petition at p. 11. This is simply incorrect. The User Fee is not about trash collection only. It also is about disposal – not of just one individual's solid waste, but the waste generated by everyone in the county and everyone visiting the county.

The primary purpose of the User Fee is for the disposal of solid waste. (R. p. 164); see also Charleston Cnty., Ordinance 10-53. Further, as is stated in the Solid Waste Disposal and Resource Recovery System ordinance, not having an effective waste disposal system would "create hazards to public health, cause pollution of air and water resources, constitute a waste of natural resources, have an adverse effect on land values, and create public nuisances." Charleston Cnty. Ordinance 10-54. Further, Ordinance 10-55 states that such a system "improves and benefits

such real property by assuring a source for the disposal of solid waste being generated, or potentially generated on such real property...and such user fees will also benefit owners of real property that do not generate solid waste in that the imposition of such user fees will assist in the alleviation of litter and solid waste..." Charleston Cnty., Ordinance 10-55.

Based on the plain language of the Ordinance, Petitioner's argument fails. Simply because he does not have a garbage truck pull up to his house does not mean he does not receive a benefit. Simply because he alleges he does not generate any solid waste does not mean he does not receive a benefit. The purpose of the User Fee is to keep the county free of litter and solid waste, which in turn promotes the general welfare and prevents adverse effects on property value. As such, the imposition of User Fees on the owners of real property is rationally related to the purpose of the User Fee.

b. No arbitrary or discriminatory enforcement

Petitioner's argument regarding discriminatory enforcement is based on speculation and is without foundation. Petitioner argues that Dep. Long should have investigated random farm equipment and vehicles that Long allegedly saw when Long went to Petitioner's house. Petitioner attempts to argue that this is proof that Long did not properly investigate Petitioner's property. However, Petitioner's argument ignores the evidence in the record that Dep. Long searched tax records from Plaintiff and the only personal property that Long could find were vehicles that were 17 years old or older. Long also looked at real property and found two pieces owned by Petitioner. He then made a decision to sell one of the pieces of property in order to satisfy the judgment.

Petitioner makes two arguments that ultimately do not support his position. He first argues that Long's statement that it may be worth looking into one of the old cars proves a violation of Petitioner's equal protection rights. Second, Petitioner argues that when Long went to Petitioner's

property, Long saw farm equipment that Long could have sold to satisfy the judgments. Neither of these arguments support a claim for an equal protection violation. Whether one of the very old cars would have been a valid item to sell is purely speculation. Further, a piece of equipment on someone's property does not prove ownership. Tax records prove ownership and that is what Long relied on. These arguments show that Petitioner disagreed with the actions taken, but do not show that Petitioner was treated differently than other similarly situated persons or that he was the subject of arbitrary enforcement.

What Petitioner left out of his equal protection argument is the fact that Long sent multiple letters and made calls to Petitioner. In response, Petitioner did nothing. Therefore, for every argument that Petitioner makes about how Long could have handled the situation differently, the ultimate responsibility for the sale of his property falls on Petitioner and his complete lack of action.

III. Petitioner's claim for negligent retention and supervision was properly dismissed as Petitioner could not prove the necessary nexus between the disciplinary history and the actions of Deputy Long in this case.

In his Petition, Petitioner argues that the case of Kase v. Ebert, 392 S.C. 57, 707 S.E.2d 456 (Ct. App. 2011) is distinguishable from the facts of our current case because it involved one incident that occurred twenty years before. See Petition at p. 18. Petitioner argues that because of the time lapse between the "disciplinary conduct," the Court of Appeals incorrectly relied on it. However, Petitioner leaves out important details from Kase that show that it is on point for the Court of Appeals decision regarding negligent retention.

In Kase, the primary issue the court was looking at was whether an employee's prior conviction for assault was a sufficient nexus for the employer to be on notice that their employee may pose a danger or that it was foreseeable that he may assault someone again (which he did).

In addition to the prior assault charge, the employee had multiple employment issues. The court described these as follows:

Ebert's employment at DMX continued despite numerous professional and personal difficulties, including (1) suspension of his commercial driver's license because of too many serious traffic violations within a short time, (2) a written reprimand from DMX concerning numerous accidents and complaints from customers and supervisors about his performance, (3) a second reprimand from DMX admonishing Ebert for hostile disrespect of his supervisors, (4) marital difficulties that were further compounded by DMX's withholding of his wages to pay child support, (5) a recent citation in Wisconsin for speeding and inattentive driving, and (6) a bizarre written complaint that he wrote against the officer who ticketed him in Wisconsin.

Kase, 392 S.C. at 59–60, 707 S.E.2d at 457. The court in Kase addressed the single assault charge from twenty years before, but also addressed other recent disciplinary conduct in dismissing the negligence claims against the employer. Id. at 62-64. Importantly, the Kase court was dealing with an identical prior assault and several instances of recent misconduct in finding that there was no notice or nexus.

In our case, Petitioner has not and cannot show that Dep. Long had any prior identical or similar incidents of improperly selling property at a sheriff's sale. In fact, there were no prior disciplinary incidents while Long was in the Judgments Division of the Sheriff's Office. (R. p. 463). Therefore, Petitioner is attempting to link completely unrelated disciplinary issues, including leaving his post to walk his dog, getting into a car accident, and an argument with a supervisor, to his claim that the Sheriff's Office should have known Long would act improperly in enforcing judgments. There is simply no nexus and the Court of Appeals correctly held that the negligent retention claim was without merit.

Even if there was some nexus or connection between the prior disciplinary issues, the Court of Appeals also correctly held that Sheriff's Office would be entitled to discretionary immunity

for the decision to retain Long. Petitioner argues that there is no support in the record for discretionary immunity, but the record reflects that during his employment with the Judgments Division, Deputy Long's evaluations showed that he was exceeding expectations in his job duties. (R. p. 463). A job evaluation is a means for an employer to determine how an employee is performing and a means of determining whether the employee should be retained. Therefore, the record indicates that discretion was used in deciding to continue Long's retention in the Judgments Division and discretionary immunity is appropriate.

IV. The Court of Appeals correctly held that Petitioner's allegation of malice was based on speculation alone.

A plaintiff has the burden of proving that an employee's actions were outside the course and scope of his duties or that they were completed with actual malice. See S.C. Code Ann. 15-78-70(b). The Court of Appeals cited to Jones v. Garner, 250 S.C. 479, 488, 158 S.E.2d 909, 914 (1968) to define actual malice to mean "that the defendant was actuated by ill will in what he did, with the design to causelessly and wantonly injure the plaintiff...." Petitioner has not and cannot meet his burden. In order to support his malice claim, Petitioner relies on one phone call and Long's belief that collecting the judgment will be difficult. Petitioner also asserts that not pursuing very old cars and unverifiable personal property on Petitioner's land is evidence of malice. None of this is evidence, but is rather pure speculation. Therefore, the Court of Appeals correctly held that Petitioner's malice claim was properly dismissed.

V. The Court of Appeals correctly held that the Circuit Court must consider Petitioner's lengthy delay as a defense to his cause of action for Inadequacy of Sale Price.

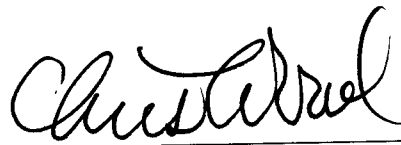
Petitioner is requesting that this Court limit what the Circuit Court can and cannot consider on remand. Petitioner's support for this argument is that the defense of laches was not raised below. This is incorrect as both the County Respondents and Respondent Mase and Company

raised laches as an affirmative defense in their Answers to Plaintiff's cause of action for Inadequacy of Sale Price. (R. p. 525 and p. 531). Further, Petitioner has argued in his Appellate Brief that the Inadequacy of Sale Price cause of action was never considered at all by the Circuit Court. Therefore, on remand, the Circuit Court should not be limited in what defenses can or cannot be considered, especially those that were specifically raised in the Answers. Finally, there is plenty of support in the record and the appellate briefs for the argument that Petitioner's claims should be barred by his own inequitable actions and unreasonable delay.

The Court of Appeals ruling is in line with the relief requested by Petitioner and in line with the arguments asserted by Respondents. For this reason, Petitioner's arguments in regard to the remand of his Sixth Cause of Action are without merit.

CONCLUSION

Wherefore, for the foregoing reasons, Respondents request that the Court deny the Petition for Writ of Certioari.



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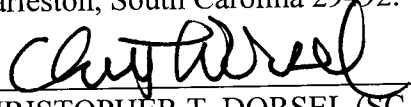
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PROOF OF SERVICE

I certify that I have served copies of Respondents J. Al Cannon, Jr., Charleston County Sheriff's Dept., Charleston County Revenue Collections Dept., and Harry Long's *Return to Petition for Writ of Certiorari* by depositing a copy of the same in the United States Mail, postage prepaid, on November 20, 2018, addressed to attorneys of record Edward A. Bertele, 1812 Pierce Street, Charleston, South Carolina 29492 and Wendy J. Keefer, Keefer & Keefer, LLC, 1643B Savannah Highway, Suite 226, Charleston, South Carolina 29492.


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