

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Shirley C. Robinson, Administrative Law Judge

Appellate Case No. 2018-001868

**RECEIVED**  
JAN 31 2019  
SC Court of Appeals

South Carolina Department of Health and  
Environmental Control, ..... Appellant-Respondent,

v.

James W. Davenport, ..... Respondent-Appellant.

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

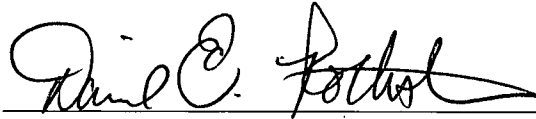
Respondent-Appellant, James W. Davenport, by and through his undersigned counsel, hereby proposes the following to be included in the Record on Appeal:

1. ALC's Final Decision and Order (Mar. 20, 2018)
2. ALC's Order Granting Respondent's Petition for Attorney's Fees (Aug. 1, 2018)
3. ALC's Order on Petitioner's Motion to Alter or Amend (Sept. 20, 2018)
4. Entire Trial Transcript (Vols. 1-V) (July 24-28, 2017)
5. All Exhibits of Respondent (Resp. Ex. 1-29)
6. Transcript of Hearing (June 13, 2018)
7. DHEC Motion to Alter or Amend (Reconsider) Order Granting Petition for Attorney's Fees

\* \* \*

The undersigned certifies that this Designation contains no matter which is irrelevant to this appeal.

January 28, 2019

A handwritten signature in black ink, appearing to read "David E. Rothstein", written over a horizontal line.

David E. Rothstein  
Rothstein Law Firm, PA  
1312 Augusta Street  
Greenville, SC 29605  
(864) 232-5870  
Attorney for Respondent-Appellant

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PROOF OF SERVICE

I certify that I have served the Initial Brief of Respondent-Appellant on Primary Appeal and Respondent-Appellant's Designation of Matter to be Included in Record on Appeal upon Appellant-Respondent, South Carolina Department of Health and Environmental Control, by depositing a copy of both documents in the United States Mail, postage prepaid, on January 28, 2019, addressed to its attorneys of record, Ashley C. Biggers and Vito M. Wicevic, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201.

January 28, 2019

  
\_\_\_\_\_  
David E. Rothstein  
Rothstein Law Firm, PA  
1312 Augusta Street  
Greenville, SC 29605  
(864) 232-5870  
Attorney for Respondent-Appellant



# ROTHSTEIN LAW FIRM, PA

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January 28, 2019

Hon. Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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SC Court of Appeals

Re: South Carolina Department of Health and Environmental Control v. Davenport,  
Appellate Case No. 2018-001868

Dear Ms. Kitchings:

Enclosed please find the original and one copy each of the Initial Brief of Respondent-Appellant on Primary Appeal and Respondent-Appellant's Designation of Matter to be Included in the Record on Appeal in the above-referenced case. Please file the originals and return a clocked-in copy of each to me via the enclosed return envelope.

As indicated on the attached Proof of Service for each document, I am hereby serving a copy of the Initial Brief and Designation on Counsel for Appellant-Respondent.

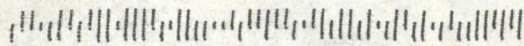
Thank you in advance for your attention to this matter. If you have any questions or need anything else, please do not hesitate to call me or email me.

Sincerely yours,

David E. Rothstein

Enclosures

cc: Ashley C. Biggers, Esq.  
Vito M. Wicevic, Esq.



Greenville P&DC 296  
TUE 29 JAN 2019 PM



ROTHSTEIN LAW FIRM, PA

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