

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW
COURT

Deborah Brooks Durden, Administrative Law Judge

Docket No. 2014-000246

South Carolina Department of Consumer Affairs,.....Respondent,

v.

Entera Holdings, LLC and
Entera Work Comp Solutions, LLC,Appellants.

REPLY BRIEF OF APPELLANTS

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ARGUMENT

ISSUE I

THE DOCUMENT IN QUESTION WAS NEVER PROPERLY SERVED PURSUANT TO SOUTH CAROLINA LAW

Respondents state that they can serve papers upon a party by personal service. While appellants do not dispute this, the particular document in question was not served by personal service but was served by a third party delivery service. As noted in the brief-in-chief, all of the rules and regulations of South Carolina appellants have been able to find, require service of documents by US Mail.

It, therefore, remains the contention of appellants that service of any legal document in South Carolina is not effective unless it is either delivered by personal service, as noted by the Department or by US Mail.

ISSUE II

THE AGENCY ALTERED THE TERMS AND PROVISIONS OF THE FINAL AGENCY DECISION

Regardless of any other items in the letter of August 21, 2013, the Department altered the terms of the final agency decision, by including the last paragraph requiring that appellants contact "the Department" within 30 days of the receipt of the letter, which was accomplished well within that timeframe. As such, though the Department may have unintentionally altered the terms of the original letter, nonetheless they are the drafters of the letter and their Deputy Director added a paragraph to the letter indicating that a response to "the Department," not the ALJ, was due within 30 days. (ROA p.20)

CONCLUSION

It is therefore respectfully submitted that the order of the ALJ be vacated and the matter be remanded to the agency.

Respectfully Submitted,



David Hill Keller, Esq.

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