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S.C. SUPREME COURT

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

APPEAL FROM THE ADMINISTRATIVE LAW COURT

The Honorable H.W. Funderburk, Jr.

Opinion No. 5700 (S.C. Ct. App. Filed December 31, 2019)

GENE B. SCHWIERS.....Petitioner,

vs.

SOUTH CAROLINA DEPARTMENT OF HEALTH
AND ENVIRONMENTAL CONTROL & STEWART W. HEATH OF WHOM

STEWART W. HEATHRespondent.

Exhibit 1 – February 13, 2017 DHEC Letter to Court of Appeals



February 13, 2017

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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FEB 15 2017

SC Court of Appeals

Re: Gene Schwiers v. SCDHEC and Stewart Heath
Case-Tracking-No.-2016-002136

Dear Ms. Kitchings:

In evaluating the issues arising from Judge Funderburk's *Amended Final Order*, the Department decided not to file a *Notice of Appeal*.

The Department gratefully acknowledges this Court's January 18, 2017 Extension Order. However, because the Department has to ration its limited resources, SCDHEC has concluded that the best use of those resources is to take no position regarding the issues raised in the Appellant's Brief, rather than preparing and filing a Respondent's Brief. By copy of this letter, I am notifying all parties to this appeal.

Please address all correspondence in this matter to my attention at 1362 McMillan Avenue, Suite 400, Charleston, South Carolina 29405.

Thank you for your attention in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Brad Churdar".

Bradley D. Churdar
Chief Counsel

BDC/mdc

cc: E. LeRoy Nettles, III, Esquire
Gene B. Schwiers

20826



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