

93427

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES

Ralph King Anderson, III, Chief Administrative Law Judge

Case No. 20-ALJ-18-0021-AP
Appellants Case No: 2020-001287

RECEIVED
OCT 19 2020
SC Court of Appeals

Bernadette Simmons Brown
and Harvest Time Academy,
CDC,

Appellants,

v.

South Carolina Department of
Social Services,

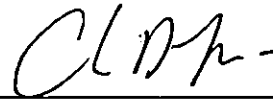
Respondent.

MOTION TO WITHDRAW AS COUNSEL

Attorney for the Appellants, Christopher D. Lizzi of Lizzi Law Firm, PC respectfully moves for the withdrawal of his appearance as counsel in the above referenced matter. Counsel's withdrawal is permissible under the South Carolina Rules of Professional Conduct pursuant to, inter alia, Rule 1.16(b)(1) (withdrawal can be accomplished without material adverse effect on the interest of the client") and/or Rule 1.16(b)(5) ("the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services or payment therefor and has been given reasonable warning that the lawyer will withdrawal unless this obligation is fulfilled") and/or 1.16(b)(6) ("the representation will result in an unreasonable financial burden on the lawyer or has been unreasonably difficult by the client").

WHEREFORE, Christopher D. Lizzi of Lizzi Law Firm, PC, moves for an Order granting a withdrawal of his appearance as counsel for the Appellants and providing that he is relieved from any further responsibility associated with the representation of Appellants in this case. Counsel certifies that consultation with opposing counsel would serve no useful purpose as this is a Motion solely relating to the Appellants' representation.

October 9, 2020



Christopher D. Lizzi
2170 Ashley Phosphate Rd., Ste. 402
North Charleston, South Carolina, 29406
(843) 797-0222
(843)797-0202 (Fax)
Attorney for Appellants

Other Counsel of Record:
Chad Mitchell, Esq.
Office of General Counsel
South Carolina Department of Social Services
PO Box 1520
Columbia, SC 29202
803-898-7617
Attorney for Respondent

From: lizzlaw@aol.com,

To: harvesttimeacademy@comcast.net,

Subject: Decision from Appeal

Date: Wed, Aug 26, 2020 8:56 am

Attachments: Appeal Decision 08.21.20.pdf (1095K)

Mr. Brown,

Please see the attached correspondence as well as the Decision from the Appeal. The original will follow in the mail.

Thank you.

Tammy Rutland

Paralegal

Lizzi Law Firm, P.C.

2170 Ashley Phosphate Road, Suite 402

North Charleston, SC 29406

Telephone: 843-797-0222

Facsimile: 843-797-0202

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(3)

LIZZI LAW FIRM, PC

Attorney at Law

2170 Ashley Phosphate Road, Suite 402
North Charleston, SC 29406
Telephone: (843)797-0222
Christopher D. Lizzi, Esquire

Post Office Box 61899
North Charleston, SC 29419
Facsimile: (843)797-0202
E-Mail: lizzlaw@aol.com

August 24, 2020

Via Email and US Mail

Darrell Brown
126 St. James Avenue
Goose Creek, SC 29445

**RE: *Bernadette Simmons Brown/ Harvest Time Academy, CDC
v. South Carolina Department of Social Services***

Dear Mr. Brown,

I have attached the ruling from the South Carolina Administrative Law Court. Inasmuch as I felt confident in appealing this matter, unfortunately the decision was not in our favor. You have the right to appeal this decision, and should you choose to appeal the decision this would require a \$6,000.00 dollar upfront payment of attorney fees, or certainly, you have the right to seek other counsel.

Please be advised you have thirty (30) days from the date of the attached Order of August 21, 2020 in which to appeal the decision.

Should you have any questions, please feel free to contact my office.

Very truly yours,



Christopher D. Lizzi

CDL/tr
Enclosure

10/8/2020

Brown/Harvest Time Academy v SCDSS (Appeal Deadline)

From: lizzilaw@aol.com,

To: harvesttimeacademy@comcast.net,

Subject: Brown/Harvest Time Academy v SCDSS (Appeal Deadline)

Date: Thu, Sep 17, 2020 3:20 pm

Attachments: client-appeal deadline 09.17.20.pdf (29K)

Please see attached correspondence.

Lizzi Law Firm, P.C.
2170 Ashley Phosphate Road, Suite 402
North Charleston, SC 29406
Telephone: 843-797-0222
Facsimile: 843-797-0202

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(5)

LIZZI LAW FIRM, PC

Attorney at Law

2170 Ashley Phosphate Road, Suite 402
North Charleston, SC 29406
Telephone: (843)797-0222
Christopher D. Lizzi, Esquire

Post Office Box 61899
North Charleston, SC 29419
Facsimile: (843)797-0202
E-Mail: lizzlaw@aol.com

September 17, 2020

Via Email Only – harvesttimeacademy@comcast.net

Darrell Brown/Bernadette Brown
c/o Harvest Time Academy
126 St. James Avenue
Goose Creek, SC 29445

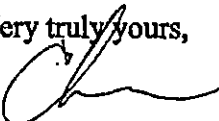
**RE: *Bernadette Simmons Brown/ Harvest Time Academy, CDC
v. South Carolina Department of Social Services***

Dear Mr. and Ms. Brown,

After our conversation earlier this week you had discussed not moving forward with the appeal so that you could pursue a re-opening of a daycare in a new name. I have not heard anything further from you, however I do want to advise you the last day to file the appeal is tomorrow, Friday, September 18, 2020. As I did not hear from, my assumption was correct in that it is your plan to reopen a daycare in a new name and you will not be filing the appeal.

Please confirm immediately if this is not the case.

Very truly yours,



Christopher D. Lizzi

CDL/tr

(6)

From: lizzlaw@aol.com,
To: HarvestTimeAcademy@comcast.net,
Subject: Re: Brown/Harvest Time Academy v SCDSS (Appeal Deadline)
Date: Thu, Sep 17, 2020 4:05 pm

I will file the Notice of Appeal and pay the filing fee. Upon receiving the filed Notice of Appeal back from the Court I will forward same to you. As I am only filing the Notice of Appeal and it is not your intention to retain my services for this appeal, I will thereafter file my Order to be Relieved as Counsel.

For this process you will be billed for my time and the cost of the filing fee.

Chris
dictated but not read

Lizzi Law Firm, P.C.
2170 Ashley Phosphate Road, Suite 402
North Charleston, SC 29406
Telephone: 843-797-0222
Facsimile: 843-797-0202

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—Original Message—

From: HarvestTimeAcademy@comcast.net
To: Lizzi Law Firm, PC <lizzlaw@aol.com>
Sent: Thu, Sep 17, 2020 3:40 pm
Subject: Re: Brown/Harvest Time Academy v SCDSS (Appeal Deadline)

Yes

Sent from Xfinity Connect App

— Original Message —

From: Lizzi Law Firm, PC
To: HarvestTimeAcademy@comcast.net
Sent: September 17, 2020 at 3:39 PM
Subject: Re: Brown/Harvest Time Academy v SCDSS (Appeal Deadline)

Do you want me to file the appeal or not. I need a definitive answer.

Chris
dictated but not read

Lizzi Law Firm, P.C.
2170 Ashley Phosphate Road, Suite 402
North Charleston, SC 29406
Telephone: 843-797-0222
Facsimile: 843-797-0202

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(7)

10/8/2020

Re: Brown/Harvest Time Academy v SCDSS (Appeal Deadline)

—Original Message—

From: HarvestTimeAcademy@comcast.net
To: Lizzi Law Firm, PC <lizzlaw@aol.com>
Sent: Thu, Sep 17, 2020 3:33 pm
Subject: Re: Brown/Harvest Time Academy v SCDSS (Appeal Deadline)

My wife reminded me that you said you would file the appeal and then withdraw your name from the case and we will handle it from there. I told you that we were considering that but that wasn't our final consideration. We also didn't know that the deadline was this close

Sent from Xfinity Connect App

— Original Message —

From: Lizzi Law Firm, PC
To: harvesttimeacademy@comcast.net
Sent: September 17, 2020 at 3:20 PM
Subject: Brown/Harvest Time Academy v SCDSS (Appeal Deadline)

Please see attached correspondence.

Lizzi Law Firm, P.C.
2170 Ashley Phosphate Road, Suite 402
North Charleston, SC 29406
Telephone: 843-797-0222
Facsimile: 843-797-0202

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(8)

From: lizzlaw@aol.com,
To: harvesttimeacademy@comcast.net,
Subject: Order to be Relieved
Date: Tue, Sep 22, 2020 3:49 pm

Mr. Brown,

We have filed the Notice of Appeal to the Court of Appeals which was forwarded to you for your reference. As stated by Attorney Lizzi previously, due to not having the funds available to retain his services, I am drafting the Consent Order to be Relieved as Counsel and am asking if you will be consenting and come in to sign same. I will need your response not later than tomorrow by 3:00 pm or I will file the proposed Order in absence of your consent.

Thank you.
Tammy Rutland
Paralegal

Lizzi Law Firm, P.C.
2170 Ashley Phosphate Road, Suite 402
North Charleston, SC 29406
Telephone: 843-797-0222
Facsimile: 843-797-0202

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(9)

From: lizzlaw@aol.com,
To: HarvestTimeAcademy@comcast.net,
Subject: Re: Appeal #2
Date: Wed, Oct 7, 2020 8:46 pm

Mr. Brown your criminal case is awaiting a jury trial. I told you the city's offer which you rejected. So we now are in line for a jury trial when they Start having them after the pandemic You will be informed as soon as we have a status.

We need to take care of the appeal Smart being released this council immediately.
Christopher Lizzi

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: HarvestTimeAcademy@comcast.net
Date: 10/7/20 5:56 PM (GMT-05:00)
To: "Lizzi Law Firm, PC" <lizzlaw@aol.com>
Subject: Re: Appeal #2

Also I haven't heard anything about the criminal case. Please let me know the status on that

Sent from Xfinity Connect App

----- Original Message -----

From: Lizzi Law Firm, PC
To: harvesttimeacademy@comcast.net
Sent: October 7, 2020 at 5:12 PM
Subject: Appeal #2

Good afternoon,

Please see the attached correspondence along with the filed documents as it pertains to your case.

Thanks
Tammy Rutland
Paralegal

Lizzi Law Firm, P.C.
2170 Ashley Phosphate Road, Suite 402
North Charleston, SC 29406
Telephone: 843-797-0222
Facsimile: 843-797-0202

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(10)

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES

Ralph King Anderson, III, Chief Administrative Law Judge

Case No. 20-ALJ-18-0021-AP
Appellant Case No.: 2020-001287

RECEIVED

OCT 19 2020

SC Court of Appeals

Bernadette Simmons Brown,
Harvest Time Academy, CDC, Appellants,

v.

South Carolina Department of
Social Services, Respondent.

PROOF OF SERVICE

I, Christopher D. Lizzi, of Lizzi Law Firm, PC, counsel for Appellants, Bernadette Simmons Brown and Harvest Time Academy hereby certify that the foregoing Motion to Withdraw as Counsel was served on all parties to this action by electronic service and by depositing a copy of same in the US Mail on October 12, 2020, properly posted for delivery to the following recipients:

Via Email: Chad.Mitchell@dss.sc.gov and US Mail
Chad Mitchell, Esq.
Office of General Counsel
SC Department of Social Services
PO Box 1520
Columbia, SC 29202
Attorney for Respondent

Via Email: harvesttimeacademy@comcast.net and US Mail
Bernadette Simmons Brown and Harvest Time Academy, CDC
126 St. James Avenue
Goose Creek, SC 29445
Appellants

(SIGNATURE TO FOLLOW ON NEXT PAGE)

October 9, 2020



Christopher D. Lizzi
2170 Ashley Phosphate Rd., Ste. 402
North Charleston, South Carolina 29406
(843) 797-0222
(843)797-0202 (Facsimile)
Attorney for Appellants

LIZZI LAW FIRM, PC

Attorney at Law

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Christopher D. Lizzi, Esquire

Post Office Box 61899
North Charleston, SC 29419
Facsimile: (843)797-0202
E-Mail: lizzilaw@aol.com

October 9, 2020

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

RECEIVED

OCT 19 2020

SC Court of Appeals

**RE: *Bernadette Simmons Brown/ Harvest Time Academy, CDC
v. South Carolina Department of Social Services
Case no.: 2020-001287***

Dear Ms. Kitchings,

Please find enclosed the original and seven (7) copies of the Motion to Withdraw as Counsel, the original and one (1) copy of the Proof of Service of same and our firm's check in the amount of \$50.00 dollars representing the filing fee. Please file the originals and return court stamped copies to me in the enclosed envelope.

With kindest regards,

Sincerely,


Christopher D. Lizzi

CDL/tr

Enclosures

Cc: Chad Mitchell, Esquire (via Email and US Mail)
Bernadette Simmons Brown and Harvest Time Academy, CDC (via Email and US Mail)



NEOPOST
10/12/2020
US POSTAGE \$004.75⁹

ZIP 29405
011110281603

Lizzi Law Firm, P.C
2170 Ashley Phosphate Road, Suite 402
North Charleston, SC 29405

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OCT 10 2020
SC Court of Appeals

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

