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**Apr 19 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM SOUTH CAROLINA  
Administrative Law Court

S. Phillip Lenski, Administrative Law Judge

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Appellate Case No. 2020-001691

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RM and Sons, LLC, d/b/a Anderson Liquor,..... Petitioner/Respondent,

v.

South Carolina Department of Revenue and City of Anderson,..... Respondents

of which City of Anderson is .....Appellant.

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**INITIAL BRIEF OF RESPONDENT**

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## **STATEMENT OF ISSUES ON APPEAL**

The Administrative Law Court did not err in finding that the proposed location for Respondent's liquor store was a "suitable" place under South Carolina Code Annotated Section 61-6-910(2) and in ordering the Department to grant Respondent's application for a retail liquor license.

## **STATEMENT OF THE CASE**

This matter came before the Court for a contested case hearing pursuant to Respondent RM & Sons, d/b/a Anderson Liquor's ("Anderson Liquor") application with the Respondent South Carolina Department of Revenue ("Department") for a retail liquor license for its location at 1311 Williamston Road, Anderson, South Carolina. (Final Order of the Honorable S. Phillip Lenski ("Judge Lenski") R. \_\_\_\_). The Department conditionally denied Respondent Anderson Liquor's request on or about April 29, 2020. (Final Order of Judge Lenski, R. \_\_\_\_). On May 6, 2020, Respondent Anderson Liquor timely protested the denial of the license to the Department. (Final Order of Judge Lenski, R. \_\_\_\_). On July 8, 2020, the Department issued its determination denying Respondent's Anderson Liquor's license. (Final Order of Judge Lenski, R. \_\_\_\_).

Respondent Anderson Liquor timely appealed this decision to the Administrative Law Court. The City of Anderson was granted leave to intervene without objection. (Transcript of Record, Page 4, Lines 5-10; R. \_\_\_\_). (Final Order of Judge Lenski, R. \_\_\_\_). A contested case hearing was held on November 5, 2020. (Final Order of the Judge Lenski, R. \_\_\_\_). After hearing testimony and reviewing evidence presented at the hearing, Judge Lenski issued his Order determining that the Department had not proven that Respondent Anderson Liquor's proposed location was not a suitable place pursuant to South Carolina Code Section 61-6-910(2) and ordering the Respondent Department to grant Respondent Anderson Liquor's application for a

liquor license for its location at 1311 Williamston Road, Anderson, South Carolina subject to certain conditions contained in the Order. (Final Order of Judge Lenski, R. \_\_\_\_). Appellant City of Anderson timely appealed Judge Lenski's Order.

### **STATEMENT OF THE FACTS**

Respondent Anderson Liquor is the owner of a parcel of land located on Williamston Road very close to where it intersects Highway 29 in Anderson County, South Carolina. (Transcript of Record, Page 12, Line 24 – Page 13, Line 1; R. \_\_\_\_). The LLC is owned by Rajelish "Raj" Patel, who testified at the contested hearing. (Transcript of Record, Page 12, Lines 7-9; R. \_\_\_\_) (Transcript of Record, Page 11, Lines 19-22; R. \_\_\_\_). Mr. Patel lives in Piedmont, South Carolina. (Transcript of Record, Page 11, Line 25 – Page 22, Line 4; R. \_\_\_\_). Mr. Patel is presently employed as the manager of a Shell service station/convenience store located across the street from the property at issue in this appeal which is owned by his grandmother. (Transcript of Record, Page 14, Lines 2-8; R. \_\_\_\_) (Petitioner's Exhibit No. 1; R. \_\_\_\_). Mr. Patel has managed this business for approximately five (5) years. (Transcript of Record, Page 5, Lines 14-19; R. \_\_\_\_). Mr. Patel testified that he is at the Shell station/convenience store, "every day, almost all day," working at the cash register. (Transcript of Record, Page 14, Lines 22-25; R. \_\_\_\_) (Transcript of Record, Page 15, Lines 6-8; R. \_\_\_\_). He testified that approximately ninety percent of his customers are repeat, who he described as "regular clients." (Transcript of Record, Page 29, Line 22 – Page 30, Line 3; R. \_\_\_\_). He testified that during the time he has worked as manager he has had no issues with the Anderson Police Department. (Transcript of Record, Page 15, Line 24 – Page 16, Line 1; R. \_\_\_\_).

The Shell station/convenience store has an off premises or "to go" beer and wine permit. (Transcript of Record, Page 15, Lines 3-5; R. \_\_\_\_). This beer and wine permit was obtained

without protest. (Transcript of Record, Page 16, Lines 9-21; R. \_\_\_\_). No one, including law enforcement, has ever protested it. (Transcript of Record, Page 16, Lines 12-29; R. \_\_\_\_). Anyone who wishes to purchase beer or wine has their identification checked and verified. The Shell station/convenience store utilizes electronic age verification. (Transcript of Record, Page 16, Lines 6-21; R. \_\_\_\_). The store has received no warnings or alcohol violations. (Transcript of Record, Page 15, Lines 15-20; R. \_\_\_\_). There have been no arrests at the Shell station. (Transcript of Record, Page 15, Lines 15-23; R. \_\_\_\_) (Transcript of Record, Page 31, Line 24 – Page 32, Line 14; R. \_\_\_\_). While there was testimony regarding calls for law enforcement made to the Shell station, there was no evidence presented that any of these calls involved illegal activity at the Shell station itself or the proposed location for the Respondent's liquor store. (Transcript of Record, Page 68, Lines 14-18; R. \_\_\_\_) (Transcript of Record, Page 77, Lines 4-8; R. \_\_\_\_). (Final Order of Judge Lenski; R. \_\_\_\_).

Prior to the property at 1311 Williamston Road being purchased by Mr. Patel's LLC, the property was used as a "...regular convenience store, grocery store, check cashing place." (Transcript of Record, Page 20, Lines 9-17; R. \_\_\_\_) (Transcript of Record, Page 41, Lines 13-20; R. \_\_\_\_). The property is located in a rural area across the street from the Shell station with woods and trees around and behind it. (Transcript of Record, Page 13, Lines 17-21; R. \_\_\_\_) (Transcript of Record, Page 25, Lines 6-13; R. \_\_\_\_) (Petitioner's Exhibit 6, R. \_\_\_\_) (Petitioner's Exhibit 7, R. \_\_\_\_). The property had a permit to sell wine and liquor for off premises consumption long before its purchase by Respondent. (Transcript of Record, Page 20, Lines 19-24; R. \_\_\_\_). Mr. Patel intends to operate a liquor store in the building which he will personally manage (much like he has managed the Shell station location for his grandmother for the past five (5) years). (Transcript of Record, Page 23, Line 9 – Page 24, Line 4; R. \_\_\_\_). Mr. Patel borrowed

\$240,000.00 s to invest in the building. (Transcript of Record, Page 21, Lines 16-21; R. \_\_\_\_). Mr. Patel testified that the purchase of this location for use as a liquor store has constituted a significant investment for him. (Transcript of Record, Page 29, Lines 6-15; R. \_\_\_\_). Mr. Patel testified that he will lose this investment if his application for a permit is not granted. (Transcript of Record, Page 29, Lines 6-15; Lines 22-14; R. \_\_\_\_).

After purchasing this property in April of 2020, Respondent began making plans to remodel the building. These plans are presently on hold pending resolution of this matter. (Transcript of Record, Page 20, Lines 9-17; R. \_\_\_\_) (Transcript of Record, Page 21, Lines 4-15; R. \_\_\_\_). He paved the parking lot which has 8-10 spaces which he considers to be adequate. (Transcript of Record, Page 21, Lines 23-25; R. \_\_\_\_) (Transcript of Record, Page 22; Lines 12-21; R. \_\_\_\_) He eliminated one of the two existing entrances. (Transcript of Record, Page 24, Lines 5-23; R. \_\_\_\_). Only one business will operate out of the store. Respondent intends to utilize half of the space in the building for a liquor store and the other half will be used for storage. (Transcript of Record, Page 24, Lines 5-23; R. \_\_\_\_). Mr. Patel testified that the property has exterior lighting and described it as “well lit.” (Transcript of Record, Page 22, Lines 12-23; R. \_\_\_\_) Respondent testified that the liquor store will close at 7 pm, prior to the Shell station. (Transcript of Record, Page 22, Lines 24-25; R. \_\_\_\_).

Mr. Patel testified that he will follow all applicable guidelines in the operation of his store. (Transcript of Record, Page 30, Lines 5-6; R. \_\_\_\_). There was no evidence presented to the contrary. (Transcript of Record, Page 43, Lines 4-5; R. \_\_\_\_). He will not sell alcohol to minors. (Transcript of Record, Page 23, Lines 15-25; R. \_\_\_\_). He testified he will train his employees to check the identification of store customers. (Transcript of Record, Page 23, Lines 23-25; R. \_\_\_\_). His employees will use electronic age verification in the new business. (Transcript of Record, Page

23, Lines 23-25; R. \_\_\_\_). Respondent testified that he will not allow litter to accumulate around the store. (Transcript of Record, Page 23, Line 12-14; R. \_\_\_\_). He will not allow any loitering around the store. (Transcript of Record, Page 23, Lines 9-14; R. \_\_\_\_). He will have security cameras. (Transcript of Record, Page 33, Lines 11-13; R. \_\_\_\_). Mr. Patel testified that he does not allow drug transactions to occur at the Shell station/convenience store and will not allow them at the Liquor Store. (Transcript of Record, Page 30, Line 20 – Page 31, Line 3; R. \_\_\_\_).

### **STANDARD OF REVIEW**

A decision of the Administrative Law Court should not be overturned unless it is unsupported by substantial evidence or controlled by some error of law. *The Original Blue Ribbon Taxi Corporation v. South Carolina Department of Motor Vehicles*, 380 S.C. 600, 670 S.E.2d. 674 (Ct. App. 2008); *Olson v. S.C. Dep't of Health and Environmental Control*, 379 S.C.57, 663 S.E.2d. 497 (Ct. App. 2008). The Administrative Law Judge's Order should be affirmed if supported by substantial evidence in the record. *The Original Blue Ribbon Taxi Corporation v. South Carolina Department of Motor Vehicles*, 380 S.C. 600, 670 S.E.2d. 674 (Ct. App. 2008); *Whitworth v. Window World*, 377 S.C. 637, 661 S.E.2d. 333 (2008). The reviewing Court may reverse or modify the Administrative Law Court's opinion only if the finding, conclusion, or decision reached is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record, arbitrary or otherwise characterized by an abuse of discretion, or is otherwise affected by an error of law. *The Original Blue Ribbon Taxi Corporation v. South Carolina Department of Motor Vehicles*, 380 S.C. 600, 670 S.E.2d. 674 (Ct. App. 2008); *SGM-Moonglo, Inc. v. S.C. Dep't of Revenue*, 378 S.C. 293, 662 S.E.2d. 487 (Ct. App. 2008).

## ARGUMENT

### I. JUDGE LENSKI'S ORDER IS SUPPORTED BY SUBSTANTIAL EVIDENCE AND SHOULD BE AFFIRMED BY THIS COURT

Judge Lenski's Order finding and ruling that Respondent Anderson Liquor's property at 1311 Williamston Road is a "suitable place" pursuant to South Carolina Code Section 61-6-910(2) is clearly supported by the overwhelming evidence presented before him at the contested hearing. In South Carolina, the requirements for a retail liquor licenses are set forth in Sections 61-6-110 and 61-6-910 of the South Carolina Code. S. C. Code Ann. Section 61-6-110(2009); S. C. Code 61-9-910 (2009). South Carolina Code Section 61-9-910 provides, in part, that a liquor license must be refused if "the store or place of business to be occupied by the applicant is not a suitable place. S.C. Ann. 61-6-910(2). Broad discretion is vested in the trier of fact to determine the suitability of a particular location for licensure. See, *Fast Stops, Inc. v. Ingram*, 276 S.C.593, 281 S.E.2d. 118 (1981). Although "proper location" is not statutorily defined, the Administrative Law Court is vested, as the trier of fact, with the authority to determine the fitness of a particular location. *Fast Stops, Inc. v. Ingram*, 276 S.C.593, 281 S.E.2d. 118 ((1981). While the issuance or granting of a license to sell alcoholic beverages rests in the sound discretion of the body or official to whom the duty of issuing it is committed (in this case the Department of Revenue), when a contested case hearing is requested to review the Department's denial of a license or permit, the Administrative Law Court serves as the sole finder of fact and reviews the matter *de novo*. *Brown v. S.C. Dep't of Health and Environmental Control*, 348 S.C.507, 560 S.E.2d. 410 (2002). As the trier of fact, the weight and credibility assigned to the evidence presented at the hearing is within the province of the Court. See, *South Carolina Cable Television Assn' v. S. Bell Tel. Co.*, 308 S.C.216, 417 S.E.2d. 586 (1992).

Judge Lenski's Order that the Department failed to establish this particular location was not suitable for a liquor license and that the location in question is suitable for a liquor store is supported by the overwhelming evidence presented at the contested hearing and should be affirmed by this Court. Rajelish "Raj" Patel, the owner of Respondent Anderson Liquor testified at the contested hearing. (Transcript of Record, Page 12, Lines 7-9; R. \_\_\_\_)(Transcript of Record, Page 11, Lines 19-22; R. \_\_\_\_). Mr. Patel is presently employed as the manager of a Shell service station/convenience store located directly across the street from the property at issue in this appeal. Mr. Patel manages the Shell station which is owned by his grandmother. (Transcript of Record, Page 14, Lines 2-8; R. \_\_\_\_). Mr. Patel has managed this business for approximately five (5) years. (Transcript of Record, Page 5, Lines 14-19; R. \_\_\_\_). Mr. Patel testified that he is at the Shell station/convenience store, "every day, almost all day." (Transcript of Record, Page 14, Lines 22-25; R. \_\_\_\_). Again, the Shell station is located directly across the street from the property at issue in this appeal. (Exhibit 9; R. \_\_\_\_)(Transcript of Record, Page \_\_\_\_, Lines \_\_\_\_; R. \_\_\_\_).

The Shell station has an off premises or "to go" beer and wine permit. (Transcript of Record, Page 15, Lines 3-5; R. \_\_\_\_). Anyone who wishes to purchase beer or wine has their identification checked and verified. The Shell station utilizes electronic age verification. (Transcript of Record, Page 15, Lines \_\_\_\_). The store has received no warnings or alcohol violations. (Transcript of Record, Page 15, Lines 15-20; R. \_\_\_\_). There have been no arrests at the Shell station. (Transcript of Record, Page 15, Lines 15-23; R. \_\_\_\_)(Transcript of Record, Page 31, Line 24 – Page 32, Line 14; R. \_\_\_\_). There have been no protests for renewal of the store's beer or wine permit during the time that Mr. Patel has worked there. (Transcript of Record, Page 16, Lines 6-8; R. \_\_\_\_)(Transcript of Record, Page 16, Lines 15-21; R. \_\_\_\_).

Prior to the property at issue in this case (1311 Williamston Road) being purchased by Mr. Patel's LLC, the property was used as a "...regular convenience store, grocery store, check cashing place." (Transcript of Record, Page 20, Lines 9-17; R. \_\_\_\_). It is across the street from the Shell station with woods and trees behind it. (Transcript of Record, Page 25, Lines 2-24; R. \_\_\_\_). The property had a permit to sell wine and liquor for off premises consumption. (Transcript of Record, Page 20, Lines 18-24; R. \_\_\_\_). Mr. Patel intends to operate a liquor store in the building which he will personally manage. (Transcript of Record, Page 23, Line 9 – Page 24, Line 4; R. \_\_\_\_). Mr. Patel borrowed \$240,000.00 dollars to invest in the building. (Transcript of Record, Page 21, Lines 16-21; R. \_\_\_\_). Mr. Patel testified that this constituted a significant investment for him. (Transcript of Record, Page 29, Lines 6-15; R. \_\_\_\_). Mr. Patel testified that he will lose this investment if his application for a permit is not granted. (Transcript of Record, Page 29, Lines 6-15; R. \_\_\_\_).

After obtaining this financing and purchasing the property, Respondent began making plans to remodel and upfit the building. (Transcript of Record, Page 21, Lines 4-15; R. \_\_\_\_). He paved the parking lot. (Transcript of Record, Page 22, Lines 12-21; R. \_\_\_\_). He eliminated one of the two existing entrances. (Transcript of Record, Page 24, Lines 5-23; R. \_\_\_\_). Mr. Patel testified that the property has exterior lighting and described it as "well lit." (Transcript of Record, Page 22, Lines 12-23; R. \_\_\_\_)

Mr. Patel testified that he will not sell alcohol to minors. (Transcript of Record, Page 23, Lines 15-25; R. \_\_\_\_). He testified he will train his employees to check identification of store customers. (Transcript of Record, Page 23, Lines 23-25; R. \_\_\_\_). His employees will use electronic age verification in the new business. (Transcript of Record, Page 23, Lines 23-25; R. \_\_\_\_). He will not allow any loitering around the store. (Transcript of Record, Page 23, Lines 9-14; R. \_\_\_\_).

He will have security cameras. (Transcript of Record, Page 33, Lines 11-13; R. \_\_\_\_). Mr. Patel testified that he does not allow drug transactions to occur at the Shell station/convenience store and will not allow them at the Liquor Store. (Transcript of Record, Page 30, Line 20 – Page 31, Line 3; R. \_\_\_\_).

Judge Lenski also heard testimony from Kenneth Wayne Blakely. (Transcript of Record, Page 39, Lines 12-14; R. \_\_\_\_). Mr. Blakely lives two miles up the street from the Shell station. (Transcript of Record, Page 39, Lines 12-17; R. \_\_\_\_). He retired from the Anderson City Police after 26 years of service. (Transcript of Record, Page 39, Lines 19-25; R. \_\_\_\_). Mr. Blakely retired as Sergeant on the Road Patrol. He was supervisor of the area around the Shell station and the proposed location for Respondent's liquor store. (Transcript of Record, Page 40, Lines 1-9; R. \_\_\_\_) (Transcript of Record, Page 41, Lines 13-20; R. \_\_\_\_). Mr. Blakely appeared voluntarily at the contested hearing (Final Order of Judge Lenski; R. \_\_\_\_) (Transcript of Record, Page 41, Lines 1-8; R. \_\_\_\_).

Mr. Blakely testified that he is familiar with Raj and his family. He testified that he knows them very well. (Transcript of Record, Page 40, Line 25; R. \_\_\_\_). He described them as, "...very good citizens. I've never had an issue with them." (Transcript of Record, Page 40, Lines 14-23; R. \_\_\_\_). Mr. Blakely and his wife shop at the Shell station managed by Mr. Patel (Transcript of Record, Page 40, Lines 19-24; R. \_\_\_\_). Mr. Blakely testified that based on his experience, there was nothing unique about the location of the property at issue in this case or about the properties surrounding it. (Transcript of Record, Page 41, Line 24 – Page 42, Line 6; R. \_\_\_\_) He testified that there was nothing to differentiate this location from the location of other liquor stores in Anderson. (Transcript of Record, Page 42, Lines 7-19; R. \_\_\_\_). He testified that the existing Shell station was not a burden on law enforcement. He testified that the proposed liquor store would not

create any more of a burden on law enforcement. (Transcript of Record, Page 42, Line 24 – Page 43, Line 4). (Transcript of Record, Page 44, Line 14-23; R. \_\_\_\_).

The Appellant presented no evidence of any concerns over the business now operated by Respondent or on the effect of a liquor store at the property he has purchased. There was no evidence presented of alleged criminal activity or law enforcement calls to either the Shell station presently managed by Respondent or at the specific location that is at issue in this case, 1311 Williamston Road. Neither of the Appellant's witnesses had any issues with the number of calls to law enforcement either at the property at issue in this case or at the Shell station managed by Respondent. (Order of Judge Lenski, R. \_\_\_\_ ) (Transcript of Record, Page 61, Lines 24 – Page 62, Line 1; R. \_\_\_\_ ) (Transcript of Record, Page 68, Lines 11-18; R. \_\_\_\_ ) (Transcript of Record, Page 68, Lines 14-18; R. \_\_\_\_).

This is not a case where there is direct evidence of crime at the location in question. *See, Tsegay Haile d/b/a/ Kezo Quick Stop, Petitioner*, No. 17-ALJ-17-0372 CC, 2018 W.L. 1900322 (April 11, 2018). There was no evidence presented that the proposed location for Respondent's store was a "hotspot" for criminal activity. (Final Order of Judge Lenski, R. \_\_\_\_). The Appellant's objections and argument relies solely on alleged criminal activity and law enforcement response not at the location at issue in this case where the liquor store will be located, but on two properties located in the general vicinity or some distance away from Respondent's proposed location, Fairview Gardens Apartments and The Southerner Motel. Appellant conceded at the hearing that if these two properties were eliminated from consideration, they would have no issue with the granting of a license to Respondent (Transcript of Record, Page 69, Lines 3-4; R. \_\_\_\_).

Fairview Gardens Apartments are located approximately 200-500 yards from the piece of property in question in this case. (Transcript of Record, Page 18, Lines 8-20; R. \_\_\_\_). There was

testimony that the apartments were a 10-15 minute walk away from the proposed location of Respondent's store.

The Southerner Motel is located approximately 100 yards from the proposed location at issue in this case. It is not directly across the street from the proposed location. There are two roads and a small hill between the proposed location of the liquor store and the hotel. (Transcript of Record, Page 44, Lines 1-22; R. \_\_\_\_). For many years there was a bar operating directly across the street from the hotel. (Transcript of Record, Page 19, Lines 6-23; R. \_\_\_\_), although the bar has now apparently closed.

The testimony presented by the Appellant before Judge Lenski and again before this Court, focuses on alleged criminal activity and law enforcement calls to each of these properties. While Appellant presented evidence at the hearing of law enforcement calls to the Southerner Hotel and the Fairview Apartments, Appellant did not present any evidence that any of these calls were alcohol related or that the granting of Respondent's license would have any effect on law enforcement calls to the surrounding area. (Order of Judge Lenski, R. \_\_\_\_). There was no evidence presented the the operation of a bar directly across the street from the Fairview Apartments complex had had any effect on crime in the area. In fact, Appellant's witness, Chief James Stewart acknowledged that any link between the granting of Respondent's license and an increase in crime would be speculative at best. (Transcript of Record, Page 67, Lines 17 – Page 68, Line 7; R. \_\_\_\_). Chief Stewart acknowledged that if Mr. Patel "followed all the rules," (and there was no evidence presented in this case that he would not), that his business endeavor would be successful. (Transcript of Record, Page 68, Lines 1-7; R. \_\_\_\_).

In addition, the testimony of Appellant's two witnesses was directly contradicted by the testimony of Ken Blakely, himself a former law enforcement officer who worked the area in

question, that the areas cited by Appellant were not any different than any other areas of Anderson and that the proposed liquor store would not have any bearing on crime in the area.

The Department's determination of unsuitability pursuant to South Carolina Code Section 61-6-910(2) was unsupported by the evidence presented at trial. The Department totally and completely failed to prove that the proposed location of Respondent's store was unsuitable for the issuance of retail liquor license. The Department failed to prove the issuance of a retail liquor license would have any effect at all on crime and/or police calls to the location in question or to the surrounding area. The Appellant failed to prove that the issuance of a license to Respondent would have any negative impact at all on law enforcement at the location in question (or in the surrounding area). While Appellant's brief makes mention to churches and schools located in the surrounding area, none of these locations lodged any protest to the Respondent's application for a license. (Transcript of Record, Page 73, lines 16-20; R. ,\_\_\_\_\_).

### **CONCLUSION**

For the reasons set forth above, this Court should affirm the Judgement of the Administrative Law Court Judge which reversed the Department's decision and held that the Respondent's location was suitable for an off premises liquor license pursuant to South Carolina Code Ann. 61-6-910(2).

Respectfully submitted,

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April 19, 2021

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**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
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APPEAL FROM SOUTH CAROLINA  
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RM and Sons, LLC, d/b/a Anderson Liquor,..... Petitioner/Respondent,

v.

South Carolina Department of Revenue and City of Anderson,..... Respondents

of which City of Anderson is .....Appellant.

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**PROOF OF SERVICE**

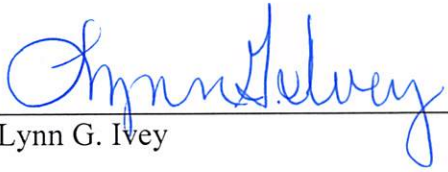
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I, Lynn G. Ivey, an employee of the Moore Taylor Law Firm, P.A., certify that I have served the Petitioner/Respondent’s Initial Brief on the Appellant/Respondents by depositing a copy of same in the United States Mail, postage prepaid and via electronic mail (email), on April 19, 2021, addressed to the attorneys of record as follows:

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West Columbia, South Carolina  
April 19, 2021

  
Lynn G. Ivey

**RECEIVED**  
**Apr 19 2021**  
**SC Court of Appeals**

April 19, 2021

The Honorable Jenny Abbot Kitchings  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201  
(Via Electronic Filing)

RE: RM and Sons, LLC d/b/a Anderson Liquor v. South Carolina Department  
of Revenue and City of Anderson, Intervenor, of whom City of Anderson  
is Appellant  
Case No.: 20-ALJ-17-0177-CC

Dear Ms. Kitchings:

Enclosed please find a copy of the Respondent's Initial Brief in the above-referenced matter along with a Proof of Service. The Respondent does not have any additional designations to add to the proposed Record on Appeal at this time and would therefore adopt the Designation of Matter to be Included in the Record on Appeal previously filed by Appellant.

Thank you in advance for your assistance in this matter.

With kindest regards, I am,

Yours very truly,

  
John C. Bradley, Jr.

/lgi

Enclosures

cc: Stacey Todd Coffee, Esquire  
J. Franklin McClain, Esquire  
Ken Allen, Esquire  
Patrick McCabe, Esquire  
Jason Luther, Esquire

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Sheila McNair Robinson  
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William H. Edwards  
Stanley L. Myers  
Jane H. Downey\*  
S. Jahue Moore, Jr.  
John C. Bradley, Jr.  
Melissa K. Moore  
William B. Fortino  
Ralph Nichols Riley, Jr.  
Lester McGill Bell, Jr.  
Bryan C. Letteer  
Sierra D. Carini  
Lawrence D. Turner  
Brendan J. Green  
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J. Mark Taylor\*†  
Robert D. Hazel†  
C. David Sawyer, Jr.†  
Billy C. Coleman  
1916-2019