

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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May 21 2021

SC Court of Appeals

Appeal from the Administrative Law Court
The Honorable S. Phillip Lenski

Appellate Case No. 2021-000007

Andrew Davis Desilet Appellant,

v.

South Carolina Department of Motor Vehicles and South Carolina
Department of Public Safety Respondents.

**DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL
AND CERTIFICATE OF COUNSEL**

Respondent hereby adopts Appellant's Designation of Matter to Be Included in the Record on Appeal with the following additions:

1. The entire Record on Appeal filed with the Administrative Law Court on or about September 21, 2020, which includes:
 - a. Cover Sheet
 - b. Index
 - c. Letter dated September 21, 2020 to Jana Shealy, Clerk of Court for the Administrative Law Court
 - d. Notice of Assignment filed August 28, 2020
 - e. Transcript of Hearing from hearing held on August 4, 2020
 - f. Transcript request e-mail dated August 19, 2020 to Creel Court Reporting from Yolanda P. Williams
 - g. Notice of Appeal filed August 17, 2020, including the certificate of service
 - h. Final Order and Decision filed August 5, 2020

- i. E-mail dated August 5, 2020 serving Final Order and Decision on all parties
 - j. April 8, 2020 notice rescheduling hearing to August 4, 2020
 - k. March 5, 2020 Notice of Hearing
 - l. Request for Contested Case Hearing filed March 4, 2020
 - m. Certificate of Service dated September 21, 2020
2. Amended Notice of Motion and Motion to Dismiss dated October 5, 2020, including certificate of service
3. All certificates of service and/or proofs of service for the pleadings listed in Appellant's Designation of Matter to be Included in the Record on Appeal (items 4, 5, 6, 7, 9, 10, and 12)
4. Appellant's Notice of Appeal with Corrected Service Address dated October 5, 2020 (cover letter, Notice of Appeal, and Proof of Service)
5. September 26, 2020 (at 6:37 p.m.) e-mail from Brandy Duncan to Erika Easler and parties to this case
6. October 2, 2020 (at 11:21 a.m.) e-mail from Alissa Wilson to Erika Easler and parties to this case
7. October 5, 2020 (at 11:21 a.m.) e-mail from Brandy Duncan to Emily Howard and parties to this case
8. October 5, 2020 (at 1:49 p.m.) e-mail from Alissa Wilson to Emily Howard and parties to this case
9. October 12, 2020 (at 2:25 p.m.) e-mail from Kellie Reaves to Emily Howard and parties to this case
10. October 21, 2020 (at 4:01 p.m.) e-mail from Kellie Reaves to Emily Howard and parties to this case
11. October 21, 2020 (at 4:08 p.m.) e-mail from Brandy Duncan to Emily Howard and parties to this case
12. October 22, 2020 (at 9:54 a.m.) e-mail from Emily Howard to all parties in this case
13. December 22, 2020 letter from SCDMV to Appellant regarding resumption of suspension on January 6, 2021.
14. January 5, 2021 e-mail (at 4:52 p.m.) from Sierra Ritchie to parties to this case
15. January 5, 2021 letter from SCDMV to Appellant regarding stay of suspension pending Court of Appeals appeal
16. January 5, 2021 e-mail (at 5:11 p.m.) from Brandy Duncan to Sierra Ritchie and parties to this case

17. January 5, 2021 e-mail (at 5:24 p.m.) from Larry C. Marchant, Jr. to Brandy Duncan
18. January 6, 2021 e-mail (at 8:37 a.m.) from Sierra Ritchie to Brandy Duncan and parties to this case
19. Court of Appeals Order of stay dated February 4, 2021
20. February 4, 2021 (at 10:09 a.m.) e-mail from Brandy A. Duncan to Sierra Ritchie and parties to this case
21. Reconsideration and Appeal Instructions that were included with the *Final Order and Decision* e-mail issued by OMVH on August 5, 2020

Undersigned Counsel certifies pursuant to SCARC Rule 209 (c) that this Designation contains no matter which is irrelevant to the Appeal.

s/Brandy A. Duncan

Brandy A. Duncan, SC Bar # 72052

Deputy General Counsel

Frank L. Valenta, Jr., SC Bar #5682

General Counsel

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Attorneys for the Respondent

Blythewood, SC
May 21, 2021

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PROOF OF SERVICE

PURSUANT TO SUPREME COURT ORDER 2020-000447(g)(3), I HEREBY CERTIFY that today, May 21, 2021, I served one (1) copy of Respondent's Initial Brief and Designation of Matter upon Appellant by electronically serving (via e-mail) a true and correct copy of each document to:

Larry C. Marchant, Esquire
At: larrycmarchant@gmail.com

As Counsel for Appellant and to:

Saquisha O. Tobin, Assistant General Counsel
At: SaquishaTobin@scdps.gov

As Counsel for the South Carolina Department of Public Safety.

s/Brandy A. Duncan
Brandy A. Duncan
Deputy General Counsel