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Aug 17 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

The Honorable Ralph King Anderson, III, Chief Administrative Law Judge

Case No. 21-ALJ-17-0143-CC

Agua Pina, LLC d/b/a Hookah on the River, Respondent,

v.

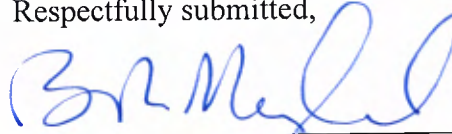
South Carolina Department of Revenue, Petitioner.

NOTICE OF APPEAL

Agua Pina, LLC d/b/a Hookah on the River (“Respondent”) appeals the Final Order and Decision of the Honorable Ralph King Anderson, III filed June 28, 2021 and Order on Reconsideration filed July 22, 2021 denying Respondent’s Motion for Reconsideration, which have the effect of revoking Respondent’s on-premises beer and wine permit and liquor-by-the-drink license for its location at 2700 Broad River Road, Suite B, Columbia, South Carolina. A copy of the Orders are attached hereto as Exhibits A and B, respectively. Respondent received written notice of entry of the Final Order on June 28, 2021. Thereafter, on July 7, 2021, Respondent filed a Motion for Reconsideration with the Administrative Law Court. Judge Anderson denied that Motion on July 22, 2021, and Respondent received the Order on Reconsideration on July 22, 2021. Thus, pursuant to Rule 203 of the South Carolina Appellate Court Rules, this Notice of Appeal is timely filed within 30 days of receipt of that Order.

Since receiving the Order, the Respondent has requested and received the hearing transcript. Therefore, the deadline for filing the Initial Brief with this Court is Thursday, September 16, 2021.

Respectfully submitted,



Burnet R. Maybank, III
Andrew W. Saleeby
Nexsen Pruet, LLC
1230 Main Street, Suite 700
Columbia, South Carolina 29201
(803) 771-8900

Attorneys for Respondent
Agua Pina, LLC d/b/a Hookah on the River

August 17, 2021

Other Counsel of Record:
Patrick A. McCabe, Esq.
South Carolina Department of Revenue
300A Outlet Pointe Blvd.
Columbia, SC 29210

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PROOF OF SERVICE

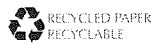
I, Melinda White, hereby certify that I have caused to be mailed a copy of Agua Pina, LLC d/b/a Hookah on the River's Notice of Appeal regarding the above-referenced case, by depositing the same in the United States Mail, postage prepaid, on August 17, 2021, addressed to the attorney of record, Patrick A. McCabe, Esq., South Carolina Department of Revenue, 300A Outlet Pointe Blvd., Columbia, SC 29210, and to The Honorable Ralph King Anderson, III, Chief Administrative Law Judge, 1205 Pendleton Street, Columbia, SC 29201.



Melinda White, Legal Practice Assistant
Nexsen Pruet, LLC



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SC Court of Appeals

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Burnet R. Maybank, III
Member
Admitted in SC

August 17, 2021

VIA ELECTRONIC MAIL

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

Re: South Carolina Department of Revenue v. Agua Pina, LLC,
d/b/a Hookah on the River
Case No. 21-ALJ-17-0143-CC

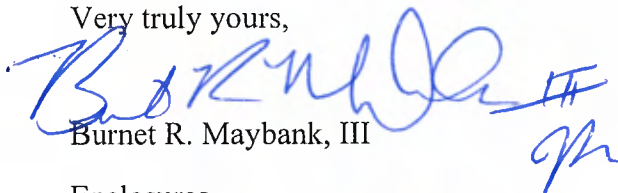
Dear Ms. Kitchings:

Enclosed please find an original and one copy of the Notice of Appeal in the above case. Also enclosed are the following:

- | | |
|-----------------|--|
| Charleston | 1. Proof of Service of the Notice of Appeal on the Petitioner. |
| Charlotte | 2. A copy of the Final Order. |
| Columbia | 3. A copy of the Order on Reconsideration. |
| Greensboro | 4. A filing fee of \$250.00. |
| Greenville | |
| Hilton Head | |
| Myrtle Beach | |
| Raleigh | |

I would appreciate if you would return a clock copy to me via electronic mail. Should you have any questions, please do not hesitate to contact me at 803-540-2048 or bmaybank@nexsenpruet.com.

Very truly yours,


Burnet R. Maybank, III

Enclosures

cc: Patrick A. McCabe, Esquire
Jason P. Luther, Esquire

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