

RECEIVED

DEC 06 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

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

Case No. 21-ALJ-17-0143-CC
Appellate Case No. 2021-000886

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

v.

South Carolina Department of Revenue..... Respondent.


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

Respondent, South Carolina Department of Revenue, proposes the following to be included in the Record on appeal:

1. May 12, 2021, Affidavit of Richland County Sheriff Captain Steven Tapler;
2. May 13, 2021, Notice of Motion and Motion for Emergency Suspension and Expedited Hearing;
3. May 13, 2021, Department Determination;
4. May 19, 2021, Respondent's Memorandum in opposition to Petitioner's Motion for Emergency Suspension;
5. May 19, 2021, Affidavit of Richland County Investigator Clay Short;
6. May 20, 2021, Order of Emergency Suspension;
7. June 9, 2021, Transcript of Contested Case Hearing;

8. Petitioner's [Respondent] Exhibits 1-8;
9. Respondent's [Appellant] Exhibits 1-2;
10. June 28, 2021, ALC Final Order;
11. July 7, 2021, Motion to Alter or Amend Judgment;
12. July 13, 2021, Response to Motion to Alter or Amend Judgment; and
13. July 22, 2021, Order for Reconsideration

The undersigned counsel hereby certifies, pursuant to Rule 209(c) of the South Carolina Appellate Court Rules (SCACR) that this Designation contains no matter which is irrelevant to the appeal.



Patrick A. McCabe, (Bar No. 81264)

Associate Counsel
Adam J. Neil, (Bar No. 69594)
Associate General Counsel
Jason P. Luther (Bar No. 78021)
Chief Legal Officer
300A Outlet Pointe Boulevard
Columbia, SC 29210
803.898.5056 (Tel.)
803.89.0171 (Fax)
Patrick.McCabe@dor.sc.gov

Columbia, South Carolina
December 1, 2021

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

RECEIVED
DEC 06 2021
SC Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

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

Case No. 21-ALJ-17-0143-CC
Appellate Case No. 2021-000886

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

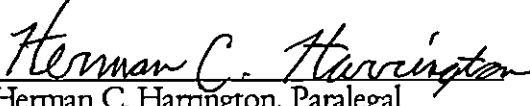
v.

South Carolina Department of Revenue..... Respondent.

PROOF OF SERVICE

I certify that I have served the Respondent's, South Carolina Department of Revenue's, Designation of Matter to be Included in the Record on Appeal via electronic mail and by depositing a copy in the United States Mail, postage prepaid, on December 1, 2021 at the following address(es):

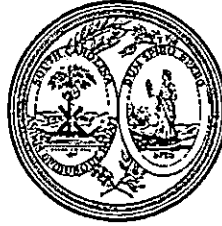
Burnet R. Maybank, III, Esquire
Andrew. W. Saleeby, Esquire
PO Box 2426
Columbia, SC 29202
bmaybank@nexsenpruet.com
asaleeby@nexsenpruet.com
Attorneys for Appellant


Herman C. Harrington, Paralegal
South Carolina Department of Revenue

Columbia, South Carolina
December 1, 2021

STATE OF SOUTH CAROLINA
DEPARTMENT OF REVENUE
OFFICE OF GENERAL COUNSEL

300A Outlet Pointe Blvd.
Columbia, SC 29210



Main Line: 803.898.5130
Facsimile: 803.896.0171

December 1, 2021

RECEIVED
DEC 06 2021
SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Agua Pina, LLC d/b/a Hookah on the River v. South Carolina Department of Revenue
Appellate Case No.: 2021-000886

Dear Ms. Kitchings:

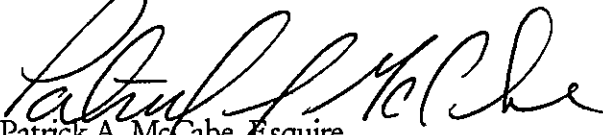
Enclosed please find the South Carolina Department of Revenue's Initial Brief of the Respondent, Designation of Matter to be Included in the Record on Appeal, and Proof of Service in the above-captioned matter.

By copy of this letter, I am serving all counsel of record with a copy of the same.

If you have any questions or need anything further from me, please do not hesitate to contact me at 803.898.5056 or Patrick.McCabe@dor.sc.gov.

Sincerely,

OFFICE OF GENERAL COUNSEL FOR LITIGATION


Patrick A. McCabe, Esquire
Associate Counsel

PAM/hch
Enclosures

c: Burnet R. Maybank, III, Esquire
Andrew W. Saleeby, Esquire



South Carolina Department of Revenue
 Office of General Counsel
 300A Outlet Pointe Boulevard
 Columbia, SC 29210

US POSTAGE
 \$02.40
 1387000 DEC 01 2021

RECEIVED
 DEC 06 2021
 SC Court of Appeals

The Honorable Jenzy Abbott Kitchings
 Clerk of Court
 SC Court of Appeals
 P.O. Box 11629
 Columbia, SC 29211

FCF PRESRT 12/02/21

