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Jan 12 2022

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

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

v.

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

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

Appellant, Agua Pina, LLC, proposes the following to be included in the Record on appeal:

1. ALC Final Order filed June 28, 2021;
2. Order denying Motion to Alter or Amend Judgment filed July 22, 2021;
3. Order of Emergency Suspension dated May 20, 2021;
4. Motion to Alter or Amend Judgment filed on July 7, 2021;
5. Department's Response to Motion to Alter or Amend Judgment filed on July 13, 2021;
6. Department Determination filed on May 13, 2021;
7. Appellant's Request for Contested Case Hearing;
8. Department's Motion for Emergency Suspension and Expedited Hearing filed May 13, 2021;

9. Appellant's Memorandum in Opposition to Respondent's Motion for Emergency Suspension filed May 19, 2021;
10. Transcript of Contested Case Hearing held on June 9, 2021;
11. Appellant's Exhibits 1 – 8;
12. Respondent's Exhibits 1 – 2;
13. Subpoenas to Sheriff's Office;
14. May 12, 2021 Affidavit of Richland County Sheriff Captain Steven Tapler; and
15. May 19, 2021 Affidavit of Richland County Investigator Clay Short.

I certify that this designation contains no matter that is irrelevant to this Appeal.



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

Columbia, South Carolina
January 12, 2022

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Administrative Law Court Case No. 21-ALJ-17-0143-CC

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

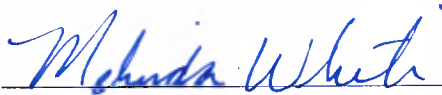
v.

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

PROOF OF SERVICE

I certify that I have served Agua Pina, LLC d/b/a/ Hookah on the River’s Initial Reply Brief of Appellant and Designation of Matter to be Included in the Record on Appeal via electronic mail on January 12, 2022 at the following addresses:

Patrick McCabe, Esq. South Carolina Department of Revenue
Patrick.mccabe@dor.sc.gov



Melinda White
Nexsen Pruet, LLC

Jan 12 2022

SC Court of Appeals

Burnet R. Maybank, III
Member
Admitted in SC

January 12, 2022

VIA ELECTRONIC MAIL

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

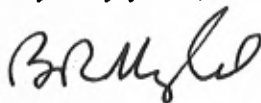
Re: South Carolina Department of Revenue v. Agua Pina, LLC,
d/b/a Hookah on the River
Appellate Case No. 2021-000886

Dear Ms. Kitchings:

Enclosed please find the Appellant's Initial Reply Brief and Designation of Matter to be included in the Record on Appeal in the above-referenced matter.

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

Charleston
Charlotte
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Greensboro
Greenville
Hilton Head
Myrtle Beach
Raleigh