



Nikki R. Haley
Governor

Kevin A. Shwedo
Executive Director

State of South Carolina
Department of Motor Vehicles

November 6, 2015

Katelyn Nicole Kurtz
[REDACTED]
[REDACTED]

RE: Implied Consent Suspension from 11/4/2015 to 4/24/16

Dear Ms. Kurtz,

I have reviewed the South Carolina Department of Motor Vehicles files regarding your implied consent suspension beginning on 11/4/2015 and ending on 4/24/2016. According to our records the following significant events occurred:

October 31, 2014 – You incurred an implied consent violation for refusing to submit to a Datamaster DMT test. Your license was immediately seized by law enforcement and your implied consent suspension began.

November 10, 2014 – DMV received a telephone call via the DMV call center from “Lawyer” asking if you were eligible for a Temporary Alcohol License.

November 10, 2014 – You were issued a Temporary Alcohol License. This Temporary Alcohol License was scheduled to expire on November 10, 2015.

November 12, 2014 – You were convicted of Reckless Driving and Careless or Negligent Driving related to the events on October 31, 2014.

January 27, 2015 – Your contested case hearing for challenging your implied consent suspension was scheduled to be heard. You, nor your attorney, appear at this hearing.

January 27, 2015 – An Order of Dismissal is issued by the Office of Motor Vehicle Hearings and sent to your attorney of record, Jonny McCoy. This Order was also sent to and received by the DMV, but, as best as we can tell at this time, was not applied to your driving record promptly due to human error.

Katelyn Nicole Kurtz

November 6, 2015

RE: Implied Consent Suspension from 11/4/2015 to 4/24/16

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June 1, 2015 – You requested a copy of your 10 year Driving Record from the Georgetown DMV Office.

June 16, 2015 – We received a telephone call via the DMV call center from you checking on the status of your driver's license if you were to drive outside of South Carolina. You were advised to contact the Interstate ADSAP at (843) 871-4790. *See Call Record*

July 22, 2015 – You requested a copy of your 10 year Driving Record from the Georgetown DMV Office.

July 23, 2015 – Successful Completion of ADSAP was posted to your Driving Record.

October 6, 2015 – You paid your \$100 reinstatement fee for the implied consent violation and took the Knowledge test at the Myrtle Beach DMV Office.

October 20, 2015 – We received a telephone call via the DMV call center from you checking to see if your administrative hearing results (implied consent hearing results) had been posted to your driving record. You were advised DMV had not received the administrative hearing results and were requested to have the Court resend the results.

October 20, 2015 – The OMVH Order dated January 27, 2015 was applied to your driving record.¹

October 28, 2015 – We received a telephone call from your father, Tom Kurtz. This telephone call was returned and a message was left advising that if you had surrendered your Temporary Alcohol License when the administrative hearing results were originally issued, even though DMV did not have the Order yet, then the time between when the Temporary Alcohol License was turned in and “now” would have counted toward the implied consent suspension. However, because your Temporary Alcohol License was not turned in to the DMV prior to November 4, 2015, the time since the hearing cannot count toward the implied consent suspension.

November 4, 2015 – You returned your Temporary Alcohol License to me and it was entered into our system as surrendered on this date.

November 5, 2015 – You obtained an ID Card from the Georgetown DMV Office.

¹ Someone from the call center or the Office of Motor Hearings called a staff member in the Office of General Counsel to inquire about the status of this Order. This is how the error in not applying the Order was discovered and corrected.

Katelyn Nicole Kurtz

November 6, 2015

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? → Unfortunately, I was not able to locate any notes or other records that indicated you had attempted to turn in your Temporary Alcohol License prior to November 4, 2015. Further, it is the normal practice of the DMV to accept any credential that is turned in, no matter the source of the turn in.

Regrettably, I was not able to find verifiable evidence that would allow me to back date your implied consent suspension. Having said that, there are still four (4) options available to you. They are:

- 1) File a motion to reopen your implied consent case with the Office of Motor Vehicle Hearings;
 - a. Such a motion can be filed by you or by an attorney and should detail why your matter should be considered now.
- 2) Obtain an IID License;
 - a. This would require installation of an IID in your vehicle for the entire time of your suspension.
 - b. This license would allow you to drive anywhere in the State of South Carolina and within other states.
- 3) Obtain a Route Restricted License;
 - a. This license only allows you to drive to work and/or school. It is on a set route and you are not allowed to deviate from this route.
 - b. This license is not recognized by any other state and is valid only in South Carolina.
 - c. This license does not require installation of an IID in your vehicle.
- 4) Serve your suspension with no license.

I have enclosed a copy of a communication we received from Frances L. Inabinet of the Office of Motor Vehicle Hearings that addresses option 1. I have also enclosed a copy of a memorandum on how to obtain an IID license pursuant to option 2.

Please let me know if you have any questions or concerns by calling me at (803) 896-9937 or e-mailing me at Brandy.Duncan@scdmv.net. Please note, however, that if you decide to hire an attorney to represent you in this matter then any questions or concerns must be addressed to me through your attorney.

Sincerely,



Brandy A. Duncan
Assistant General Counsel

cc: Rep. Goldfinch



Certification for Court

Customer No: [REDACTED] Driver License No: [REDACTED]
Name: KURTZ, KATELYN NICOLE
Address: [REDACTED]
City: [REDACTED] State: [REDACTED] Zip: [REDACTED]
County: [REDACTED]
DOB: [REDACTED] Height: 5'01 Weight: 106 Sex: F Race: WHITE Driver Training: N
Status - DL: SUSPENDED CDL: DISQUALIFIED

License Information

Type	Class	Function	Issued	Expires	First Issued	Rest.	Endor.	ACN
Current								
ID		Original	11/05/2015	11/05/2020		N	N	1011501900012081
Prior								
TA DL	D	Returned	11/10/2014	11/10/2015	08/18/2011	Y	N	1011325300013691
TA DL	D	Original	11/10/2014	11/10/2015	08/18/2011	Y	N	1011325300013691
DL	D	Returned	08/18/2011	08/04/2021	08/18/2011	Y	N	1011316500048408
DL	D	Original	08/18/2011	08/04/2021	08/18/2011	Y	N	1011113200023172
DL	D	Duplicate	03/08/2013	08/04/2021	08/18/2011	Y	N	1011222200069704
DL	D	Duplicate	09/12/2013	08/04/2021	08/18/2011	Y	N	1011307800040675
DL	D	Duplicate	04/15/2014	08/04/2021	08/18/2011	Y	N	1011316500048408

Point Summary

Total Current Points: 3
Driver Credit: -0
Adjusted Current Points: 3

Suspension Summary

Driving Under the Influence:	Total 0 DUI Suspensions
Driving Under Suspension:	Total 0 DUS Suspensions
Unlawful Alcohol Concentration:	Total 0 Per Se Suspensions
Failure To Make Payment For Gasoline:	Total 0 Gasoline Suspensions
Uninsured Motorist:	Total 0 UM Violations

SC Driver License Surrendered

License Type: TA DL Class: D Function: Original Posted: 11/04/2015
Date Surrendered: 11/04/2015 Issued: 11/10/2014
Reason for Return: SUSPENDED LICENSE Returning State: SC

SC Driver License Surrendered

License Type: DL Class: D Function: Original Posted: 09/30/2015
Date Surrendered: 09/30/2015 Issued: 08/18/2011
Reason for Return: SUSPENDED LICENSE Returning State: SC

SC Driver License Surrendered

License Type: DL Class: D Function: Duplicate Posted: 09/30/2015
Date Surrendered: 09/30/2015 Issued: 08/18/2011
Reason for Return: SUSPENDED LICENSE Duplicate DOI: 09/12/2013
Returning State: SC

Certification for Court

Customer No: 32711005
Name: KURTZ, KATELYN NICOLE

Driver License No: [REDACTED]

VIOL: 475 - Careless or negligent driving
Violation: 10/31/2014 **Conviction:** 11/12/2014
ACD: M81 Conviction Loc Ref:
Conviction State: SC
Violation No: 3
Status: ACTIVE

Ticket#: 42986GV
Recd: 11/26/2014 **Post:** 12/16/2014
Conviction Reference:
Court Type: MUNICIPAL COURT

Last Change: 12/16/2014

VIOL: 461 - Reckless driving
Violation: 10/31/2014 **Conviction:** 11/12/2014
ACD: M84 Conviction Loc Ref:
Conviction State: SC
Violation No: 2
Status: ACTIVE **Last Change:** 12/01/2014

Ticket#: 42987GV
Recd: 11/21/2014 **Post:** 12/01/2014
Conviction Reference:
Court Type: MUNICIPAL COURT

Violation Points: 6 **Current Points:** 3

SC Driver License Surrendered

License Type: DL **Class:** D **Function:** Duplicate
Date Surrendered: 11/14/2014
Reason for Return: SUSPENDED LICENSE

Posted: 11/14/2014
Issued: 08/18/2011
Duplicate DOI: 03/09/2013
Returning State: SC

SC Driver License Surrendered

License Type: DL **Class:** D **Function:** Duplicate
Date Surrendered: 11/10/2014
Reason for Return: SUSPENDED LICENSE

Posted: 11/10/2014
Issued: 08/18/2011
Duplicate DOI: 04/15/2014
Returning State: SC

SUSP: 091 - Implied Consent
Special Driving Privilege: NONE
Suspension Beg: 11/04/2015
Causal: 10/31/2014
Reinstatement Requirements Met: INDEFINITE
ACD: A12 Withdrawal Loc Ref:
Suspension No: 1 **Violation No:** 1
Status: ACTIVE **Reason:** SUSTAINED

Suspension End: 04/24/2016
Post: 11/10/2014
Reinstatement Fee Paid: Y
Withdrawal Reason Ref:

Last Change: 11/04/2015

VIOL: 401 - Implied Consent
Violation: 10/31/2014 **Conviction:** 10/31/2014
ACD: A12 Conviction Loc Ref:
Conviction State: SC
Violation No: 1
Status: ACTIVE

Recd: 10/31/2014 **Post:** 11/10/2014
Conviction Reference:
Court Type:

Last Change: 11/10/2014

OOS Driver License Surrendered

OOS License No: [REDACTED]
Date Surrendered: 08/18/2011
Reason for Return: OOS LICENSE EXCHANGE FOR SC LICENSE

OOS Jurisdiction: NY **Issued:** 10/01/2009

End of Report

Conway Police Department,
and
South Carolina Department of Motor
Vehicles,

Driver's License No. [REDACTED]

VS.

Katelyn Nicole Kurtz.

Respondent.

ORDER OF DISMISSAL

For the Petitioners: (Witness) Josh Scott, Conway Police Department

Pursuant to notice to the parties, a hearing was held before me on January 27, 2015 at the Horry County Historical Court House in Conway, South Carolina. The Respondent waived her right to challenge the pending suspension of her driver's license or driving privilege by not appearing for the hearing and not notifying the OMVH that she would not be appearing. Pursuant to Rule 13 of the Rules of Procedure of the Office of Motor Vehicle Hearings, a case may be dismissed adverse to a defaulting party when the party fails to appear or to offer testimony/evidence at the hearing to prosecute or defend the case.

IT IS HEREBY ORDERED that the above-captioned case is dismissed, and the suspension of Respondent's driver's license or driving privilege is **SUSTAINED**.

H. Philip Hayes, Jr.
OMVH Hearing Officer

January 27, 2015
Florence, South Carolina

Nikki R. Haley
Governor



Kevin A. Shwedo
Executive Director

State of South Carolina
Department of Motor Vehicles

10/20/2015

KURTZ, KATELYN NICOLE
[REDACTED]
[REDACTED]

CUSTOMER NO: [REDACTED]
FILE NO: [REDACTED]
DL NO: [REDACTED]

REVOCATION OF TEMPORARY ALCOHOL DRIVER'S LICENSE

You may not drive commercial or non-commercial motor vehicles.

REASON: Your Temporary Alcohol Driver's License has been revoked.

The South Carolina Code of Laws requires that the Department revoke a Temporary Alcohol License upon receipt of any law which requires the re-suspension of driving privileges. *DMV IN Receipt since 11/27/15*

You are hereby notified that the Temporary Alcohol License is revoked effective 11/04/2015. Your privilege to drive remains suspended.

IMPORTANT:

Your Temporary Alcohol License must be returned to the Department on or before the date of revocation listed above.

If you have any questions, you may contact a Customer Service Representative at (803)896-5000 or visit our website at www.scdmvonline.com.

Driver Records Manager

A review of our records indicates that Ms. Katelyn Nicole Kurtz's Order of Dismissal was sent to her attorney of record, Johnny McCoy, on January 27, 2015. When a party has notified us of representation, all notices, orders, and other correspondence from this office go to the attorney.

The implied consent suspension was sustained by the hearing officer because neither Ms. Kurtz nor her attorney appeared at the hearing. The order was also sent to the DMV on January 27, 2015. Per the DMV the Order was not posted to the record until October 20, 2015. It is not clear as to why.

At this point, the OMOVH no longer has jurisdiction of this case. Our rules allow for a motion for reconsideration to be made within ten days of notice of the order and an appeal within thirty days. In order for the hearing officer to consider anything outside of these rules, Ms. Kurtz would have to submit a motion in writing with a copy to all parties arguing why her matter should be considered now. Since Ms. Kurtz was represented by counsel in the matter before the OMOVH, please have her consult with him since he is the one who received the notice and order.

If I can be of any further assistance please do not hesitate to contact me.

Thanks

Frances

Frances L. Inabinet

Scheduling Assistant to Hearing Officers Phil Hayes Robert Harley Phil Addington SC Administrative Law
Court Office of Motor Vehicle Hearings
1205 Pendleton St. Ste.325
Columbia SC 29201
803-734-3209
803-734-3200 (fax)

CUSTOMER CONTACT HISTORY

Cancel

Finish

PRODUCTION ENVIRONMENT <--

Name: KURTZ, KATELYN NICOLE

Phone #: [REDACTED]

Address: [REDACTED]

Fax #: [REDACTED]

City/State: [REDACTED]

Email: [REDACTED]

☐ Customer Address Advised

☐ Mail Received

Save

Request History

Total Tickets: 1

Ticket Filter: Show All
Tickets

▼

☐ Sort Oldest

Date: OCT 28, 2015 - 12:14 PM Agent: USHER, JOHNNY Caller: INTERNAL UPDATE Ticket #: 235609 Update

REQUEST CALLED HER DAD BACK AT 704-995-1516

RESPONSE ADVISED THAT IF SHE HAD SURRENDERED HER TAL AFTER THE HEARING THEN THAT WOULD SHOW THAT SHE HAD BEEN WITHOUT DRIVING AND THAT WOULD HAVE HELPED WITH THE SUSPENSION TERM TRIED TO CALL BACK AND LEFT MESSAGE FOR HIM TO CALL ME BACK

Date: OCT 20, 2015 - 1:21 PM Agent: LOVE, CINDIS Caller: KURTZ Ticket #: 235609 Update

REQUEST CHECKING IF ADH HEARING RESULTS POSTED

RESPONSE INFORMED NOT POSTED - HAVE ADH HEARING RESEND

Date: JUN 16, 2015 - 1:58 PM Agent: FRANCIS, INESM Caller: KURTZ Ticket #: 235609 Update

REQUEST CAME IN ANOTHER STATE CHECKING DL STATUS

RESPONSE ADVISED TO CONTACT THE INTERSTATE ADSAP AT 843-871-4790 REINSTATEMENT FEE \$100.00

Requested Status
out of State Job offer
*

Date: MAR 13, 2015 - 4:00 PM Agent: USHER, JOHNNY Caller: INTERNAL UPDATE Ticket #: 235609 Update

RESPONSE NEEDS TO ENROLL IN ADSAP AND PAY THE \$100.00 REINSTATEMENT FEE

Date: NOV 10, 2014 - 12:02 PM Agent: HEARD, SONENIC Caller: KURTZ Ticket #: 235609 Update

REQUEST LAWYER INQ IF DRIVER IS ELG FOR TAL

RESPONSE AS OF 11/10/14 DRIVER MAY BE ELIGIBLE TO MAKE APPLICATION FOR A TEMPORARY ALCOHOL LICENSE.

Create New Ticket

Shortcuts

- Please See attached Cell Phone record
- Phone calls to Call center
Court (Conway)
Call Center

- Mr Usher was told of Hearing and Results. He advised normal procedure is the the Temp. Lic is now Re-Susp

- Why was an "Internal update" done at 4 pm and no action taken on Hearing

Detail for Thomas F Kurtz:

Voice, continued

Date	Time	Number	Rate	Usage Type	Origination	Destination	Min.	Airtime Charges	Long Dist/ Other Chgs	Total
3/11	7:22P	631-335-1057	Peak	M2MAIlow	Rocky Poin NY	Brentwood NY	1	---	---	---
3/11	7:23P	631-335-1057	Peak	M2MAIlow	Rocky Poin NY	Incoming CL	6	---	---	---
3/11	7:29P	516-424-8412	Peak	PlanAIlow	Rocky Poin NY	Nassauzn02 NY	1	---	---	---
3/11	7:31P	516-424-8412	Peak	PlanAIlow	Rocky Poin NY	Nassauzn02 NY	3	---	---	---
3/11	7:36P	631-766-7497	Peak	M2MAIlow	Rocky Poin NY	Brentwood NY	4	---	---	---
3/11	7:41P	516-424-8412	Peak	PlanAIlow	Rocky Poin NY	Nassauzn02 NY	1	---	---	---
3/11	7:49P	704-213-9667	Peak	M2MAIlow	Shoreham NY	Salisbury NC	3	---	---	---
3/12	10:04A	631-849-6610	Peak	PlanAIlow	Shoreham NY	Incoming CL	2	---	---	---
3/12	10:11A	631-849-6610	Peak	PlanAIlow	Shoreham NY	Incoming CL	1	---	---	---
3/12	11:01A	516-424-8412	Peak	PlanAIlow	ST James NY	Nassauzn02 NY	1	---	---	---
3/12	11:20A	631-848-5382	Peak	M2MAIlow	Nesconset NY	Brentwood NY	1	---	---	---
3/12	11:20A	704-213-9667	Peak	M2MAIlow	Nesconset NY	Salisbury NC	1	---	---	---
3/12	11:21A	704-213-9667	Peak	M2MAIlow	Nesconset NY	Incoming CL	2	---	---	---
3/12	12:26P	843-848-7325	Peak	PlanAIlow	Little Nec NY	Myrtle Bch SC	2	---	---	---
3/12	12:48P	843-248-1765	Peak	PlanAIlow	Bronx NY	Conway SC	5	---	---	---
3/12	1:01P	631-766-7497	Peak	M2MAIlow	Bronx NY	Brentwood NY	3	---	---	---
3/12	3:36P	516-424-8412	Peak	PlanAIlow	Fredericks PA	Nassauzn02 NY	1	---	---	---
3/12	3:46P	704-213-9667	Peak	M2MAIlow	Grantville PA	Salisbury NC	1	---	---	---
3/12	5:02P	843-359-1189	Peak	M2MAIlow	Greencastl PA	Andrews SC	2	---	---	---
3/12	5:15P	516-424-8412	Peak	PlanAIlow	Hagersto/B MD	Unknown ZZ	1	---	---	---
3/12	5:38P	516-424-8412	Peak	PlanAIlow	Martinsb/B WV	Unknown ZZ	1	---	---	---
3/12	5:58P	516-424-8412	Peak	PlanAIlow	Stephens C VA	Nassauzn02 NY	1	---	---	---
3/12	8:29P	631-335-1057	Peak	M2MAIlow	Salem VA	Brentwood NY	1	---	---	---
3/12	8:35P	704-264-5748	Peak	M2MAIlow	Salem VA	Charlotte NC	2	---	---	---
3/12	8:37P	631-655-8523	Peak	M2MAIlow	Elliston VA	Riverhead NY	4	---	---	---
3/12	9:02P	631-849-4762	Off-Peak	N&W	Draper VA	Incoming CL	7	---	---	---
3/13	9:50A	843-848-7325	Peak	PlanAIlow	Huntersvil NC	Myrtle Bch SC	4	---	---	---
3/13	10:06A	803-896-5000	Peak	PlanAIlow	Huntersvil NC	Columbia SC	1	---	---	---
3/13	11:18A	843-915-5070	Peak	PlanAIlow	Huntersvil NC	Conway SC	2	---	---	---
3/13	11:21A	803-896-5000	Peak	PlanAIlow	Huntersvil NC	Columbia SC	16	---	---	---
3/13	1:12P	803-269-6379	Peak	PlanAIlow	Huntersvil NC	Columbia SC	2	---	---	---
3/13	1:14P	803-269-6379	Peak	PlanAIlow	Charlotte NC	Incoming CL	23	---	---	---
3/13	1:46P	843-359-1189	Peak	M2MAIlow	Rock Hill SC	Andrews SC	1	---	---	---
3/13	1:47P	516-815-2761	Peak	PlanAIlow	Rock Hill SC	Syosset NY	4	---	---	---
3/13	3:14P	843-359-1189	Peak	M2MAIlow	Camden SC	Incoming CL	2	---	---	---
3/13	4:09P	516-424-8412	Peak	PlanAIlow	Florence SC	Nassauzn02 NY	1	---	---	---
3/13	4:43P	843-546-4194	Peak	PlanAIlow	Aynor SC	Georgetown SC	3	---	---	---
3/13	5:16P	917-567-9341	Peak	PlanAIlow	Conway SC	New York NY	6	---	---	---
3/13	5:21P	631-335-1057	Peak	M2MAIlow	Conway SC	Brentwood NY	1	---	---	---
3/13	5:22P	631-335-1057	Peak	M2MAIlow	Myrtle Bea SC	Incoming CL	6	---	---	---
3/13	5:28P	631-766-7497	Peak	M2MAIlow	Myrtle Bea SC	Brentwood NY	1	---	---	---
3/13	5:36P	631-849-4762	Peak	PlanAIlow	Murrells I SC	Shoreham NY	1	---	---	---
3/13	5:43P	704-213-9667	Peak	M2MAIlow	Murrells I SC	Salisbury NC	1	---	---	---
3/13	5:44P	704-213-9667	Peak	M2MAIlow	Murrells I SC	Incoming CL	2	---	---	---
3/13	5:47P	631-849-6610	Peak	PlanAIlow	Murrells I SC	Shoreham NY	3	---	---	---



**S.C. Department of Motor Vehicles
Reinstatement Requirements**

Customer No.: [REDACTED]
Name: KURTZ, KATELYN NICOLE
Address: [REDACTED]
City: [REDACTED]

Driver License No.: [REDACTED]

State: [REDACTED] Zip: [REDACTED]

Outstanding Fees:

\$100.00 DL SUSPENSION REINSTATEMENT for Implied Consent

Suspensions to be served:

No Outstanding Suspensions

Other requirements to be met before driving privileges will be granted:

Serve Suspension Term

ADSAP COURSE ENROLLMENT

- Presented Hearing Doc
- Requested Guidance
- Referred to Hearing Court
- Called Conway Court



**S.C. Department of Motor Vehicles
Reinstatement Requirements**

Customer No.: [REDACTED]
Name: KURTZ, KATELYN NICOLE
Address: [REDACTED]
City: [REDACTED]

Driver License No.: [REDACTED]
State: [REDACTED] Zip: [REDACTED]

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