

From: Valenta, Val
To: 'Amanda Scott' <ascott@scalc.net>
CC: 'Jason Buffkin' <JasonB@desaballard.com>
Date: 2/9/2007 4:53:08 PM
Subject: SCDMV v. Michael W. Tighe; 2006-ALJ-21-0912-AP

Amanda:

You called with a request that I send an email with an outline of my initial reaction to Jason Buffkin's Motion to Dismiss the DMV's appeal in this case.

I have to admit that I have not read all of the cases cited in the Motion. However, the DMV's principal position would be that it is an aggrieved party, as described in *Ex parte Whetstone*, 289 S.C. 580, 347 S.E.2d 881 (1986). In order for the DMV to perform its mandated duty of suspending the licenses of persons who have, in various ways, disobeyed the law, the DMV must do its utmost to see that appellate rulings are correct and legal. Otherwise, the DMV's ability to follow laws would be decimated.

The Legislature has given the DMV, in its many agency names over the decades, the responsibility to see that the motor vehicle laws, including implied consent suspension laws, are handled properly. The DMV has been the party of necessity in scores, if not hundreds, of appellate cases dealing with implied consent laws. No matter what law enforcement agency initiated an implied consent suspension, the DMV has been the party of true interest. There is no indication in any recent legislation that the Legislature had any intent of decentralizing the party of interest to become the three hundred-plus law enforcement agencies in the state.

If you need a more detailed, formal response, I will be glad to file one.

Sincerely,
Val Valenta

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