STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

South Carolina Department of Environmental Services and South Carolina Coastal Conservation League, Petitioners, v. Rom Reddy, Respondent.	Docket No. 24-ALJ-07-0232-CC **ORDER GRANTING MOTION TO STAY**

This matter comes before the South Carolina Administrative Law Court (Court or ALC) pursuant to a Motion to Stay and for Supersedeas (Motion) filed by Rom Reddy (Respondent) on January 15, 2026. Respondent seeks to stay this Court's Amended Final Order of December 30, 2025,[1] to avoid having to remove his hard erosion control structure and perform other related activities. Respondent argues a stay is necessary to: (1) preserve the status quo and provide the parties with a meaningful opportunity for judicial review; (2) prevent irreparable harm to his property; (3) protect public access to, and use of, the beach adjacent to his property and (4) to avoid potential threats to the safety of the public and the contractors who will be involved in the removal of his hard erosion control structure. On January 26, 2026, the South Carolina Department of Environmental Services (DES or Department) and South Carolina Coastal Conservation League (SCCCL) (collectively, Petitioners) filed responses to the Motion. Then, on February 2, 2026. Respondent filed a reply to Petitioners' respective responses.

[1] Respondent filed an appeal of this Court's December 30, 2025 Amended Final Order to the South Carolina Court of Appeals on January 28, 2026. Notice of Appeal, *S.C. Dep't of Env't Servs. and S.C. Coastal Conservation League v. Rom Reddy,* Appellate Case No. 2026-000221. Then, on January 29, 2026, SCCCL appealed this Court's December 30, 2025 Amended Final Order and the January 27, 2026 Order denying its Motion for Reconsideration. Notice of Appeal, *S.C. Dep't Env't Servs. and S.C. Coastal Conservation League v. Rom Reddy,* Appellate Case No. 2026-000221. That same day, the Department also filed an appeal of the December 30, 2025 Amended Final Order and January 27, 2026 Orders on their Motions for Reconsideration. Notice of Appeal, *S.C. Dep't Env't Servs. and S.C. Coastal Conservation League v. Rom Reddy,* Appellate Case No. 2026-000221.

BACKGROUND

This matter originally came before the Court pursuant to a request for contested case hearing filed by Respondent, challenging the administrative order issued by the Department wherein it found Respondent violated the South Carolina Coastal Zone Management Act (Act) and the South Carolina Code of Regulations when he installed non-beach compatible materials and excavated substantial amounts of substrate with heavy machinery in the "beaches critical area" without a permit. As a result of these violations, the Department assessed a $289,000.00 civil penalty and requested that Respondent submit a Corrective Action Plan (CAP) and, upon approval, immediately remove all non-beach compatible materials and restore the affected area.

The Court conducted a merits' hearing in Columbia, South Carolina from May 6-8 and 19-20, 2025. On October 23, 2025, a Final Order was issued. On November 3, 2025, the parties each filed Motions for Reconsideration. On November 10, 2025, the Court rescinded its Final Order to give it more latitude to thoroughly consider and respond to the parties' Motions and responses.[2] Then, on November 13, 2025, the parties each filed Responses to the Motions, to which Petitioners replied. On January 27, 2025, the Court issued an Amended Final Order and Decision finding that the Department had the authority under the Act to order Respondent to remove his hard erosion control structure and all non-beach compatible that were used for its construction and to restore the affected area with approved beach-compatible materials once the excavation/removal is complete. To effectuate its Order, the Court further ordered that, within sixty (60) days of the issuance of the Amended Final Order, Respondent submit a CAP to the Department outlining the plan for removal, schedule for completion, and the methods and materials that will be used to ensure beach stabilization and minimization of further beach impacts.

DISCUSSION

"A final decision issued by the Administrative Law Court in a contested case may not be stayed except by order of the Administrative Law Court or the court of appeals." S.C. Code Ann. § 1-23-600(H)(5) (Supp. 2025). Pursuant to Rule 29(E) of the Rules of Procedure for the South

[2] *See* Rule 29(D)(2), SCALCR (providing that "[i]f no action is taken by the administrative law judge within the applicable period [thirty days from the filing of a motion for reconsideration or following responses to such motion], the inaction shall be deemed a denial of the relief sought in the motion."); *see also* Rule 3(B), SCALCR ("For good cause shown, the administrative law judge may extend or shorten the time to take any action, except as otherwise provided by rule or law.").

Carolina Administrative Law Court (SCALC Rules), "[a]n administrative law judge who issues a final order subject to judicial review may in the order stay its effect." More specifically,

> [a]t any time prior to the filing of a petition for judicial review, and upon the motion of any party, with notice to all parties, the administrative law judge may stay the final order upon appropriate terms. The filing of a motion for a stay does not alter the time for filing a petition for judicial review.

Id. Furthermore, "[this Court] retains jurisdiction over matters not affected by the appeal including the authority to enforce any matters not stayed by the appeal." Rule 241(a), SCACR; *see* Rule 241(b)(11) (providing appeals from administrative tribunals are an exception to the automatic stay in appeals); *see* S.C. Code Ann. §§ 1-23-600(H) & -610(A) (Supp. 2025).

In determining whether to grant the Motion, Rule 241 of the South Carolina Appellate Court Rules (SCACR) governs the imposition of a supersedeas or lifting of the automatic stay in appeals. Except in extraordinary circumstances, a petition for a supersedeas must first be made before this Court. *See* Rule 241(d)(1), SCACR (providing "application for an order lifting the automatic stay or for supersedeas must first be made to the lower court or administrative tribunal which entered the order or decision on appeal."). The party seeking the writ of supersedeas "must file a written petition verified by the client." Rule 241(d)(3), SCACR. And, if the facts are subject to dispute, "the petition shall be supported by affidavits or other sworn statements." Rule 241(d)(4), SCACR.

When determining whether to grant the petition for supersedeas or stay pursuant to Rule 241(c)(2) of the South Carolina Appellate Court Rules, the Court "should consider whether such an order is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot." Rule 241(c)(2), SCACR. *See Associated Receivables Funding, Inc. v. Dunlap, Inc.*, 443 S.C. 568, 575, 905 S.E.2d 816, 819 (Ct. App. 2024), *reh'g denied* (Sept. 18, 2024) (recognizing that the word should connotes a duty or obligation). Therefore, in appellate matters, the purpose of a supersedeas is to prevent the occurrence of an event that would render judgment or relief, and thus the appeal, meaningless. *See Skydive Myrtle Beach, Inc. v. Horry Cty.*, 424 S.C. 298, 818 S.E.2d 224, 227 (Ct. App. 2018), *reh'g denied* (Sept. 20, 2018) ("A case becomes moot when judgment, if rendered, will have no practical effect upon the existing controversy.") ("Mootness also arises when some event occurs making it impossible for the reviewing court to grant effectual relief.").

Additionally, the Court has the authority to condition the granting of the supersedeas upon such terms which it may deem appropriate, including the filing of a bond. Rule 241(c)(3), SCACR. The burden of proof rests on the party seeking the stay. *See Midlands Util., Inc. v. S.C. Dep't of Health & Env't Control*, 287 S.C. 483, 486, 339 S.E.2d 862, 864 (1986).

Having reviewed the applicable law, the Court turns to the arguments supporting Respondent's Motion.

Mootness

Respondent argues that compliance with the Amended Final Order would require him to take the exact action which he argues on appeal is unsupported by the law. In addition, Respondent contends he would also sustain "financial and personal injury of spending invaluable time and resources to remove the structure" and, if successful on his appeal, "lose the money he initially spent on the structure." As such, Respondent argues a stay is necessary to preserve the status quo and provide the parties with a meaningful opportunity for judicial review. To support his argument, Respondent cites to *Friends of Coastal South Carolina v. South Carolina Department of Environmental Services*, Memo. Op. No. 2025-MO-046 (S.C. Sup. Ct. Dec. 18, 2025).

However, Petitioners argue that Respondent failed to identify any circumstance in which appellate review would be impossible. First, SCCCL contends that Respondent's characterization of the unlawful structure as the "status quo" is legally incorrect since the last, actual, non-contested condition was "the natural beach as it existed before Respondent's unlawful construction [of the hard erosion control structure]." SCCCL therefore argues "[b]ecause preserving the status quo is the effect of granting a supersedeas, it cannot be invoked to authorize the continued existence of an unpermitted structure that adversely affects the public interest." In addition, the Department contends, regardless of whether the hard erosion control structure is removed, the controversy over the Department's authority, Respondent's rights to install an erosion control structure, and whether the Department's penalties are supported by Respondent's violations of the Act, all still remain justiciable issues.

Initially, Respondent's reliance on *Friends of Coastal S.C. v. South Carolina Department of Environmental Services* is misplaced. Not only does that memorandum order carry no precedential value under Rule 268(d)(2), SCACR, but it also arose in a pre-merit hearing posture. *See* § 1-23-600(H)(4)(a) (setting forth standard of review for lifting automatic stay). Conversely, in this case, a merits hearing has been held, and a final order has been issued. *See also* Rule

241(b)(11) (providing appeals from administrative tribunals are an exception to the automatic stay in appeals); *see also* S.C. Code Ann. § 1-23-600(H) & 610(A).

Moreover, whether to preserve the status quo is not a consideration contemplated by Rule 241; rather, preserving the status quo is the effect of granting a supersedeas. *Melton v. Walker*, 209 S.C. 330, 336, 40 S.E.2d 161, 164 (1946) (holding "[t]he general rule is that the effect of a supersedeas or stay is to suspend proceedings and preserve the status quo pending the determination of the appeal or proceeding in error"). Nevertheless, Respondent must show that, under the facts of this case, a stay of the ALC's decision is necessary to preserve the appellate court's jurisdiction or to prevent an issue from becoming moot. Rule 241, SCACR.

Turning to the doctrine of mootness, "[a] case becomes moot when judgment, if rendered, will have no practical legal effect upon [the] existing controversy. This is true when some event occurs making it impossible for [the] reviewing Court to grant effectual relief." *Curtis,* 345 S.C. 557, 567, 549 S.E.2d 591, 596 (2001) (quoting *Mathis v. South Carolina State Highway Dept.,* 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973)); *see Wallace v. City of York,* 276 S.C. 693, 694, 281 S.E.2d 487, 488 (1981) ("The function of appellate courts is not to give opinions on merely abstract or theoretical matters, but only to decide actual controversies injuriously affecting the rights of some party to the litigation. Accordingly, cases or issues which have become moot or academic in nature are not a proper subject of review.").

Throughout the litigation of this case, numerous issues were in dispute, including the controversy over the Department's authority to order the removal of Respondent's hard erosion control structure, whether the hard erosion control structure was installed in the critical area, and whether the assessed penalties were supported by Respondent's violations of the Act. Yet, at its core, the controversy between the parties centered upon whether the Department had jurisdiction over Respondent's hard erosion control structure and thus, the authority to order the removal of Respondent's hard erosion control structure which, importantly, was constructed prior to the filing of the underlying contested case. Indeed, in his request for a contested case hearing Respondent requested, in addition to other relief, that this Court issue an Order finding that "the Department does not have jurisdiction over the Structure." Significantly, while Petitioners demand enforcement of the order for Respondent to remove his hard erosion control structure, they do so without offering a bond. Accordingly, if Respondent prevails on appeal, the practical effect of requiring him to remove his hard erosion control structure at this time would be that Respondent

would have to pay for its removal and then pay for its reconstruction. Thus, if Respondent's Motion is denied, it would be impossible for the South Carolina Court of Appeals to grant any effectual relief on this specific issue and therefore any subsequent review of the matter would be merely academic. *Sloan v. Greenville Cnty.*, 356 S.C. 531, 552, 590 S.E.2d 338, 349 (Ct. App. 2003) ("The function of appellate courts is not to give opinions on merely abstract or theoretical matters, but only to decide actual controversies injuriously affecting the rights of some party to the litigation. Accordingly, cases or issues which have become moot or academic in nature are not a proper subject of review.").

Public Interest

The Department nonetheless argues that the case will not be mooted by the removal of the hard erosion control structure because review of this matter falls under the "public importance" exception to mootness since the extent of the Department's authority in the coastal zone is of great importance to the public. It thus argues the stay should be denied for multiple reasons, including to "protect the public's right of access and use and enjoyment of the beach; to prevent further erosional impacts due to scour caused by the walls…." In support of this contention, SCCCL submitted the affidavit of Robert S. Young, a licensed professional geologist in the State of South Carolina with experience in beachfront processes and coastal management, and the Department submitted the affidavit of its Director of the Critical Area Permitting Division in the Bureau of Coastal Management, Blair Williams. Petitioners contend these affidavits are evidence that public harm will occur if Respondent's Motion is granted—harm which SCCCL further contends cannot be cured because the "naturally functioning coastal system . . . [will have] been altered or degraded." On the other hand, SCCCL argues Respondent's hard erosion control structure can be rebuilt if he prevails on appeal.

Meanwhile, Respondent contends the public interest would be better served by granting a stay. Respondent asserts that staying the removal of his hard erosion control structure will not interfere with public access to the beach nor will it have any negative impact on neighboring properties. Conversely, if the hard erosion control structure is removed, Respondent argues resulting erosion would imminently endanger his neighbors' properties and likely impede public access to the beach path. In addition, Respondent asserts that the removal of his hard erosion control structure also presents potential threats to the safety of the public and the contractors who will be involved in its removal. Therefore, he contends, "it would be in the public's interest for

the removal to be delayed at least until the City of Isle of Palms can increase the elevation of the beach adjacent to Reddy's property in its planned beach renourishment, which is scheduled to begin in 2026."

At the outset, the Court recognizes that the "public importance" exception is not a means of determining that a case is **not** moot but rather a doctrine that allows a case to be adjudicated despite its mootness. Specifically, under the "public importance" exception to the mootness doctrine an "appellate court may decide questions of imperative and manifest urgency to establish a rule for future conduct in matters of important public interest." *Curtis v. State,* 345 S.C. at 568, 549 S.E.at 596. It is thus not a legal theory of declaring—as the Department asserts—that the case will not be mooted by the removal of Respondent's hard erosion control structure.

Nevertheless, even if this Court where to apply the underlying reasoning of the doctrine to this case, "[t]he determination whether a particular suit raises 'questions of imperative and manifest urgency' must be decided on an individual basis." *Sloan v. Greenville Cty.,* 361 S.C. at 570–71, 606 S.E.2d at 466 (2004) (quoting *Curtis v. State,* 345 S.C. at 568, 549 S.E.2d at 596). Generally, the "public importance" exception is applied in a "limited nature." *Sloan,* 361 S.C. at 571, 606 S.E.2d at 466. Here, while the Department's authority in the coastal zone is a matter of general public importance, the question as to whether the Department has jurisdiction over **Respondent's hard erosion control structure**, is simply not a matter of "imperative and manifest urgency." Furthermore, Petitioners have not identified a "manifest urgency to establish a **rule for future conduct** in matters of important public interest." *Curtis v. State,* 345 S.C. at 568, 549 S.E.2d at 596. In fact, as the ALC decision explained, the Department has previously suggested that no Department approval was required for the construction of a seawall landward of the setback line. Moreover, our courts have previously issued judicial guidance regarding the Department's authority in the coastal zone. *See, e.g., South Carolina Coastal Conservation League v. South Carolina Department of Health & Environmental Control*, 434 S.C. 1, 862 S.E.2d 72 (2021) (discussing Department's permitting authority outside of the critical area); *Kiawah Development Partners, II v. S.C. Department of Health & Environmental Control*, 411 S.C. 16, 29, 766 S.E.2d 707, 715 (2014) (discussing Department's authority within the larger coastal zone). As such, this case does not fall under the "public importance" exception doctrine.

Accordingly, although I recognize that until Respondent's hard erosion control structure is removed, scour and erosion of the public beach will persist, removal of the hard erosion control

structure will moot Respondent's appeal. Thus, while I am remorseful that the public beach may suffer in the interim, Respondent's Motion must be granted. *See* Rule 241(c)(2).

Imminent Harm

Respondent also argues that a stay should be granted pursuant to subsection 1-23-600(H)(4) of the South Carolina Code (Supp. 2025) because he will suffer from actual and imminent harm of losing a significant portion of his property to erosion. In support of his Motion, Respondent submitted an affidavit with photographs of his and the neighboring properties, the public access and an unsigned letter from Teresa McCan, property owner of 120 Ocean Blvd, Isle of Palms.[3] Respondent argues that the erosion has worsened and that his hard erosion control structure is the only thing preventing his yard from collapsing onto the beach and taking with it the artificial turf, polypropylene pad, fabric, plants, and gravel in his yard. Thus, Respondent argues that "[u]ntil the City of Isle of Palms addresses its substantially declining beach elevations, removal of his structure will unreasonably expose him and his property to irreparable damage." Finally, Respondent contends that he will also suffer financial and personal injury of spending invaluable time and resources to remove the structure as well as money initially spent on the structure, should he prevail on appeal.

Significantly, in contrast to stays reviewed under subsection 1-23-600(H)(4), Rule 241 of the South Carolina Appellate Court Rules do not direct the Court to consider irreparable harm. Thus, Respondent's arguments are misplaced.

ORDER

IT IS THEREFORE ORDERED that Respondent's Motion to Stay and for Supersedeas is **GRANTED**.

AND IT IS SO ORDERED.

Ralph King Anderson, III
Chief Administrative Law Judge

March 11, 2026
Columbia, South Carolina

[3] The Court notes that it did not receive an original affidavit from Respondent.

CERTIFICATE OF SERVICE

I, Stephanie Perez, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof in the United States mail, postage paid, or by electronic mail, to the address provided by the party(ies) and/or their attorney(s).

Stephanie Perez
Judicial Law Clerk

March 11, 2026
Columbia, South Carolina