

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

PARAGON GENERAL  
CONTRACTING, INC,

Appellant,

vs.

SOUTH CAROLINA DEPARTMENT OF  
LABOR, LICENSING, & REGULATION,  
SOUTH CAROLINA RESIDENTIAL  
BUILDERS COMMISSION,

Respondent.

APPELLATE CASE NO.: 2013-001279

**MOTION TO DISMISS  
WITH PREJUDICE**

**RECEIVED**

JUL 22 2013

**SC Court of Appeals**

**COMES NOW THE RESPONDENT**, South Carolina Department of Labor, Licensing, & Regulation, South Carolina Residential Builders Commission (hereinafter referred to as the “Respondent” or the “Commission”) and hereby moves this Honorable Court for an Order of Dismissal With Prejudice for the above-referenced appeal.

Respondent bases this Motion on the grounds that Appellant failed to comply with the requirements for filing a Notice of Appeal as found in Rule 203 of the South Carolina Appellate Court Rules. When filing his appeal, Appellant failed to provide a copy of the judgment to be challenged on appeal, in accordance with Rule 203(d)(2)(B)(ii), SCACR. Also, Appellant failed to submit the required filing fee in accordance with Rule 203(d)(2)(B)(iii), SCACR. Pursuant to Rule 203(d)(3), SCACR, “[i]f the notice of appeal is not timely filed or the filing fee is not paid in full, the appeal shall be dismissed.”

Moreover, the laws of this State prevent Mr. Brendan Curran, a non-lawyer, from representing the Appellant. A non-lawyer “cannot represent a corporation in circuit or appellate

courts.” *Renaissance Enterprises, Inc. v. Summit Teleservices, Inc.*, 334 S.C. 649, 651, 653, 515 S.E.2d 257, 258-59 (1999). Appellant, a domestic for-profit corporation, has failed to retain counsel as required by law.

The South Carolina Court of Appeals notified the Appellant of the deficiencies stated above on June 17, 2013 and allowed Appellant fifteen days to take corrective action. To date, Appellant has failed to make timely corrections in order to perfect his appeal.

For the aforementioned reasons, and for those reasons which may be raised in oral arguments, if deemed necessary by the Court, the Respondent respectfully requests that the above-captioned appeal be dismissed with prejudice.

**SOUTH CAROLINA DEPARTMENT OF  
LABOR, LICENSING, & REGULATION  
RESIDENTIAL BUILDERS COMMISSION**



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**ANDREW R. ROGERS, Esq.**  
Assistant General Counsel  
South Carolina Department of  
Labor, Licensing, & Regulation  
P. O. Box 11329  
Columbia, South Carolina 29211-1329  
[Andrew.Rogers@LLR.SC.Gov](mailto:Andrew.Rogers@LLR.SC.Gov)  
(803) 896-4657

July 22, 2013

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM ADMINISTRATIVE LAW COURT  
Deborah Brooks Durden, Administrative Law Judge

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Appellate Case No. 2013-001279

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Paragon General Contracting, Inc. . . . . Appellant,

v.

South Carolina Department of Labor,  
Licensing & Regulation and The South  
Carolina State Residential Builders Commission, . . . . . Respondents.

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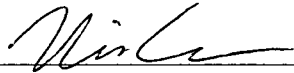
**PROOF OF SERVICE**

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I hereby certify that I have this day filed the Respondent's **Motion to Dismiss** and served thereof on the persons hereafter named on \_\_\_\_ day of July, 2013 hand delivery and by depositing same in an envelope, securely wrapped in the United States mail, properly addressed to the said persons hereafter named, at the places and addresses stated below, which are the last known addresses for same:

Hon. Jenny Abbott Kitchings  
Clerk of Court  
S.C Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

Mr. Brendan Curran  
Paragon General Contracting, Inc.  
196 Prather Park Drive  
Myrtle Beach, SC 29588  
APPELLENT

  
\_\_\_\_\_  
NICHOLAS CHARLES, LAW CLERK  
South Carolina Department of  
Labor, Licensing & Regulation  
Post Office Box 11329  
Columbia, SC 29211-1329  
(803) 896-4520