

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

OCT 21 2013
SC Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

Alexander S. Macaulay, Circuit Court Judge

Civil Action No.: 2005-CP-37-00788

Tri-County Development et. al.
Jeff Gray and Melinda
Holbrooks,.....Respondents

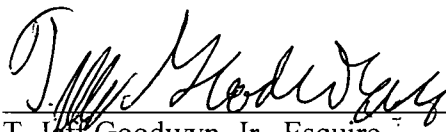
v.

Christopher A. Pierce,.....Appellant

**APPELLANT’S MOTION TO SUPPLEMENT THE INITIAL DESIGNATION OF
MATTER ON APPEAL, OR IN THE ALTERNATIVE TO SUPPLEMENT THE
RECORD ON APPEAL**

Appellant hereby moves to supplement the Initial Designation of Matter on Appeal, or in the alternative to supplement the Record on Appeal pursuant to Rule 212, SCACR. Appellant seeks to include two (2) previously unavailable documents in the Record, both issued by the S.C. Department of Labor, Licensing, and Regulation, to wit: **Cease and Desist Order**, dated July 5, 2012, *In the Matter of Jeffrey A. Gray*; and **Notice to Cease Violation of Law**, dated November 8, 2011, *To Melinda Holbrooks*. Copies of the LLR documents are attached hereto. Neither document was available to the Appellant herein at the time of the hearings or trial that are appealed from and it would be

inequitable to refuse to consider the LLR findings, as they directly address the issue of whether Respondents were acting with proper licensure in this transaction. This issue was raised by the Appellant in the trial below and in the orders appealed from, and Appellant would respectfully request leave to include them in the Record on Appeal. Appellant would further rely upon the arguments and background contained in his Initial Brief to guide the Court in its decision-making.



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Attorney for Appellant

October 17, 2013



S.C. DEPARTMENT OF LABOR, LICENSING AND REGULATION
 RESIDENTIAL BUILDERS COMMISSION
 P.O. Box 11329
 Columbia, SC 29211-1329

3224

CITATION AND NOTIFICATION OF PENALTY
 NOTICE TO CEASE VIOLATION OF LAW

TO: Melinda Holbrook

Issuance Date:	<u>11/8/11</u>
Citation #:	<u>2011L78</u>
Investigator:	<u>B. Page</u>

This citation describes alleged violation of §40-59 -5, et seq., South Carolina Code of Laws, 1976, as amended. The penalties listed are based on these violations. You must pay the proposed penalties pursuant to §40-59 -105. Any citation and/or penalty assessed by a representative of the South Carolina Department of Labor, Licensing and Regulation may be appealed by requesting, in writing, an administrative review. Such requests must be addressed to: Residential Builders Commission Administrator, South Carolina Department of Labor, Licensing and Regulation, PO Box 11329, Columbia, SC 29211-1329, and must be mailed within 10 calendar days from receipt of this Citation and Notification of Penalty. This citation concerns application of the South Carolina Residential Builders Act and Regulations and does not necessarily resolve all aspects of any disciplinary action currently pending before the Board or which may be filed in the future. Failure to make a timely request for review will result in the citation becoming a final order of the Residential Builders Commission.

ITEM	SECTION(S) VIOLATED	DESCRIPTION	PENALTY
_____	§40-59-220	Unlicensed practice. Practice of Residential building at: _____	
_____	§40-59-220	Unlicensed practice of Specialty contracting at: _____	
_____	§40-59-240(A)	Practice of Specialty contracting outside the scope of the registration (S.C. Regulation 106-3) at: _____ on: _____	
_____	§40-59-240(C)	Failure to obtain a building permit for construction at: _____	
_____	§40-59-240(D)	Undertaking a Specialty contract which exceeds \$5000 without bond for construction at: _____	
<u>X</u>	§40-1-110(c)	Aiding or abetting violation of licensing requirements by: <u>Aiding an unlicensed Contractor to offer/engage in Residential Building</u> at: <u>605 White Owl Ln., Seneca SC</u> on: <u>7/24/04</u>	<u>\$500.00</u>

I certify that I explained the requirements of law and that the respondent must immediately cease and desist from further violation until such time, if ever, as proper authorization is issued by the S.C. Residential Builders Commission. I also provided the necessary application forms to be completed and forwarded to the Commission by the respondent.

[Signature]
 Signature of Investigator/Administrator/Assistant Administrator/Supervisor

TOTAL PENALTY: \$500.00

Please make check or money order payable to S.C. Department of Labor, Licensing and Regulation, and indicate citation number on remittance.

Copy received:

Disposition: _____

 Signature of Respondent

 Presiding Officer

English

Customer Service

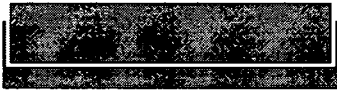
USPS Mobile

Register / Sign In

BEFORE THE SOUTH CAROLINA RESIDENTIAL COMMISSION

In the Matter of:

Jeffrey A. Gray,



2011-627

Respondent.

ORDER TO CEASE AND DESIST

TO THE ABOVE NAMED RESPONDENT:

WHEREAS, it has been brought to the attention of the South Carolina Residential Commission (the Board) that you have engaged in the practice of regulated practice in this State without being properly licensed, as required by law; and

WHEREAS, this Order is authorized by Section 40-chapter #59 -100 and -210 and Section 40-1-100(A) of the 1976 Code of Laws of South Carolina, as amended.

THEREFORE, YOU ARE HEREBY NOTIFIED AND EXPRESSLY ORDERED to immediately cease and desist from engaging in the practice of regulated practice in the State of South Carolina, as defined by Section 40-chapter 59#-30(1) of the amended Code, until such time, if ever, as you may be properly authorized by the Commission in accordance with law.

VIOLATIONS MAY BE PUNISHED BY THE IMPOSITION OF CIVIL PENALTIES IN AMOUNTS UP TO \$10,000.00 FOR EACH VIOLATION AND CRIMINAL PENALTIES WHICH MAY INCLUDE FINES OR IMPRISONMENT, AS PROVIDED BY LAW.

AND IT IS SO ORDERED.

SOUTH CAROLINA RESIDENTIAL COMMISSION

7/5/12
Date

BY:


JANET BAUMBERGER
Administrator

THE STATE OF SOUTH CAROLINA
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Alexander S. Macaulay, Circuit Court Judge

Civil Action No.: 2005-CP-37-00788

Tri-County Development et. al.
Jeff Gray and Melinda Holbrooks,.....Respondents.

v.

Christopher A. Pierce,.....Appellant

PROOF OF SERVICE

I certify that I have served the **Appellant's Motion to Supplement the Initial Designation of Matter on Appeal, or in the Alternative to Supplement the Record on Appeal** on Thomas E. Dudley, III, Attorney for Respondent at the address below by depositing a copy of it in the United States Mail, postage prepaid, on October 21, 2013.

Thomas E. Dudley, III, Esquire
Kenison, Dudley & Crawford, LLC
704 East McBee Avenue
Greenville, SC 29601



Mary S. Bush
Paralegal to T. Jeff Goodwyn, Jr.
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October 21, 2013

GOODWYN LAW FIRM, LLC

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Special Counsel:
Rachel G. Peavy

Email: JGoodwyn@Goodwynlaw.com
Web: www.GoodwynLaw.com

*Also Licensed in Georgia

October 21, 2013

VIA HAND DELIVERY

Jenny Abbott Kitchings, Clerk of Court
The South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

76153
RECEIVED
OCT 21 2013
SC Court of Appeals

RE: *Tri-County Development et. al., Jeff Gray and Melinda Holbrooks v. Christopher A. Pierce*
Civil Action No.: 2005-CP-37-00788
Case No.: 2011202946
Our File No.: 3500-0014

Dear Ms. Kitchings:

Please find enclosed for filing an original and one copy of Appellant's Motion to Supplement the Initial Designation of Matter on Appeal, or in the Alternative to Supplement the Record on Appeal in regard to the above-referenced matter. Please return a clocked-in copy to the courier.

By copy of this letter and as evidenced by the attached Proof of Service, I am serving a copy of same on Thomas E. Dudley, III, Esquire, counsel for the Respondents.

Thank you and should you have any questions, please do not hesitate to contact me.

Sincerely,



Rachel G. Peavy

RGP/msb
Enclosures

cc: Thomas E. Dudley, III, Esquire
Chris Pierce