

**PETITION FOR A WRIT OF CERTIORARI TO THE  
COURT OF APPEALS**

**THE STATE OF SOUTH CAROLINA  
In The SUPREME COURT**

---

Appeal from Georgetown County  
Court of Common Pleas

Larry B. Hyman, Presiding Circuit Court Judge

---

Unpublished Opinion No. 2012-UP-061  
(S.C. Ct. App. Submitted January 3, 2012 – February 8, 2012)

Willie Singleton and Julia Thomas, Heirs at Law of Victoria Gadson, Petitioner.

v.

City of Georgetown Building Official Stephen Stack, et. Al. Respondent,

---

**PETITION A WRIT OF CRERTIORARI**

---

Willie Singleton, Pro Se  
501 North Congdon Street  
Georgetown, SC 29440  
843 340-1354  
Petitioner

Other Counsel of Record:  
Mason A. Summers  
RICHARDSON PLOWDEN & ROBINSON, P.A.  
Post Office Drawer 7788  
Columbia, South Carolina 29202  
(803) 771-4400  
Attorney for Respondent

## INDEX

Certificate of Counsel .....	1
Questions Presented .....	1
Statement of the Case.....	1
Arguments	
1. THE COURT ERR IN REMOVING THE NAMED DEFENDANT STEVEN STACK FROM THE COMPLAINT. ....	12
2. THE COURT ERR IN REMOVING THE NAMED DEFENDANTS' LYNN WOOD WILSON, MAYOR, BRENDAN M. BARBER, SR. MAYOR PRO TEMOP., PEGGY P. WAYNE, COUNCILMEMBER, CLARENCE C. SMALLS, COUNCILMEMBER, PAIGE B.SAWYER, III., COUNCILMEMBER, RUDOLPH A. BRADLEY, COUNCILMEMBER, JACK M. SCOVILLE, JR., COUNCILMEMBER, SABRINA MORRIS, DIRECTOR OF DEVELOPMENT, STEVEN E. THOMAS, CITY ADMINSTOR FROM THE COMPLAINT.....	14
3. THE COURT ERR BY DETERMING THE COMPLAINT DID NOT STATE ANY VALID CLAIM FOR RELIEF, AND THAT THE ALLEGED FACTS OF THE CASE AND THE INFERENCES REASONABLY DEDUCIBLE FROM THE ALLEGATIONS SHOW THAT THE PETITIONER COULD NOT PREVAIL ON ANY THEORY OF THE CASE .....	17
Conclusion .....	19

## Certificate of Counsel

Pro se petitioner certifies that the Petition for Rehearing was made and finally ruled on by the Court of Appeals on January 3, 2012 – February 8, 2012

### Questions Presented

1. **Since the Petitioner in the complaint for the third cause of action [RoA pg. 12 number 27 thru 29] charge that the defendants actions was outside the scope of their official duties of such officials, employees, agent and servants. The Defendants sign a Consent Agreement with the South Carolina LLR Building Code Council that they demolish the plaintiff house in violation of State Laws, [RoA pg. 29, 30 and 31] also in that Consent Agreement, they admitted that they did not have an ordinance adopted to demolish the Petitioner home. They also agreed to adopt an ordinance to demolish building. After the Defendants sign the agreement with the State, the Petitioner filed a civil action. In their civil action the Petitioner stated that the Defendants action was outside the scope of their official duties or employment. Did the Lower Court err in dismissing the individual defendants from the complaint with the case Paget v. South Carolina Insurance Reserve Fund 531 S. E. 2d 305 (ct. app. 2000) and did the Court of Appeals err by affirming it based on the same case.**
2. **Since all the elements of the purpose doctrine, (the consent agreement,) were admitted the defendants in a consent agreement to the South Carolina Building Code Council, and they conceded that the City of Georgetown did not have an ordinance adopted that gave them the power to demolish the structure, and in the consent order they agreed to adopt the an ordinance that would give them the power to demolish houses. Did the Lower Court by asserting and the Court of Appeals err by affirming that individual defendants, and punitive damages be dismisses from the action pursuant to § 15-70-70 (a) code of laws of South Carolina.**

3. **Since all the elements of the purpose doctrine, (the consent agreement) were admitted to by all the Defendants to the South Carolina Building Code Council and in that agreement they admitted to and Conceded that the city of Georgetown did not have an ordinance adopted that gave them the Power to demolish the structure, in the consent agreement they agreed to adopt an ordinance that Would give them the power to demolish houses, at the 59(e) hearing the Court was informed That the defendant Steven Stack, in the State Investigation said he was force to demolish the house. The Court was informed that depositions were not completed. Did the Lower Court err by asserting and the Court of Appeals err by affirming a premature 12(b)(6) motion dismissing the Defendants, removing punitive damages and ruling that the Defendants were in furtherance of their masters business without allowing the completion of the depositions.**
4. **Since all the elements of the purpose doctrine, (the consent agreement) were admitted by all defendants in a consent order to the South Carolina Building Code Council, and conceded that the City of Georgetown did not have an ordinance adopted that gave them the power to demolish the structure, and in the consent order they agreed to adopt the correct ordinance that would give them the power to demolish houses. Did the Lower Court by asserting and the Court of Appeals err by affirming that the Defendant (Building Official) Steven Stack be remove from the complaint.**
5. **The US Constitution in article IV and article VII guarantee certain protections of law. How can a South Carolina governmental entity after a year of being warned that their proposed action was in violation of South Carolina Law, knowingly committee an intentional tort with foreseeable harm, then pled guilty to violating South Carolina Law, and their actions are considered in furtherance of the master's business?**
6. **The Respondents in a consent order with the South Carolina, LLR, Building Code**

Council, admitted and conceded that the City of Georgetown did not have an ordinance adopted that gave them the power to demolish any building, and in the consent order they agreed to adopt an ordinance that would give them the power to demolish a building in accordance with the procedure set forth in State Law once that procedure was followed. Did the Lower Court by asserting that individual Respondents be dismisses from the action pursuant to SC Code of Law §15-70-70 (a) when no such section of law exist and the Court of Appeals err by affirming the decision.

7. During the 59(e) hearing, it came out that Defendant Steven Stack told a state investigator from the South Carolina LLR office of investigation and enforcement that he was force to violate State Laws in the demolition of the home. The Lower Court was informed of this fact [see 59(e) transcript] did the Lower Court err by granting the 12(b)(6) motion before the completion of the depositions because that fact came out in a deposition. See Baird v. Charleston County, 333 S. C. 519, 527, 511 S. E. 2d 69, 73 (1999) (holding that a 12(b)(6) motion will not be granted if the facts and inferences therefrom would entitle the Plaintiff to any relief on any theory).
8. The Code of Laws of South Carolina § 5-7-80 gives a municipality the right to adopt a law to maintain property, not building, but property. Since the Lower Court determine that SC Code of Law § 5-7-80 gave the government the right to demolish buildings. Did the Lower Court err by asserting and the Court of Appeals err by affirming that the Code of Laws of South Carolina § 5-7-80 allows a government to demolish a building using that section of law as the bases for the government to be considered as “acting within the scope of” while demolishing a building without going through a condemnation process.
9. Since all the elements of the purpose doctrine, (the consent agreement) were admitted by all Defendants in a consent order to the South Carolina LLR, Building

Code Council were admitted and conceded that the City of Georgetown did not have an ordinance adopted that gave them the power to demolish the structure, and in the consent order they agreed to adopt the correct ordinance that would give them the power to demolish buildings, the Lower Court and the Court of Appeals err by asserting, that in granting judgment and by declaring this action to be a tort governed by the Tort Claims Act.

10. Sense the Defendant Steven Stack was licensed as a provisional building Official, this license made his primary master the South Carolina LLR, Building Code Council. He was governing by the provisions of the South Carolina Codes of Laws. The Defendant admitted to violating S.C. Code of Law § 31-15-30 (1976, as amended). The defendant was allowed to keep his license and was given six month probation by his primary master, because he informed his primary master (S.C. LLR, Building Code Council) that his secondary master (City of Georgetown) forced him to demolish the home. Did the Lower Court by asserting and the Court of Appeals err by affirming that the Defendant Steven Stack action was in furtherance of his maters business and he be dismiss from the complaint.
11. Since all the elements of the purpose doctrine, (the consent agreement,) were admitted by the defendants Did the Court of Appeal disregard controlling precedent establishing by the elements of the purpose doctrine? The consent Agreement of the defendants with the South Carolina LLR, Building Code Council after it has been established as a matter of law in this case?
12. Since the Petitioner in the civil complaint for the third cause of action [RoA pg. 12 num. 27] alleged that the Defendants actions were outside the scope of their official duties or official employment. The Defendants sign a Consent Agreement with the South Carolina LLR Building Code Council that stated that they demolish the Petitioner house in violation of State Laws. In that Consent Agreement they confess that they did not have an ordinance adopted to demolish the Petitioner house, they

agreed to adopt an ordinance to demolish building. After the Defendants sign the agreement with the State, the Petitioner filed this civil action. Did the Lower Court err in asserting that S.C. Code of Laws § 5-7-80 (2004) (municipalities are empowered to enact ordinances to abate public nuisances) as it relates to yards and trash empowered the Defendants and did the Court of Appeal err in asserting that they can dismiss the individual defendants from the complaint with Cricket Cove v. LLC V. Gilland, 390 S.C. 312,321,701 S.E.2d 39,44 (Ct. App. 2010) and ruling that the defendants action was within the scope of their official duty with Flateau v. Harrelson, 355 S.C. 197,205, 584 S.E.2d 413,417 (Ct. App. 2003)

13. The Petitioner is a Pro Se Petitioner and seek understand. The Defendants in its Motion and Motion's, never said what kind of motion it was. The Lower Court, in its opinion it never said what kind of motion it was. The question was asked of the Court of Appeals and was never answered. Is this a 12(b)(6), 12(b)(8) or Summary Judgment. Did the Court of Appeals err in not answering in light of Haines v. Kerner, 404 U.S. 519, 520-21, 92 S.Ct. 594, 595-96, 30 L.Ed.2d 652 (1972)

#### Statement of the Case

On March, 6, 2009 Willie Singleton and Julia Thomas, Heirs at Law of Victoria Gadson brought this action.

In the early part of 2006, the City Council for the City of Georgetown, at a budget retreat meeting developed a list of over 190 building in the City of Georgetown that they wanted to demolish. The City also set aside 1.4 million dollars to pay for the demolition of the building.

On May 31, 2006, the City of Georgetown building official served notice on the Petitioner in the form of a letter stating that the building department had declared the property, not the building unsafe due to inadequate maintenance and stated that the Petitioner had to contact the department within 30 days to set up a meeting to inspect the property and that if that the Petitioner failed to

comply it would result in the building being condemned. However the notice was sent to Mr. John Gadson in PA. [RoA pg 33]. On July 15, 2006 the City of Georgetown building official sent the Petitioner a second letter stating that the building department had declared the building unsafe and stated that the building had to either be made safe or taken down immediately. The letter went on to say that the city was following the guidelines of the 2003 International Building Code and South Carolina State Law. [RoA pg.34]. Based on the second notice, within 30 day, in August, of 2006 the Petitioner / contractor applied for a building permit to renovate the home. The Building Official said he follow the provisions of the South Carolina Code of Laws as required by declaring the home unsafe and condemning it; this being the same provision outlined in S.C. Code of Laws § 31-15-30 (1976, as amended) which also allows for renovation of the home. The City received the building permit application but never grant permission to renovate the house. [RoA pg.35].

With the request for a building permit still pending, [RoA pg.35] On Dec. 8, 2006 The Building official Mr. Steven Stack, sent a Final Notice of Unsafe Structure. [RoA pg.36]. The Building Official stated that the Building Department was taking the necessary actions to condemn this structure.

On January 11/2007 the Petitioner met with the building official and during the meeting the building official was informed that the Petitioner was a state license contractor, and had intent to renovate the house. The Petitioner wanted to know what procedure the City of Georgetown was using to condemn the building. The Petitioner also reminded him that they had not responded to the building permit application from August, 2006. The Petitioner told the Building Official that the law required them to give the Petitioner a building permit and that the Petitioner had a right to renovate the house. The Petitioner also informed him that the city was require to use a condemnation process when condemning a building according to State Law and that process consist of six steps and the first step was to do an inspection and give the Petitioner a list of what needed to be done and allow the Petitioner to respond and they had not done that. The Petitioner is informed and was trained to become a Building Official, and attended building code council meeting from Florida to Washington DC the Petitioner also studied building code laws and knew

the Law, so the Petitioner advise the building official not to break the law when it came to the building. The Building Official got upset and walked from behind his desk and said he was finish talking to the Petitioner, he precede to walk off and the Petitioner said to him, he would not be finish with the Petitioner if he tried to demolish the house without following the law and not allow him to fix the house.

On Jan 11, 2007 the Petitioner hand delivered a letter to Mr. Steven Stack, Building Official and to Mayor, Lynwood Wilson, City Council, City Administrator, Steven Thomas, and City Attorney, Elaine Crosby, stating there intent to renovate the house. [RoA pg.37]. The Petitioner reminded the city that they had not responded to the building permit application from August 2006 then the Petitioner requested a copy of the procedure used by the city when condemning a building because at that time based on the Building Officials letter of December 8, 2006 the building had not been condemned. On Jan 26, 2007 Mr. Steven Stack, building official responded to the Petitioner's letter of January 11, 2007. In that letter the Building Official stated that the City was under the International Building Code. The Building Official also stated that the reason the city did not respond to the application was because he (The Building Official) felt that he had the authority to deny a permit to renovate. [RoA pg.38]. That position is contrary to public law.

On Mar 1, 2007 the Petitioner applied for second building permit to renovate the house. [RoA pg.39]. The request for building permit is the same provision outlined in S.C. Code of Laws § 31-15-30 (1976, as amended).

On Mar 4 and 5, 2007 City Council for the City of Georgetown, held a budget retreat in Pinopolis. During the meeting the 190 homes that the City of Georgetown had identified for action was discussed in detail. On Mar 15, 2007 on page 1B of Vol 209 No. 52 of the Georgetown Times newspaper, appeared a photo of the Petitioner's home located at 1929 Front Street; along with an article. [RoA pg.40] The article stated:

*At a recent retreat, Sabrina Morris, the city's director of development presented Georgetown City Council with a four page list containing the addresses – and the names*

*of the owners – of 192 structures within the city that that are dilapidated and/or have been declared unsafe.*

The article went on to say:

*Before the city demolishes such a structure, the owner are sent three letters warning them the building needs to be renovated or removed. In many cases, the owners comply but there are instances where the letters seem to be ignored.*

*Some of the houses that need to be removed are rat-infested, which causes problems for people in the neighborhoods, Morris said.*

*One example that was used during the presentation was an abandoned two-story home in the 1900 block of Front Street. In that case, the owner, who lives in Pennsylvania, was sent letters to do something about the house in May, July and December of 2006. The run-down unsafe eyesore is still standing.*

*Mayor Lynn Wood Wilson said he hopes that once people start seeing the city is serious about having the condemned dwellings removed, others who get warning letters will do something about their property.*

On Mar 20, 2007 Mr. Steven Stack, Building Official, sent a letter to the Petitioner, denying the second building permit application. Mr. Stack stated that the house was on the City's unsafe structure list and that the building was under contract for removal and that it would be under demolition activities within 10 days. This letter was sent in spite of the fact that the house had not gone through a condemnation process. Mr. Stack stated in earlier letters that he was aware of the process required to condemn a house. [RoA pg.41] On March 22, 2007 the Petitioner boarded up the windows and doors and secured the home from entry, to the point that it complied with the International Building Code. The house was also posted with "no trespassing" signs.

On Mar 23, 2007 the Petitioner sent a letter to the Mayor, City Administrator, City Attorney and Building Official and informed them that according to the International Building Code the house was in compliance and that under the law the City of Georgetown could not deem the house unsafe, and they could not condemn it. [RoA pg.42, 43]

In the early morning hours of April 12, 2007, the police surrounded the property with more than 17 police officers, they tore down the "No Trespassing" signs, kick the doors in and search the home. After the search the house was demolished at the directions of the City of Georgetown. They also removes all the trees and shrubby from the lot as well as destroying all the content of the home as well as antique furniture's the contents of a book store, a church with pews, and a restaurant equipment, and a tailoring shop. The actions were evidence of Denial of Due process, Improper Taking, Conversion, Negligence/Gross Negligence.

On April 17, 2007 the Petitioner filed a complaint with the State of South Carolina, LLR, Building Codes Council. In the body of the complaint, the Petitioner listed five {5} separate sections of either State Law or the building code that was violated by the City of Georgetown. [RoA pg.48, 49, and 50] Additional fact was filed in the May 18, 2007 with the State of South Carolina, LLR, Division of Legal Services, Office of Investigation & Enforcement [RoA pg.51; 52, 53, 54, 55, 56, and 57]

On Nov 30, 2007 after an investigation by the State of South Carolina, LLR, Building Codes Council, the City of Georgetown signed a "Consent Order" and pled guilty to violating state law in the demolition of the building. And on February 3, 2008, the City of Georgetown Building Official consent agreement with the State LLR, Building Codes Council was accepted by the State. In the agreement, the findings of fact revealed that the building official "failed to follow the provisions of the South Carolina Code of Laws as required to demolish (tear down) the structure." The conclusions of law were: "Respondent further admits that as a result of the previous admissions herein, Respondent has violated S.C. Code of Laws § 31-15-30 (1976, as amended). Respondent waives any further conclusions of law with respect to this matter." [RoA pg.29, 30, and 31]

On March 6, 2009, Willie Singleton and Julia Thomas, Heirs at Law of Victoria Gadson brought this action alleging the Respondents action in wrongfully denying the Petitioner access to their property and demolishing the same without following proper statutory procedures applicable to such action amount to a wrongful taking of Petitioner' property and entitled Petitioner to have a

judgment against Respondents for all damages proximately cause by the same including actual, consequential, and punitive damages, cost and reasonable attorney's fees. The summons and complaint naming the City of Georgetown, Steven Stack, Building Official, Lynn Wood Wilson, Mayor, Brendan M. Barber, Sr. Mayor Pro Temp, Peggy P. Wayne, Councilmember, Clarence C. Smalls, Councilmember, Paige B. Sawyer, III., Councilmember, Rudolph A. Bradley, Councilmember, Jack M. Scoville, Jr. Councilmember, Sabrina Morris, Director of Development, Steven E. Thomas, City Administrator. [RoA pg.4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15]

On Apr 2, 2009 the Respondent filed an answer to the complaint [RoA pg.16, 17, 18, 19, and 20] also on Apr 2, 2009 the Respondent also filed a motion and motion to strike punitive damages pursuant to the South Carolina Tort Claims Act (§ 15-78-10, et. seq.) [RoA pg.23,24] and a motion and motion to dismiss individual Respondents pursuant to the South Carolina Tort Claims Act, stating that the Respondents were acting within the scope of their official duties with the City of Georgetown and cannot be sued individually. [RoA pg.21, 22]

On May 21, 2009, just 49 days after the motion was filed, the Lower Court conducted a motion hearing in Horry County. The Respondent's attorney informed the court reporter that there would be no transcript of the motion hearing. The Lower Court concluded that even though the government did not use proper statutory procedure in the demolition of the building, and that even when viewed in a light most favorable to the Petitioner that the complaint did not state any valid claim for relief, and that the alleged facts of the case and the inferences reasonably deducible from the allegations show that the Petitioner could not prevail on any theory of the case. That demolishing the building was an accident.

The Lower Court also concluded that the Code of Laws of South Carolina § 5-7-80. Ordinances relating to upkeep of property within municipality. The State Law which gives a municipality the right to adopt a law to maintain property, not building, but property, gave the government the right to demolish buildings using that section of law as the bases for the government to be

considered as "acting within the scope of duty" while demolishing a building without going through a condemnation process.

The Lower Court also concluded that since all the elements of the consent agreement with the South Carolina, LLR, Building Code Council, were admitted by the Respondents, and on the face of the complaint for a second cause of action the Petitioner allege as a cause of action denial of due process. On the face of the complaint for a third cause of action the Petitioner allege in number 27 that the Respondents acted outside the scope of their official positions. On the face of the complaint for a fourth cause of action the Petitioner allege the Respondents violated the SC Code of Laws Condemnation Statute. On the face of the complaint for a sixth cause of action the Petitioner allege the Respondents committed negligence / gross negligence. That the servants was doing some act in furtherance of the master's business and they were acting within the scope of their employment, although he may exceed his authority, and that all individual defendants should be removed from the complaint.

By order of the court dated August 4, 2009, the named individual Respondents were dismissed from this action. It was also further ordered that this action is governed by the South Carolina Tort Claims Act and the Plaintiffs cannot recover punitive damages from the City; according, the request for same was stricken from the complaint. On Aug 4, 2009 the Court sign the order granting the Respondent's motion in motion to remove the individual Respondents and stricken the punitive damages.

On August 20, 2009, a timely motion pursuant to rule 59(e) was filed. One October 15, 2009 the Petitioner Rule 59(e), SCRCF, motion, arguing the issues were ripe for review and asking the Court to address them. The Lower Court conducted that motion hearing and denied the Rule 59(e) motion on October 15, 2009.

A motion was filed with the Court of Appeals. Unpublished Opinion No. 2012-UP-061 Submitted January 3, 2012 – February 8, 2012 followed. The Court of Appeals affirm the lower court decision pursuant to Rule 220(b)(1) SCACR.

The Court of Appeals affirmed the judgment of the circuit court. Willie Singleton and Julia Thomas, Heirs at Law of Victoria Gadson, deceased, Plaintiffs, Of whom Willie Singleton is the Appellant, v. City of Georgetown Building Official Stephen Stack, Mayor Lynn Wood Wilson, Mayor Pro Temp Brendon M. Barber, Sr., Council Member Clarence Smalls, Council Member Paige B. Sawyer, III, Council Member Rudolph A. Bradley, Council Member Jack Scoville, Director of Building Planning Sabrina Morris, Steve Thomas, City Administrator, and The City of Georgetown, Respondents. Unpublished Opinion No. 2012-UP-061 (Submitted January 3, 2012 – February 8, 2012). Petitioner seeks a writ of certiorari to review that decision.

## **ARGUMENT**

### **I THE COURT ERR IN REMOVING THE NAMED DEFENDANT STEVEN STACK FROM THE COMPLAINT.**

The Court err in removing the named defendant Steven Stack from the complaint. The fourth amendment to the constitution that allows people to feel secure in their homes is so important that State Law and the Building Code does not allow a building inspector, working in a building department to order a building demolished, that decision by law is only vested in the Building Official. The City of Georgetown receives its power and authority to demolish buildings from State Law. State Law is crystal clear on the procedure by which any structure can be ordered demolished. Under State Law, not even a Fire Marshal can order an unsafe building after a fire demolished. The Fire Marshal can inspect any building and find conditions dangerous to the health, welfare, and safety of the people in the building. And yet the Fire Marshal can only order the building vacated until such times as the building is either fixed or it is removed, but the Fire Marshal cannot say the words “You must tear your building down.” State law says that the only way any building can be ordered demolish is if it is done in accordance with State Law and the Building Code. State law and the building code only vest the power to order a building

demolished with the Building Official. State Law requires that any person engaging in the practice of Building Code Enforcement to be licensed and regulated by South Carolina LLR Building Codes Council.

When a person act totally outside that crystal clear procedure, what part of SC Code of Law §15-78-70 (b) does not apply.

*SC Code of Law §15-78-70 (b) Nothing in this chapter may be construed to give an employee of a governmental entity immunity from suit and liability if it is proved that the employee's conduct was not within the scope of his official duties or that it constituted actual fraud, actual malice, intent to harm, etc....*

The employee has a responsibility to exercise reasonable care in the performance of his duty. The employee was grossly negligent in its conduct in light of the fact that the employee simply ordered the house demolished without making an inspection to determine what was wrong with the house. Then the employee refuse to allow the owner to fix the home as required by State Law in SC Code of Law §31-15-10 et al. Then the employee never started or completed a condemnation process. The employee just demolish the home without following any process what so ever. The Law still holds people accountable for their actions.

The Lower Court to support their position used **Padgett v. South Carolina Insurance Reserve Fund, 531 S.E.2d 305 (Ct. App. 2000)**

In this declaratory judgment action, Padgett, a student at South Carolina State University, sought to determine whether a South Carolina Insurance Reserve Fund (IRF) policy covered sexual harassment and an assault committed against her by Thomas Wilson, a professor and department chair at the university. Both parties moved for summary judgment. The trial court denied Padgett's motion and granted the IRF's motion for summary judgement. Padgett appeals. The SC Court of Appeals, affirm. Padgett argues Wilson meets the definition of an "insured" under the general tort liability policy. She argues Wilson was acting in the scope of his official duties when he committed the battery and sexual assault. The SC Court of Appeals, disagree.

Under this definition, Wilson only qualifies for coverage when his actions are in the "scope of his official duties." Under the South Carolina Tort Claims Act, a government employee acts "within the scope of his official duty" when the employee is (1) "acting in and about the official business of the government entity," and (2) "performing official duties." S.C. Code Ann. § 15-78-30(i)

The Government does not have an official duty to disregard and break the law. **Padgett v. South Carolina Insurance Reserve Fund, 531 S.E.2d 305 (Ct. App. 2000)** is a case on point to show that not all conduct is protected.

Padgett turned on the fact that Padgett did not state on the face of the complaint that Thomas Wilson was acting outside the scope of his official duty. Wilson only qualifies for coverage when his actions are in the "scope of his official duties." Under the South Carolina Tort Claims Act, a government employee acts "within the scope of his official duty" enjoys the protection of the South Carolina Tort Claims Act. In the case at hand the Petitioner on the face of their complaint alleged that the name Defendants were acting outside the scope of their official duty [RoA. Pg 12, num.27, 28 and 29] that the Respondents acted outside the scope of their official positions: **Cricket Cove Ventures, LLC v. Gilland, 390 S.C. 312, 701 S.E.2d 39, 44 (Ct. App. 2010)** "...[T]his [c]ourt... must presume all well pled facts to be true." The connection between **Padgett v. South Carolina Insurance Reserve Fund, 531 S.E.2d 305 (Ct. App. 2000)**

And this case is not a clear line. In one case "within the scope of his official duty" was not alleged and in the other "within the scope of his official duty" was alleged. The Courts err on the connection between the cases.

**II THE COURT ERR IN REMOVING THE NAMED DEFENDANTS' LYNN WOOD WILSON, MAYOR, BRENDAN M. BARBER, SR. MAYOR PRO TEMOP., PEGGY P. WAYNE, COUNCILMEMBER, CLARENCE C. SMALLS, COUNCILMEMBER, PAIGE B.SAWYER, III., COUNCILMEMBER, RUDOLPH A. BRADLEY, COUNCILMEMBER, JACK M. SCOVILLE, JR., COUNCILMEMBER, SABRINA MORRIS, DIRECTOR OF DEVELOPMENT, STEVEN E, THOMAS, CITY ADMINSTOR FROM THE COMPLAINT.**

The Court err in removing the named defendants from the complaint. The fourth amendment to the constitution that allows people to feel secure in their homes is so important that State Law and the Building Code does not allow the named Defendants to direct the building official to demolish a building for political reasons. It it's like ordering the Building Official to demolish the local Wal Mart with all of its inventory; under color of law, without using any laws and causing millions of dollars in damages and then wanting to hide behind the protection that is given by the South Carolina Tort's Clams Act. The above named Defendants all knew there proposed actions were wrong. The Petitioner in the form of a letters, building permit applications, appears at City Council meeting and even speaking with individual member informed them that there action were not in keeping with State Law or the Building Code for a year before the they ordered the building demolish without going through and acceptable process of law. [RoA pg. 35, 37, 39, 42, and 43] The Petitioner applied for two {2} different building permits to fix the home in accordance with SC Code of Law §31-15-10 et al. but was denied because in the words of the Mayor:

*Mayor Lynn Wood Wilson said he hopes that once people start seeing the city is serious about having the condemned dwellings removed, others who get warning letters will do something about their property.*

The City of Georgetown receives its power and authority to demolish buildings from State Law, not from each other. State Law is crystal clear on the procedure by which any structure can be ordered demolished. If you consider the City of Georgetown named Defendants as working in furtherance of the master business, what master is the Lower Court talking about, the State, the Federal Government, who. Who is the master to the elected and or appointed official? Is it the citizen of Georgetown, or is it the State Government? If you cannot sue the State of South Carolina because of the City of Georgetown improper actions, the elected and or appointed official must be considered the masters, so how can the master be protected because they were not acting outside the scope of their official duty in furtherance of their business. When a person act totally outside that crystal clear procedure, what part of SC Code of Law §15-78-70 (b) does not apply.

SC Code of Law §15-78-70 (b) *Nothing in this chapter may be construed to give an employee of a governmental entity immunity from suit and liability if it is proved that the employee's conduct was not within the scope of his official duties or that it constituted actual fraud, actual malice, intent to harm, etc....*

The Lower Court to support their position used **Padgett v. South Carolina Insurance Reserve Fund, 531 S.E.2d 305 (Ct. App. 2000)** then they also used another very interesting law. The Lower Court used **South Carolina State Budget & Control Board v. Prince, S.E.2d 643 (S.C. 1991)**, to support the conclusion of law that the government was acting in furtherance of the employer's business when the accident happen. There was no accident, it was an intentional acts to demolish a home without going through a condemnation process. The Lower Court concluded that *"If the servant was doing some act in furtherance of the master's business, he will be regarded as acting within the scope of his employment although he may exceed his authority"*. But **South Carolina State Budget & Control Board v. Prince, S.E.2d 643 (S.C. 1991)** directly assessed punitive damages are insurable in South Carolina. An opinion of the South Carolina Attorney General dated March 22, 1983 advised that a general liability policy would provide coverage for punitive damages, but only if neither intentional nor criminal conduct was involved. However, in *South Carolina State Budget & Control Board v. Prince, 403 S.E.2d 643 (S.C. 1991)*, the South Carolina Supreme Court discounted the Attorney General's suggestion that only non-intentional conduct may be covered. The court stated that an insurer issuing a policy that implies coverage for damages based on intentional acts will not be able to deny coverage later in the name of public policy. Vicariously assessed punitive damages are insurable in South Carolina. *See Glens Falls Indem. Co. v. Atlantic Building Corp., 199 F.2d 60 (4th Cir. 1952)*,

**South Carolina State Budget & Control Board v. Prince, S.E.2d 643 (S.C. 1991)**, Is a case that concluded the insurability of punitive damages as a matter of public policy, not that governmental employees and officials cannot be held personal libel if they exceed their authority. By law, a governmental employees or officials cannot break the law in an attempt to enforce the law and then be protected by the law.

Like Padgett, the case of Board v. Prince, also turned on the fact that Padgett did not state on the face of the complaint Prince did not allege acting outside the scope of official duty. In the case at hand the Petitioner on the face of their complaint alleged that the name Defendants were acting outside the scope of their official duty [RoA. Pg 12, num.27, 28 and 29] that the Respondents acted outside the scope of their official positions. Cricket Cove Ventures, LLC v. Gilland, 390 S.C. 312, 701 S.E.2d 39, 44 (Ct. App. 2010) "...[T]his [c]ourt... must presume all well pled facts to be true." The connection between South Carolina State Budget & Control Board v. Prince, S.E.2d 643 (S.C. 1991). And this case is not a clear line. In one case "within the scope of his official duty" was not alleged and in the other "within the scope of his official duty" was alleged. The Courts err on the connection between the cases.

**III THE COURT ERR BY DETERMING THE COMPLAINT DID NOT STATE ANY VALID CLAIM FOR RELIEF, AND THAT THE ALLEGED FACTS OF THE CASE AND THE INFERENCES REASONABLY DEDUCIBLE FROM THE ALLEGATIONS SHOW THAT THE PETITIONER COULD NOT PREVAIL ON ANY THEORY OF THE CASE.**

A civil complaint initiates a civil lawsuit by setting forth for the court a claim for relief from damages caused, or wrongful conduct engaged in, by the defendant. The complaint outlines all of the plaintiff's theories of relief, or causes of action (e.g., Negligence, Battery, assault), and the facts supporting each Cause of Action. The most critical part of the complaint is the claim, or cause of action. The claim is a concise and direct statement of the basis upon which the plaintiff seeks relief. It sets forth the Rule of Law that forms the basis of the lawsuit and recounts the facts that support the rule of law. Finally, the claim concludes that the defendant violated the rule of law, thereby causing the plaintiff's injuries or damages, and that the plaintiff is entitled to relief.

The Court of Appeals in its unpublished opinion No 2012-UP-061 (this case) used Cricket Cove Ventures, LLC v. Gilland, 390 S.C. 312, 701 S.E.2d 39, 44 (Ct. App. 2010) ("In deciding whether the [circuit] court properly granted the motion to dismiss, the appellate court must

consider whether the complaint, viewed in the light most favorable to the plaintiff, states any valid claim for relief ....[T]his [c]ourt... must presume all well pled facts to be true.”

In the complaint, the Petitioner allege as the second cause of action, denial of due process. [RoA. Pg 11, num.24 and 25] **Cricket Cove Ventures, LLC v. Gilland**, 390 S.C. 312, 701 S.E.2d 39, 44 (Ct. App. 2010) “....[T]his [c]ourt... must presume all well pled facts to be true.” On the face of the complaint for a third cause of action the Petitioner allege. [RoA. Pg 12, num.27, 28 and 29] that the Respondents acted outside the scope of their official positions. **Cricket Cove Ventures, LLC v. Gilland**, 390 S.C. 312, 701 S.E.2d 39, 44 (Ct. App. 2010) “....[T]his [c]ourt... must presume all well pled facts to be true.” On the face of the complaint for a fourth cause of action the Petitioner allege the Respondents violated the SC Code of Laws Condemnation Statute. . [RoA. Pg 12, num. 31 and 32] **Cricket Cove Ventures, LLC v. Gilland**, 390 S.C. 312, 701 S.E.2d 39, 44 (Ct. App. 2010) “....[T]his [c]ourt... must presume all well pled facts to be true.” On the face of the complaint for a sixth cause of action the Petitioner allege the Respondents committed negligence / gross negligence. **Cricket Cove Ventures, LLC v. Gilland**, 390 S.C. 312, 701 S.E.2d 39, 44 (Ct. App. 2010) “....[T]his [c]ourt... must presume all well pled facts to be true.”

Now based on **Cricket Cove Ventures, LLC v. Gilland**, 390 S.C. 312, 701 S.E.2d 39, 44 (Ct. App. 2010) when the Lower Court dismissed the case based on the fact that The Lower Court concluded that even though the government did not use proper statutory procedure in the demolition of the building, and that even when viewed in a light most favorable to the Petitioner that the complaint did not state any valid claim for relief, and that the alleged facts of the case and the inferences reasonably deducible from the allegations show that the Petitioner could not prevail on any theory of the case, how?

**Cricket Cove Ventures, LLC v. Gilland**, 390 S.C. 312, 701 S.E.2d 39, 44 (Ct. App. 2010)

#### STANDARD OF REVIEW

In reviewing the dismissal of an action pursuant to Rule 12(b)(6), SCRPC, the appellate court applies the same standard of review as the trial court. *Doe v. Marion*, 373 S.C. 390, 395, 645 S.E.2d 245, 247 (2007). In considering a motion to dismiss a complaint based

on a failure to state facts sufficient to constitute a cause of action, the trial court must base its ruling solely on allegations set forth in the complaint.

If the facts and inferences drawn from the facts alleged in the complaint, viewed in the light most favorable to the plaintiff, would entitle the plaintiff to relief on any theory, then the grant of a motion to dismiss for failure to state a claim is improper. Brazell v. Windsor, 384 S.C. 512, 515, 682 S.E.2d 824, 826 (2009). In deciding whether the trial court properly granted the motion to dismiss, the appellate court must consider whether the complaint, viewed in the light most favorable to the plaintiff, states any valid claim for relief. *Id.* "The trial court and this [C]ourt on appeal must presume all well pled facts to be true." Morrow Crane Co. v. T.R. Tucker Constr. Co., 296 S.C. 427, 429, 373 S.E.2d 701, 702 (Ct.App. 1988). "[P]leadings in a case should be construed liberally so that substantial justice is done between the parties. Further, a judgment on the pleadings is considered to be a drastic procedure by our courts." Russell v. City of Columbia, 305 S.C. 86, 89, 406 S.E.2d 338, 339 (1991) (citation omitted). The court should not dismiss the complaint merely because there exists doubt that the plaintiff will prevail in the action. Doe, 373 S.C. at 395, 645 S.E.2d at 248.

The Court of Appeals err as to whether the case was a proper action before the court. The Supreme Court has instructed the district courts to construe pro se complaints liberally and to apply a more flexible standard in determining the sufficiency of a pro se complaint than they would in reviewing a pleading submitted by counsel. See e.g., Hughes v. Rowe, 449 U.S. 5, 9-10, 101 S.Ct. 173, 175-76, 66 L.Ed.2d 163 (1980) (per curiam); Haines v. Kerner, 404 U.S. 519, 520-21, 92 S.Ct. 594, 595-96, 30 L.Ed.2d 652 (1972) (per curiam); see also Elliott v. Bronson, 872 F.2d 20, 21 (2d Cir.1989) (per curiam). In order to justify the dismissal of a pro se complaint, it must be "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Haines v. Kerner, 404 U.S. at 521, 92 S.Ct. at 594 (quoting Conley v. Gibson, 355 U.S. 41, 45-46, 78 S.Ct. 99, 102, 2 L.Ed.2d 80 (1957)).

### Conclusions

The cases used by the Lower Court:

Padget v. south Carolina Insurance Reserve Fund, 531 S.E.2d 305 (CtApp.2000).

South Carolina State Budgeting Control Board v Prince, 43 S.E.2d 643(1993)

Or the cases used by the Court of Appeals:

**Flateau v. Harrelson**, 355 S.C. 197, 205, 584 S.E.2d 413,417 (Ct App2003) t;

**Cricket Cove Ventures, LLC V. Gilland**, 390 S.C.,312,312,701 S.E. 2d 39,44 (Ct, App 2003).

None of the Plaintiffs claimed that the Defendants went outside the scope of their official duties, however the Petitioners' in their civil complaint charge the Defendants as going outside the scope of their official duties. The Lower Court was made aware of the fact that the Petitioners' were suing the Defendants for going outside the scope of their official duties in their complaint, at the 12(b)(6) hearing and at the 59(e) hearing. After the 12 (b)(6) hearing, the Lower Court gave an order saying that the Petitioners' sued the defendant in the scope of their official duties. The Lower Court was reminded at the 59(e) hearing that the court order was incorrect in its order stating that the Petitioners' were suing the Defendants under the scope of their official duties, instead the Petitioners' were suing the Defendants for going outside the scope of their official duties. The Court of Appeals was given two briefs that stated several times that the Defendants were being sued for going outside the scope of their official duties. With this contradiction between the Petitioners' and the Judge's order the Court of Appeals should have read the civil complaint and the 59(e) motion request and the 59(e) transcript, and construed the pro se complaints liberally and apply a more flexible standard in determining the sufficiency of a pro se complaint than they would in reviewing a pleading submitted by counsel. See . See e.g., **Hughes v. Rowe**, 449 U.S. 5, 9-10, 101 S.Ct. 173, 175-76, 66 L.Ed.2d 163 (1980) (per curiam); **Haines v. Kerner**, 404 U.S. 519, 520-21, 92 S.Ct. 594, 595-96, 30 L.Ed.2d 652 (1972) (per curiam); see also **Elliott v. Bronson**, 872 F.2d 20, 21 (2d Cir.1989) (per curiam). In order to justify the dismissal of a pro se complaint, it must be "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." **Haines v. Kerner**, 404 U.S. at 521, 92 S.Ct. at 594 (quoting **Conley v. Gibson**, 355 U.S. 41, 45-46, 78 S.Ct. 99, 102, 2 L.Ed.2d 80 (1957)).

In the South Carolina LLR investigation of the defendant Steven Stack revealed that he was forced to demolish the house and the Lower Court was informed of this, the Lower Court was

informed that depositions had started and was not completed and by law the 12 (6) motion should not have been allowed, see **Baird v. Charleston County**, 333 S.C. 519, 527, 511, S.E.2d 69, 73 (1999) (holding that a 12(6) motion will not be granted if the facts and inferences therefrom would entitle the plaintiff to any relief on any theory) [Emphasis Added] The deposition was not completed and it was premature to issue an order with a dispositive impact on any issue wherein meaningful discovery has not been exhausted. A motion to dismiss under Rule 12(b)(6) should not be granted if facts alleged and inferences reasonably deducible therefrom would entitle the plaintiff to relief on any theory of the case. See **Gentry v. Yonce**, 337 S.C. 1, 522 S.E.2d 137 (1999); **Stiles**, 318 S.C. at 300, 457 S.E.2d at 602-03; see also **Baird**, 333 S.C. at 527, 511 S.E.2d at 73 (if the facts and inferences drawn from the facts alleged on the complaint would entitle the plaintiff to relief on any theory, then the grant of a motion to dismiss for failure to state a claim is improper); **McCormick v. England**, 328 S.C. 627, 494 S.E.2d 431 (Ct. App. 1997) (motion to dismiss cannot be sustained if facts alleged in complaint and inferences reasonably deducible therefrom would entitle plaintiff to relief on any theory of the case). In deciding whether the trial court properly granted the motion to dismiss, this Court must consider whether the complaint, viewed in the light most favorable to the plaintiff, states any valid claim for relief. See **Gentry**, 337 S.C. at 5, 522 S.E.2d at 139; see also **Cowart v. Poore**, 337 S.C. 359, 523 S.E.2d 182 (Ct. App. 1999) (looking at facts in light most favorable to plaintiff, and with all doubts resolved in his behalf, the court must consider whether the pleadings articulate any valid claim for relief). The complaint should not be dismissed merely because the court doubts the plaintiff will prevail in the action. **Toussaint v. Ham**, 292 S.C. 415, 357 S.E.2d 8 (1987). The Appellants' charge the defendants with Improper Taking, (Denial of Due Process), (Waiver of Sovereign), (Negligence/Gross Negligence), (Conversion), (Intentionally Violating S.C. Condemnation Statute, S.C. Code 1-23-320) In order to prove Negligence a plaintiff must show; (1) Defendant owes a duty of care to the Plaintiff; (2) Defendants breach the duty by a negligent act or omission; (3) Defendants breach was the actual and proximate cause of the plaintiff injury; (4) Plaintiff suffered an injury or damages. **STEINKE V. S.C. DEPT OF LABOR, LICENSING AND REGULATION**, 336 S.C. 373, 387, 520 S.E. 2d 142, 149 (1999).

The Petitioners' believes that the paper trail shows all the above to be true and the civil

complaint show that the defendants was charged with going outside the scope of their official duties. The defendant Steven Stack was a license building inspector, he plead guilty to negligence. The court in relying on the provisions of the Torts Claims Act to determine that the defendants were acting in the scope and course of their employment when Defendants did not follow prescribed statutory procedures for carrying out the specific function of which Petitioners' complain which would have insulated Defendants from personal liability by placing their actions within the scope and course of their employment pursuant to the provision of the Tort Claims Act. The acts committed in this case were ultra vires due to Defendants failure to follow prescribed statutory procedures and thus strip Defendants of any statutory protection otherwise available to them. Even the city attorney was notified that the cities actions were not within the scope of the law and their official duty; everything was done humanly possibly within the law to stop them. The demolition of the building was no accident, but rather an intentional and deliberate act which is not protected by law, and does not fall within the scope of the Torts Claims Act. The paper trail in the record on appeal clearly shows that the Defendants actions were intentional. The Lower Court err by asserting that the Defendants actions fall under the Tort Claim Act and the Court of Appeals err by affirming the same with the paper trail and the guilty plea of the Defendants.

The Lower Court concluded in its order that the Petitioners' did not charge the Defendants with going outside the scope of their official duties. In the Complaint in the third cause of action it reads [RoA pg. 12 number 27]

*That the Defendants who are public and elected officials acted outside the scope of their official position when they failed to allow Plaintiffs to repair their property.*

In the Complaint in the six cause of action it reads [RoA pg. 13 number 36 and 37]

36 *That the actions of Defendants in wrongfully denying Plaintiff access to their property, failing to follow prescribed statutory procedures governing condemnation and demolition of property, violation of provisions of the Administrative procedures Act governing contested cases, violation of statutory laws governing unsafe dwellings and demolishing Plaintiffs' property without allowing them an opportunity to repair the same constitutes negligence in that the officials knew or should have known that such conduct was*

wrongful in that it violated the statutory laws of this state and that Plaintiffs would suffer the type of damages proximately caused by the same which were foreseeable.

37 That Defendants' failure to properly investigate the circumstances surrounding the demolition of Plaintiffs' property and to follow proper procedures for the same constitutes gross negligence, willfulness, and wantonness entitling Plaintiffs' to have judgment against all the Defendants for the damages proximately caused by the same including, actual, consequential, and punitive damages as such conduct was outside the scope of the official duties of such officials, employees, agents and servants.

The Lower Court abuse its power of discretion by not weighing the evidence when it came to the consent order and the face of the civil complaint and then dismiss the Defendants. The Defendant Steven Stack was not acting in furtherance of his masters business; in fact he abuse the trust of his master [the State of South Carolina] and was reprimanded for his action by his master. See consent agreement.

#### CONSENT AGREEMENT FINDING OF FACTS

37 Respondent is licensed as a provisional building official (BCO.2047) in South Carolina and was so license at all times relevant to the matter asserted in this case. The Council has jurisdiction over the Respondent and the subject matter herein.

100 In April 2007, the respondent demolished a residential structure that was owned by Willie Singleton at 1929 Front Street, Georgetown, South Carolina.

105 The Respondent failed to follow the provisions of the South Carolina Code of Eaws as required to demolish (tear down) the structure.

Respondent waives any further finding of fact with respect to this matter.

#### CONCLUSIONS OF LAW

Respondent further admits that as a result of the previous admission herein, Respondent

*has violated S.C. Code of Law §31-15-30 (1976, as amended). Respondent waives any further conclusions of law with respect to this matter.*

**THEREFORE, IT IS ORDERED WITH RESPONDENT'S CONSENT THAT**

*Respondent is herein issued a public reprimand. Respondent's License shall be placed on a six-month probationary period. Respondent shall adopt an ordinance covering the correct procedures in the demolishing of a residential structure within the six-month probation period.*

*It is further understood and agreed that if Respondent fails to abide by any of the aforementioned terms and conditions then Respondent's License may be immediately temporarily suspended pending hearing into the matter and until further Order of the Council.*

*It is further understood and agreed that this Consent Agreement does not satisfy, prejudice, or stay any disciplinary action currently pending before the Council or which may be filed in the future.*

The Petitioner believes that the building official Steven Stack was grossly negligent, and the other defendants were also grossly negligent for going outside the scope of their official duty when they knew that their actions would cause harm. The mayor even stated in the newspaper that they planned to use the Petitioner home as an example. The Lower Court erred by asserting and the Court of Appeal erred by affirming the dismissal of the individual Defendants.

In order to prove negligence, a plaintiff must show: (1) defendant owes a duty of care to the plaintiff; (2) defendant breached the duty by a negligent act or omission; (3) defendant's breach was the actual and proximate cause of the plaintiff's injury; and (4) plaintiff suffered an injury or damages. **Steinke v. S.C. Dep't of Labor, Licensing and Regulation**, 336 S.C. 373, 387, 520 S.E.2d 142, 149 (1999).

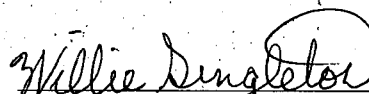
The Petitioner believes that they have shown just that. The Petitioner asks that the court construe

the pro se complaints liberally and apply a more flexible standard in determining the sufficiency of a pro se complaint than they would in reviewing a pleading submitted by counsel. See, e.g., **Hughes v. Rowe**, 449 U.S. 5, 9-10, 101 S.Ct. 173, 175-76, 66 L.Ed.2d 163 (1980) (per curiam); **Haines v. Kerner**, 404 U.S. 519, 520-21, 92 S.Ct. 594, 595-96, 30 L.Ed.2d 652 (1972) (per curiam); see also **Elliott v. Bronson**, 872 F.2d 20, 21 (2d Cir.1989) (per curiam). In order to justify the dismissal of a pro se complaint, it must be "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." **Haines v. Kerner**, 404 U.S. at 521, 92 S.Ct. at 594 (quoting **Conley v. Gibson**, 355 U.S. 41, 45-46, 78 S.Ct. 99, 102, 2 L.Ed.2d 80 (1957)).

For the reasons stated, it is respectfully submitted that because of the lack of case law directly on point that the issues are ripe for review and asking the Court to address them, or in the alternative that this Court order the Lower Court to reverse that determining that this case falls under the provision of the South Carolina Tort's Claim's Act, and that the Defendants motion to remove individually named Defendants and strike punitive damages should be reversed. Should this Court reverse the judgment of the Lower Court, the case should be remanded to the Lower Court.

Respectfully submitted,

April 26, 2012

  
Willie Singleton, Pro Se  
501 North Condon Street  
Georgetown, SC 29440

Phone: 843 340-1354

**PROOF OF SERVICE OF  
PETITION FOR A WRIT OF CERTIORARI TO THE  
COURT OF APPEALS**

**THE STATE OF SOUTH CAROLINA  
In The SUPREME COURT**

---

Appeal from Georgetown County  
Court of Common Pleas

Larry B. Hyman, Presiding Circuit Court Judge

---

Unpublished Opinion No. 2012-UP-061  
(S.C. Ct. App. Submitted January 3, 2012 – February 8, 2012)

Willie Singleton and Julia Thomas, Heirs at Law of Victoria Gadson,

Petitioner.

v.

City of Georgetown Building Official Stephen Stack, et. Al.

Respondent,

---

**PROOF OF SERVICE**

---

**RECEIVED**

MAY 01 2012

**S.C. SUPREME COURT**

**RECEIVED**

MAY 01 2012

**S.C. SUPREME COURT**

I certify that I have served the petition Writ of Creteriori on City of Georgetown Building Official Stephen Stack, et. al. by depositing a copy of it in the United States Mail, postage prepaid, on Apr 27, 2012, addressed to their attorney of record, Mason A. Summers, RICHARDSON PLOWDEN & ROBINSON, P.A., Post Office Drawer 7788, Columbia, South Carolina 29202 and on the South Carolina Court of Appeals by depositing a copy of it in the United States Mail, postage prepaid, on Apr 27, 2012, addressed to South Carolina Court of Appeals, 1015 Sumter Street, Columbia, SC 29201

Apr 26, 2012

s/ Willie Singleton

Willie Singleton, Pro Se  
501 North Congdon Street  
Georgetown, SC 29440  
843 340-1354  
Petitioner