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SC Court of Appeals

IN THE
SOUTH CAROLINA COURT OF APPEALS

Hicham Hamzaoui,

Appellant,

v.

R.E. Green Construction, LLC and Ruger E. Green,

Respondents.

Appellate Case No.: 2025-002131

Lower Court Case No.: 2023-CP-07-01526

FINAL APPELLANT'S BRIEF

(Submitted Pursuant to Rules 208 and 267, SCACR)

Appellant (Pro Se):

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TABLE OF AUTHORITIES

Statutes

S.C. Code Ann. § 40-11-30(A) 1,2,4,5,7

Court Rules

Rule 208, SCACR Cover

Rule 267, SCACR Cover

Rule 210(h), SCACR 2

STATEMENT OF ISSUES ON APPEAL

Whether the trial court erred in enforcing a construction contract where the Respondents were not properly licensed under S.C. Code § 40-11-30(A) to perform residential structural additions.

Whether the trial court erred in denying Appellant's recovery of \$12,982.20 for unfinished framework work paid to an unlicensed subcontractor.

Whether the trial court erred by failing to consider the supplemental statutory clarification submitted at the Special Referee's request prior to issuing the final order.

STATEMENT OF THE CASE

This appeal arises from a residential construction project involving an addition to Appellant's home located at 1 Royal Pines Blvd., Beaufort, South Carolina 29907. Appellant contracted with R.E. Green Construction, LLC to perform work on a home addition.

Appellant contends that Respondents were not properly licensed under South Carolina law to perform residential structural additions, specifically under S.C. Code § 40-11-30(A), and that the contract is therefore unenforceable. Appellant further contends that he paid \$12,982.20 for framework work that was partially completed and seeks recovery of those funds.

A bench trial was held before Special Referee Jeffrey M. Butler in the Beaufort County Court of Common Pleas on April 24, 2025. Appellant appeared pro se. Respondents appeared through counsel, E.W. Bennett, Jr.

On August 11, 2025, the Special Referee issued a Final Order for Judgment in favor of Respondents, including a counterclaim award of \$16,667.00. A Form 4 Judgment in a Civil Case was filed on October 3, 2025. No court reporter was present, and no transcript exists.

Appellant timely filed a Notice of Appeal and has submitted a Statement of the Evidence or Proceedings pursuant to Rule 210(h), SCACR, in lieu of a transcript. This Amended Appellant's Initial Brief is submitted in compliance with the South Carolina Appellate Court Rules and the Court's deficiency notice dated November 25, 2025.

STATEMENT OF THE FACTS

The underlying dispute concerns a home addition and structural framing project at Appellant's mother-in-law's residence, 1 Royal Pines Blvd., Beaufort, South Carolina.

Appellant entered into an agreement with R.E. Green Construction, LLC to construct an addition to the home. Appellant later discovered that Respondents were licensed under Business License Type 238990 (NAICS Code 238990 – All Other Specialty Trade Contractors), which Appellant contends does not authorize residential additions or structural framing work required for the project.

Appellant paid a total of \$12,982.20 for framework work that wasn't performed by Respondents from section 2 of Project Details on the contract. Appellant contends that this framework work was never completed and that the funds were never properly resolved or refunded.

At trial, Appellant testified regarding the licensing issue, the nature of the work performed, and the payments made, including the \$12,982.20 for unfinished framework.

Appellant presented documentary evidence, including:

The written agreement or contract between Appellant and R.E. Green Construction, LLC;

Documentation of Respondents' business license classification;

Copies of checks and proof of payment;

Photographs of the unfinished addition and framework; and

An affidavit from the subcontractor confirming direct payment from Appellant.

Respondents presented their own testimony and documents, including property records, a deed, probate filings, and a summary of claimed project expenses. They argued that the work performed was within the scope of their licensing and that payments were properly applied to labor.

After the close of evidence, the Special Referee denied Appellant's position and issued the Final Order in favor of Respondents, including the \$16,667.00 counterclaim.

Following trial, the Special Referee stated that he was not fully familiar with S.C. Code § 40-11-30(A) and requested that Appellant submit a written clarification regarding the statute and its application to the licensing and contract issues. In response, Appellant timely submitted a Primary Summary of Judgment and a Summary Judgment Based on License, explaining his position under § 40-11-30(A). These submissions were not referenced in the Final Order or Form 4 Judgment, and no separate ruling was issued on them.

STANDARD OF REVIEW

1. Statutory Interpretation - De Novo Review

Statutory interpretation is a question of law, reviewed de novo. The appellate court owes no deference to the trial court's interpretation of statutes, including those governing contractor licensing such as S.C. Code § 40-11-30(A).

South Carolina Supporting Cases:

- CFRE, LLC v. Greenville Cnty. Assessor, 395 S.C. 67, 716 S.E.2d 877 (2011)

(interpretation of a statute is a question of law reviewed de novo).

- Town of Summerville v. City of North Charleston, 378 S.C. 107, 662 S.E.2d 40 (2008)

(appellate courts review statutory interpretation de novo).

2. Factual Findings - Clearly Erroneous Standard

Findings of fact by a Special Referee in a non-jury civil trial will not be overturned unless clearly erroneous or unsupported by any evidence. This standard applies to the Referee's finding denying Appellant's recovery of the \$12,982.20 paid for unfinished framing work.

South Carolina Supporting Cases:

- Temple v. Tec-Fab, Inc., 381 S.C. 597, 675 S.E.2d 414 (2009) (factual findings will not

be disturbed unless clearly erroneous).

- Weatherford v. Price, 394 S.C. 398, 715 S.E.2d 387 (2011) (appellate court affirms

factual findings unless left with a firm conviction a mistake has been made).

3. Procedural and Evidentiary Rulings - Abuse of Discretion

Procedural rulings and evidentiary decisions are reviewed for abuse of discretion. An abuse of discretion occurs when a ruling is based on an error of law or is unsupported by

evidence. The Special Referee's failure to consider Appellant's supplemental statutory clarification, requested by the Referee himself, constitutes procedural error subject to this standard.

South Carolina Supporting Cases:

- *Fields v. Regional Med. Ctr. Orangeburg*, 363 S.C. 19, 609 S.E.2d 506 (2005) (abuse of discretion occurs when ruling is based on error of law or unsupported by evidence).
- *Sims v. Hall*, 357 S.C. 288, 593 S.E.2d 486 (Ct. App. 2004) (procedural decisions reviewed for abuse of discretion).

ARGUMENT

A. Respondents were not properly licensed to perform residential additions, rendering the contract unenforceable under S.C. Code § 40-11-30(A).

B. Appellant is entitled to recovery of funds paid to an unlicensed subcontractor for unfinished work.

C. The trial court failed to consider Appellant's supplemental statutory clarification submitted at the Referee's request, constituting procedural error.

CONCLUSION

For these reasons, Appellant respectfully requests that the Court reverse the ruling below, order recovery of \$12,982.20, and reverse the counterclaim award of \$16,667.00.

April 11, 2026

Respectfully submitted,

/s/Hicham Hamzaoui/

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