

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BEFORE THE SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD**

**In the Matter of:**

**CONSTRUCTION GROUP LLC,**

**License No. CLG. 103920,**

**N. Bobby Knight,**

**Certificate No. CQG.14035,**

**Respondents**

**Case No.: 2015-5**

**RECEIVED**

**DEC 01 2015**

**FINAL ORDER**

**SC Court of Appeals**

This matter came before the South Carolina Contractor's Licensing Board ("Board"), for a Final Order hearing on October 20, 2016, as a result of the Notice of Hearing and Hearing Officer's Recommendation served upon the Respondents on September 14, 2016, and filed with the Board. The hearing was held pursuant to S.C. Code Ann. §§ 40-1-90, 40-11-90, 40-1-70(6), and the provisions of the Administrative Procedures Act, S.C. Code Ann. § 1-23-10 *et seq.* (1976, as amended), to review the attached Hearing Officer's Recommendation ("Recommendation") in the above referenced matter and to issue a Final Order.

ODC Atty:	Tracey Perlman	Respondents Counsel: No
Witnesses:	None	Respondent Appeared: No

Recusals: W. Franklin Walker: Hearing Officer and Legrand Richardson: prior professional relationship

**The Board hereby takes the following action with respect to the Recommendation:**

The Hearing Officer's Findings of Fact and Conclusions of Law are adopted in their entirety.

The Hearing Officer's recommended sanctions are adopted in their entirety.

**AND IT IS SO ORDERED.**

**SOUTH CAROLINA CONTRACTOR'S  
LICENSING BOARD**



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Lewis M. Caswell, Chairman

November 4, 2016

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION  
BEFORE THE CONTRACTOR'S LICENSING BOARD**

**In the Matter of:**

**CONSTRUCTION GROUP LLC,  
License No. CLG. 103920,**

**N. Bobby Knight,  
License No. CQG.14035,**

**Respondents**

**OIE Case # 2015-5**

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**SC Court of Appeals**

**HEARING OFFICER'S  
RECOMMENDATION**

This matter came before W. Franklin Walker, a Hearing Officer appointed by the Contractor's Licensing Board (the "Board"), for hearing on September 9, 2016, as a result of the Notice of Hearing and Formal Complaint served upon the Respondents on July 28, 2016, and filed with the Board. The hearing was held pursuant to S.C. Code Ann. §§ 40-11-90, 40-1-90, 40-1-70(6), and the provisions of the Administrative Procedures Act, S.C. Code Ann. § 1-23-10 *et seq.* (1976, as amended), for a recommendation to the Board as to the violations alleged in the Formal Complaint and whether sanctions should be imposed upon the Respondents. Tracey Perlman, Esq., Assistant Disciplinary Counsel, represented the State. Respondent Construction Group LLC and Respondent N. Bobby Knight, qualifying party for Construction Group LLC, did not appear and were not represented by counsel. O'Linda Mack, Administrative Assistant with the Office of Disciplinary Counsel, testified that she served the Respondents at the address of record via certified and regular mail on July 28, 2016. She testified that the green card for the certified mail was not returned, but neither was the certified mail envelope. Further, the regular mail envelope was also not returned. The Hearing Officer determined that there was proper service of the Notice of Hearing and Formal Complaint to the Respondents at the address of record and the hearing was allowed to proceed without the Respondents present.

The Respondents were charged with violations of S.C. Code Ann. §§ 40-11-110(A)(1) and (4) and 40-1-110(1)(f) (1976, as amended).

**WITNESSES AND EXHIBITS**

Testifying on behalf of the State were O'Linda Mack, Administrative Assistant for the Office of Disciplinary Counsel, and Maurice Smith, Investigator for the South Carolina Department of Labor, Licensing and Regulation ("LLR").

The following Exhibits were introduced by the State and accepted into evidence without objection:

- State's Exhibit 1: Notice of Hearing, Formal Complaint and Certificate of Service.
- State's Exhibit 2: Notice of Complaint letter dated January 9, 2015.

State's Exhibit 3: Respondent's response dated January 16, 2015.

State's Exhibit 4: Judgment recorded by the Clerk of Court dated January 7, 2013.

State's Exhibit 5: Respondent's 2014-2016 renewal application submitted July 18, 2014.

State's Exhibit 6: Order issued by the United States District Court of South Carolina dated January 4, 2013.

State's Exhibit 7: Affidavit for investigative costs dated September 9, 2016.

## FINDINGS OF FACT

Based upon the preponderance of the evidence on the whole record, the facts of the case are found to be as follows:

1. Respondent Construction Group LLC was duly licensed by the Board at all times relevant to this matter as a general contractor with Building-3, Glass and Glazing-3 and Public Utility-Electrical-1 classifications, and Respondent N. Bobby Knight was certified as the qualifying party at all times relevant to this matter. Respondent Construction Group LLC and Respondent N. Bobby Knight will be referred to collectively as "Respondent" in the Findings of Fact. The Board has jurisdiction over the Respondents and the subject matter in this case pursuant to S.C. Code Ann. § 40-1-115 (1976, as amended).

2. Investigator Smith testified that on July 18, 2014, Respondent submitted the license renewal application for 2014-2016 for the general contracting license. On the application, Respondent answered "no" to the question "[S]ince your last application or renewal of your license, do you have any outstanding monetary judgments related to construction?"

3. Investigator Smith testified that this response on the renewal application was not correct. On or about January 10, 2012, a claim was filed against Respondent in the United States District Court for the District of South Carolina, Charleston Division for breach of a federal contract of over Twenty-Five Thousand Dollars (\$25,000). On or about January 7, 2013, the Court entered a judgment against Respondent in the amount of Fifty-One Thousand, Eight Hundred and Five Dollars (\$51,805.00) plus prejudgment interest from October 29, 2011 until paid as well as all of the costs related to the action. Investigator Smith testified that this judgment was related to a construction contract and Respondent should have answered "yes" on the 2014-2016 renewal application. The renewal application was approved based on the responses provided by Respondent.

4. Investigator Smith testified that he contacted Respondent by letter dated January 9, 2015 and Respondent submitted a response to Investigator Smith on January 16, 2015. He testified that Respondent admitted to the incorrect response on the 2014-2016 renewal application and explained that it was a mistake and was not intended to be deceitful. Respondent stated that the judgment was on appeal and that the bonding company had not requested repayment.

5. Investigator Smith testified that he spoke to the Respondent on the phone after receiving the written response and told him to send any further information. No other information was received from Respondent.

6. The State submitted an affidavit of investigative costs.

## CONCLUSIONS OF LAW

Based upon careful consideration of the facts in this case, it is found and concluded as a matter of law that:

1. The Board has jurisdiction in this matter pursuant to S.C. Code Ann. §§ 40-11-70 (1976, as amended).

2. Upon finding that a licensee has violated any of the provisions of S.C. Code Ann. §§ 40-1-110 and/or 40-11-110, the Board may issue a public reprimand; revoke a license; or, place a licensee on probation or restrict or suspend the individual's license for a definite or indefinite time and prescribe conditions to be met during probation, restriction, or suspension including, but not limited to, satisfactory completion of additional education, or a supervisory period, or of continuing education programs. Additionally, the Board may require a licensee, certificate holder, or other entity or individual to pay a civil penalty of up to five thousand dollars for each violation. S.C. Code Ann. § 40-11-110(C). The Board may also require a person found in violation of the applicable licensing act or the regulations of this Board to pay costs associated with the investigation and prosecution of the case. S.C. Code Ann. §§ 40-1-170 and 40-11-170.

3. The Hearing Officer reviewed the evidence presented by the State and noted that Respondents did not attend the hearing.

4. The State met its burden of proving a violation of S.C. Code Ann. §40-11-110(A)(1) in that Respondents failed to disclose judgments and claims on a license application, and a subsequent discovery of facts which, if known at the time of issuance or renewal of a license or certificate, would have been grounds to deny the issuance or renewal of a license or certificate.

5. The State met its burden of proving a violation of S.C. Code Ann. §40-11-110(A)(4) in that Respondents committed deceit in obtaining a license or certification.

6. The State met its burden of proving a violation of S.C. Code Ann. § 40-1-110(1)(f) in that Respondents committed a dishonorable, unethical, or unprofessional act that was likely to deceive the public by submitting an incorrect renewal application.

7. The action recommended is consistent with the purpose of these proceedings, and has been made after weighing the public interest and the need for the continued services of qualified general contractors against the countervailing concern that society be protected from professional ineptitude and misconduct.

8. The action recommended is designed to protect the welfare of the people at large.

### **NOW, THEREFORE, IT IS RECOMMENDED THAT:**

1. Respondent, Construction Group, LLC, license number CLG.103920 and Respondent, N. Bobby Knight, qualifying party certificate number CQG.14035 shall be publicly reprimanded.

2. Respondents shall pay a total penalty Two Thousand, Five Hundred Dollars (\$2,500.00) for the three (3) violations and investigative costs of Two Hundred Dollars (\$200.00) for a total penalty of Two Thousand, Seven Hundred Dollars (\$2,700.00), to be paid within thirty (30) days of the Board's Final Order..

3. Respondent's license number CLG.103920 and Respondent's qualifying certificate number CQG.14035 shall not be renewed for the 2016-2018 renewal period until the Respondents appear for a renewal application hearing before the Board for a determination of the status of the judgment dated January 4, 2013, and an explanation of Respondents' efforts to pay the judgment or to repay the bonding company.

4. If Respondents fail to follow the terms of the Board's Final Order, the Board may issue an order suspending Respondent's license and Respondent's qualifying party certificate pending compliance with the Board's Final Order. Further, failure to comply with the terms of the Board's Final Order may affect renewal and/or reinstatement of Respondents' license and qualifying party certificate.

**RESPECTFULLY SUBMITTED,**

**S.C. CONTRACTOR'S LICENSING BOARD**

*W. Franklin Walker*

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**W. Franklin Walker**  
**Hearing Officer**

September 9, 2016

South Carolina Department of Labor, Licensing & Regulation

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON

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SC Court of Appeals

In the Matter of:

CONSTRUCTION GROUP LLC  
CLG.103920

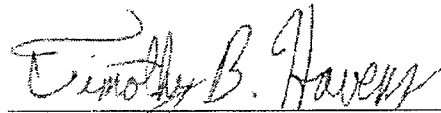
N. BOBBY KNIGHT  
CQG.14035

**CERTIFICATE OF SERVICE BY MAIL**

This is to certify that the undersigned has this date, November 4, 2016, served the Final Order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s) to the following address:

CONSTRUCTION GROUP LLC  
3940 HOTTINGER AVENUE  
CHARLESTON SC 29405

N BOBBY KNIGHT  
108 WILSON STREET  
SUMMERVILLE SC 29483-6232



Tim Havens  
Administrative Assistant  
SC Department of Labor, Licensing  
and Regulation



South Carolina Department of Labor, Licensing and Regulation  
Office of Advice Counsel  
Post Office Box 11329  
Columbia, SC 29211-1329

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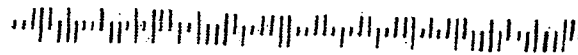
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CONFIDENTIAL

CONSTRUCTION GROUP LLC  
3940 HOTTINGER AVENUE  
CHARLESTON SC 29405

JYY-SMP 29405



November 28, 2016

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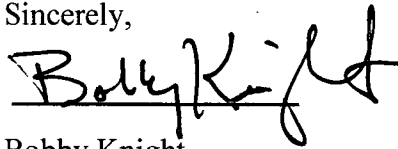
Roger K. Lowe, CLB-Administrator,  
Synergy Business Park, Kingtree Building  
110 Centerview Drive  
Columbia, S.C. 29210

RE: South Carolina Department of Labor, Licensing and Regulation  
before the South Carolina Contractor's Licensing Board vs In the Matter  
of: Construction Group, LLC and N. Bobby Knight. Case No.: 2015-5.

Dear Mr. Lowe:

Enclosed for filing is a notice of appeal in the above case.

Sincerely,

A handwritten signature in black ink that reads "Bobby Knight". The signature is written in a cursive style with a horizontal line underneath the name.

Bobby Knight  
3940 Hottinger Avenue  
North Charleston, S.C. 29405

for Appellant - B. Knight (843) 735-0814