

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM THE SOUTH CAROLINA  
DEPARTMENT OF LABOR, LICENSING AND REGULATION  
SOUTH CAROLINA CONTRACTORS LICENSING BOARD

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Honorable Ralph King Anderson, III  
Chief Administrative Law Judge

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APPELLATE CASE NUMBER: 2017-001311

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N. Bobby Knight & Construction Group, LLC,.....Appellants

v.

South Carolina Department of Labor, Licensing and Regulation,  
South Carolina Contractor's Licensing Board.....Respondent

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APPELLANT'S INITIAL REPLY BRIEF

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**RECEIVED**  
MAR 08 2018  
SC Court of Appeals

WILLIAM K. SWOPE, ESQUIRE  
SWOPE LAW FIRM, P.A.  
1525 Sam Rittenberg Blvd.  
Suite 208  
Charleston, SC 29407  
(843)852-4925  
Attorney for Appellant

T. KYLE TENNIS  
ASSISTANT DISCIPLINARY COUNSEL  
S.C. DEPARTMENT OF LABOR,  
LICENSING AND REGULATION  
P.O. Box 11329  
Columbia, SC 29211-1329  
(803)896-4321  
Attorney for Respondent

## STATEMENT OF THE CASE

No proof of service on the Appellant at any level was made on the record.

## ARGUMENT

While Appellant concedes the Administrative Procedures Act (APA) is the applicable Rules framework, the APA must conform to constitutional norms of due process under the 5<sup>th</sup> and 14<sup>th</sup> Amendments, just like South Carolina Rules of Civil Procedure. Staff of the Department are competent to testify as to mailing/sending notices and/or orders, however, they cannot competently testify as to the documents being received by Mr. Knight. The return-receipt requirement of the South Carolina Rules of Civil Procedure (SCRCP) Rule 4 should be equally applicable to the APA for due process compliance.


Appellant engaged the staff in its January 8, 2016 letter seeking discovery. Thereafter, on January 15, 2016 Mr. Knight was advised that the Hearing and Complaint had been withdrawn. (Brief of Bobby Knight, p. 1, Appeal from SCD of LLR). His position is that he was never notified if the same complaint was re-opened or a new complaint was lodged against him. He provided the staff with his correct address for notice, but notices were not sent to the location provided. Mr. Knight did not choose/elect not to appear, he was simply uninformed of when and where to appear.

CONCLUSION

For the foregoing reasons, the Court is compelled to grant Appellants "de novo" review at the LLR level.

Respectfully submitted,

SWOPE LAW FIRM, P.A.

  
WILLIAM K. SWOPE, ESQUIRE

SC Bar # 15168

1525 Sam Rittenberg Blvd.

Suite 208

Charleston, SC 29407

(843)852-4925

Attorney for Appellants

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CERTIFICATE OF SERVICE

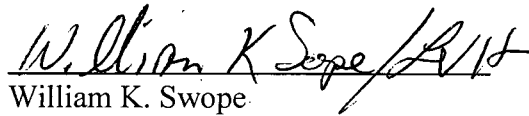
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On this 28<sup>th</sup> day of February, 2018, I, William K. Swope, Esquire, of the Swope Law Firm, P.A., did hereby serve Appellant's Initial Reply Brief on the following:

The Hon. Jenny Abbot Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

T. Kyle Tennis, Esquire  
Assistant Disciplinary Counsel  
South Carolina Department of Labor, Licensing and Regulation,  
South Carolina Contractor's Licensing Board  
110 Centerview Drive  
P. O. Box 11329  
Columbia, SC 29211-1329

Mr. N. Bobby Knight  
3940 Hottinger Avenue  
North Charleston, SC 29405

  
William K. Swope

# SWOPE LAW FIRM, P.A.

*Attorneys and Counselors at Law*

1525 Sam Rittenberg Blvd., Suite 208  
Charleston, South Carolina 29407

*William K. Swope  
Denise Grainger Swope\**

*\*Certified Family Court Mediator  
and Former State Prosecutor*

Phone (843) 852-4925

Fax (843) 576-4654

Email [swopelawfirm@comcast.net](mailto:swopelawfirm@comcast.net)

February 28, 2018

The Hon. Jenny Abbott Kitchings  
Clerk of Court  
S.C. Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211  
Attn.: Intake Clerk

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SC Court of Appeals

Re: N. Bobby Knight v. South Department of LLR, S.C. Contractors Licensing Board  
C/A No.: 2017-001311

Dear Sir/Madam:

Enclosed please an original and one (1) copies of Appellant's Initial Reply Brief. I am also including a Certificate of Service and a stamped envelope for the copy's return after filing. If you have any questions, please do not hesitate to contact me. With all best wishes, I am,

Sincerely,



William K. Swope, Esquire

WKS/lvh

cc: T. Kyle Tennis, Esquire  
Client  
File

