

BRIEF

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM BEAUFORT COUNTY
Judge Marvin Dukes – Master In Equity

Appellate Case No. 2018-002170

Lower Case No. 2016-CP-07-01825

Island Group Inc. dba Carolina Cleaning of which
Steven Craig Molloy is the Appellant

Appellant

VS.

BEAUFORT COUNTY GOVT.;
GARY KUBIC, Individually and as Beaufort County Administrator;
JOSH GRUBER, Individually and as former Beaufort County In-House Attorney;
BRYAN HILL, Individually and as former Beaufort County Deputy
Administrator;
SHANNON LOPER, Individually and as Employee of Beaufort County Parks and
Leisure; STU RODMAN, as Finance Chair of the Beaufort County Council; and
DAVE THOMAS, Procurement Director for Beaufort County,
South Carolina; Beaufort County DISABILITIES AND SPECIAL NEEDS;
and BEAUFORT COUNTY DSN BOARD

Respondents

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BRIEF

**MOTION TO ENTER NEW INFORMATION
DIRECTLY RELATED AND
MOTION TO AWARD DEMAND AND JUDGEMENT
TO APPELLANT**

New information has become available that relates directly to this matter and the lower court decisions including, summary judgement.

The new information is the Defendants voluntary admissions in televised public reports during Council meeting and to Council that contradict their earlier sworn affidavits, and their attorney's arguments in hearings, and their briefs and documents submitted to the Appeals Court and the Lower Court in this matter.

The Appellant requests the Appeals court consider and allow this new relevant information as it relates directly to the material facts and decisions made by the lower court.

This new information is only new to the Appellant, the Appeals court, and the Lower court, the new information volunteered publicly by the Defendants "not new" to the Defendants.

The information consists of admissions by County Procurement Director, Dave Thomas and Beaufort County Attorney, Tom Keaveny in televised reports to County Council on June 10th and 17th, 2019 meetings.

The “new information” demonstrates the Defendants intimate knowledge and involvement in the inception and operations of the DSN program and Board as a “separate sub-contracted entity”, where their earlier sworn affidavits and arguments contradict the new reports and statements.

Until the June, 2019 reports to Council the Defendants asserted in sworn affidavits very different information such as, the DSN entity was a “in-house County department”, and now the Defendants announce a very different structure of DSN and submit their knowledge and involvement with DSN as a separate entity dating back to 2011.

In 2011, the Defendants removed oversight (secretly and without authority) of the DSN program, essentially hi-jacking the DSN for control over DSN, its Board and the Funding (through Medicaid) where the defendants replaced the statutory required Governor oversight with their own. Documents submitted in this by the Governor’s office in May, 2018 letter confirm Beaufort County violations by letter to Beaufort County Attorney, Tom Keaveny demanding the DSN program be returned into compliance.

Mr. Keaveny conveniently failed to mention the Governor’s letter in his and Thomas’ June, 2019 address to Council, again confirming another attempt of many to hide and circumvent purview of County business.

The sworn affidavits are the only discovery provided in this matter, the Defendants refused to show and submit depositions after scheduled on (2) occasions, and the lower court never ruled on the compel order.

The defendants only discovery (their sworn affidavits) is in fact, conflicted.

The new information is the June, 10th and 17th, 2019 televised reports to Beaufort County Council wherein Beaufort County Procurement Director, Dave Thomas and Beaufort County Attorney, Tom Keaveny, **contradict** Thomas's own sworn affidavits, all of the other County employees sworn affidavits, their Attorney's arguments in March, 2018 hearings in lower court, and their submissions to the Appeals Court and lower courts.

1. **June 10, 2019 Beaufort County Council Meeting - online**
http://beaufort.granicus.com/player/clip/4357?view_id=15
2. **June 17, 2019 Beaufort County Council meeting - online**
http://beaufort.granicus.com/player/clip/4369?view_id=15
3. http://beaufort.granicus.com/player/clip/4369?view_id=15

[When compared to the defendants sworn affidavits, and court transcripts from 3/2018 hearings, Attorney's for the County and Thomas and others claim the DSN program and its employees are "one with" and "employees of" the county, in the 6/2019 preserved televised reports to Council, Thomas claims DSN and its employees are "sub-contractors".

*When compared to Thomas earlier emails he contradicts his actions, emails, documents and statutory procurement code; Thomas emails states "**Pals changed the scope to lower the price**"*

*And the (spec. sheets attached to Thomas' email address) confirm Thomas in-fact **changed the specifications "only" for BC-DSN** and after receiving and allowing BC-DSN access to other bidders' proposals and allowed them to submit their bids **3 months late** – this is bid rigging.]*

The new information "volunteered" by the defendants in the June, 2019 reports to Council demonstrates they intimately knew and were involved with the inception, removal of oversight, and the operations of the DSN program and Board in 2011, all without authority. The Defendants have continued to refuse information, and willfully kept relevant information, and submitted

sworn affidavits of exactly opposite claims, and submitted briefs to the lower and appeals courts of the same contradicting statements, only now to reveal the DSN and Board is in fact a separate entity.

The Defendants presented bogus and deceitful information and willfully kept relevant information from the Appeals and Lower courts, thus the lower court would have a different view of the DSN program and the relationship between DSN and Beaufort County which would / could affect a summary judgement decision. The new information is relevant and should be included in this case. Since the contradicting information has become known to the Defendants and their Counsel and conflict every argument on made on their behalf, the Appellant received multiple requests for a demand from County Council and Attorney's Who were not previously involved in the DSN program but recognize the grave danger the County and some the past County employees who were involved, thus a demand for payment has been requested to settle this matter.

However, the "conflicted" County Attorneys refuse to answer calls / emails from the Appellant, therefore the Appellant requests the Appeals Court award Judgment to the Appellant effective immediately. The County has no defense in this matter.

The appellant affirms and has 100 % proof of the violations and various conflicts by defendants and as such is compelled to report to the various agencies for investigation and with the support of remaining / other non-involved Beaufort County Council members and representatives

[Council members take an oath to uphold the constitution of the United States of America, as such when presented with suspicious information of apparent wrongdoing, they are required to report for investigation to uphold their commitment to Taxpayers, ethics, codes, statutes. Council and County employees specifically in Procurement, Administration, Finance and others involved share simila requirements to report violations related to ethics, fraud, apparent fraud, mis-use of taxpayer funds, misuse of Federal funds, including and most especially Medicaid funds hi-jacked by a County that was "meant for disabled person programs".

The Attorneys are bound by state bar and ethics and similar reporting and to remove themselves from representations where conflicts become known.]

The appellant is reviewing and interviewing this matter and Appeal

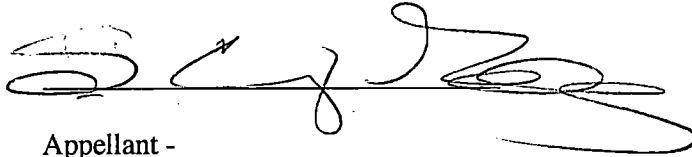
with Attorneys for consideration and assistance.

Appellant request the additional time for evaluating with Attorneys who may become involved and will notify immediately and Attorney "officially" joining to represent in this Appeal and other Court filings.

The Appellant has provided a demand as requested by the County officials and the Defendants and the County can pay the demand.

The Appellant requests the Appeals court award judgement to the Appellant should the Defendants continue to waste time in this matter.

November 19, 2019

A handwritten signature in black ink, appearing to read 'Steven Craig Molloy', written over a horizontal line.

Appellant -
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Attorney's for Respondents;

John P. Fletcher, Dawes Cooke
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PO Box H, Charleston, SC 29402 and
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Tom Keaveny PO Box 1128,
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**FORM 7
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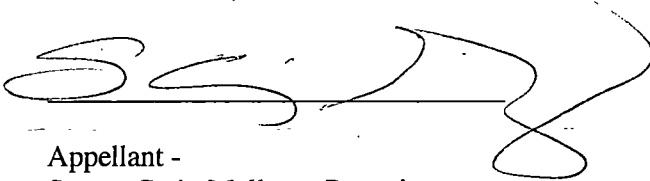
Respondents

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I certify that I have served the the Respondents / Defendants this Brief to the named Respondents by depositing a copy in the United States Mail, postage prepaid, on ___November 19, 2019 to the Respondents Attorney's of record named below.

November 19, 2019



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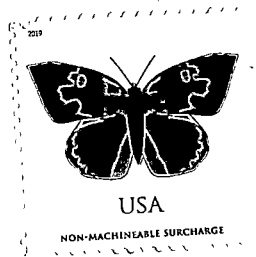
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ATTN: Honorable Jenny
Abbott Kitchings



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