

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Honorable Ralph King Anderson, III
Chief Administrative Law Judge

APPELLATE CASE NUMBER: 2017-001311

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MAY 30 2018
SC Court of Appeals


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

v.

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

APPELLANT'S REPLY BRIEF

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STATEMENT OF THE CASE

No proof of service on both Appellants at the initial hearing 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 5th and 14th 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.

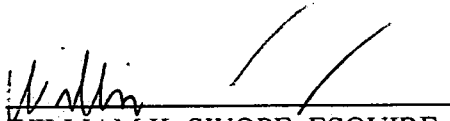
Appellant engaged the staff in its January 8, 2016 letter seeking discovery. Thereafter, on January 15, 2016 Mr. Knight was advised that the Hearing and Complaint had been withdrawn. (R. 57-84). His position is that he was never notified if the same complaint was re-opened or a new complaint was lodged 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,

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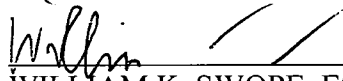
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APPELLANT'S COUNSEL'S CERTIFICATION AS TO THE APPELLANT'S BRIEF AND
REPLY BRIEF ARE IN COMPLIANCE WITH SCACR 211

I certify that the Appellant's Brief and Reply Brief are in compliance with SCACR 211 and mailed
to the Honorable South Carolina Court of Appeals in this matter.

Respectfully submitted,

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Charleston, SC
May 28, 2018

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CERTIFICATE OF SERVICE

On this 29th day of May, 2018, I, William K. Swope, Esquire, of the Swope Law Firm, P.A.,
did hereby serve the Appellant's Reply Brief on the following:

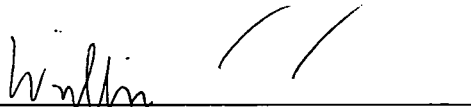
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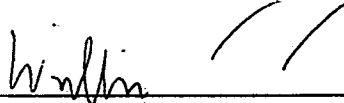
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did hereby serve the Appellant's Reply Brief on the following:

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