

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

JUN 08 2021

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

SC Court of Appeals

The Honorable Bentley D. Price, Circuit Court Judge

Case No. 2019-CP-10-04387
Appellate Case No. 2021-000051

Applied Building Sciences, Inc. Appellant

vs.

South Carolina Department of Commerce, Division of Public Railways Respondent

RECORD ON APPEAL

Gene M. Connell, Jr.
S.C. Bar No. 1358
KELAHÉR, CONNELL & CONNOR, P.A.
The Courtyard, Suite 209
1500 U. S. Highway 17 North
Post Office Drawer 14547
Surfside Beach, South Carolina 29587-4547
(843) 238-5648
gconnell@classactlaw.net
Attorney for Appellant

David L. Paavola
S.C. Bar No. 100714
Keith M. Babcock,
S.C. Bar No. 456
LEWIS BABCOCK L.L.P.
P. O. Box 11208
Columbia, SC 29211
(803) 771-8000
dlp@lewisbabcock.com
kmb@lewisbabcock.com
Attorneys for Respondent

INDEX

Order Granting Defendant's Motion for Summary Judgment and Denying Plaintiff's Motion for Summary Judgment filed December 18, 2020	1
Order (Form 4) Denying Appellant's Motion for Reconsideration filed December 22, 2020.....	15
Order (Form 4) Granting Defendant's Motion for Summary Judgment, October 22, 2020	18
Plaintiff's Motion for Reconsideration, October 27, 2020	21
Defendant's Motion for Summary Judgment, January 31, 2020	23
Plaintiff's Motion for Summary Judgment and Memorandum in Support, February 24, 2020.....	75
Defendant's Memorandum In Opposition to Plaintiff's Motion for Summary Judgment and in Support of Defendant's Motion for Summary Judgment, June 12, 2020	83
Plaintiff's Response to Defendant's Motion for Summary Judgment, June 17, 2020	207
Affidavit of Alan O. Campbell, June 17, 2020	210
Answer and Counterclaims of Defendant South Carolina Department of Commerce, Division of Public Railways, September 20, 2019	212
Complaint filed August 21, 2019	226
Transcript of Record June 18, 2020	268
Amended Condemnation Notice and Tender of Payment filed May 31, 2018 (<i>South Carolina Dept. of Commerce Div. of Public Railways v. Hibernian Heights, LLC and Applied Building Sciences, Inc.</i> ; C/A No. 2017-CP-10-3029).....	285
Release June 4, 2019 (<i>South Carolina Dept. of Commerce, Div. of Public Railways v. Hibernian Heights, LLC and Applied Building Sciences, Inc.</i> ; C/A No. 2017-CP-10-3029)	292
Letter from Karen Manning (South Carolina Department of Commerce) to Gene M. Connell, Jr., July 23, 2019	295
Certificate of Counsel	299

whether any triable issue of fact exists, the evidence and all inferences which can reasonably be drawn therefrom are viewed in the light most favorable to the nonmoving party. *Medical Univ. of South Carolina v. Arnaud*, 360 S.C. 615, 619, 602 S.E.2d 747, 749 (2004).

“The issue of interpretation of a statute is a question of law for the court.” *Catawba Indian Tribe of S.C. v. State*, 372 S.C. 519, 524, 642 S.E.2d 751, 753 (2007).

FINDINGS OF FACT

As reflected by the complaint and the parties’ cross motions for summary judgment and accompanying affidavits, the basic facts underlying this inverse condemnation action are undisputed. They are as follows.

On June 13, 2017, as part of its Navy Base Intermodal Facility project in Charleston County, Public Railways condemned property owned by Hibernian Heights, LLC located at 1890 Milford Street Charleston, South Carolina (the “Milford Property”) in a condemnation action styled as South Carolina Department of Commerce, Division of Public Railways v. Hibernian Heights, LLC (Landowner), and Applied Building Sciences, Inc. (Other Condemnee), case number 2017-CP-10-3029.¹ ABS was named as an Other Condemnee in that action as the sole tenant of the Milford Property. At the time of condemnation, Mr. Alan Campbell was the sole owner of Hibernian Heights, LLC and a part owner of ABS. The condemnation action was settled by the parties and a consent order of dismissal was entered on June 18, 2019.

As part of the condemnation of the Milford Property, ABS, as the sole tenant, was provided with information about eligible relocation assistance for a displaced business, which consists of

¹ The Court takes judicial notice of the filings in case number 2017-CP-10-3029. *See Doe v. Bishop of Charleston*, 407 S.C. 128, 134 n.2, 754 S.E.2d 494, 497 n.2 (2014) (observing that it is appropriate for a court to take judicial notice of orders in a underlying case).

the following four categories: (1) moving costs; (2) losses of tangible personal property; (3) search costs; and (4) reestablishment expenses at the new site. ABS was informed that the statutory limit on reestablishment expenses at its new site was \$50,000. ABS located a replacement site at 2308 Cosgrove Avenue. ABS undertook renovations to this replacement property and sought reimbursement for such reestablishment expenses. Public Railways paid to move ABS's tangible personal property to the replacement site. Moving costs are reimbursed separately from reestablishment expenses and have been paid for ABS's move to its replacement location.

In this lawsuit, ABS claims that it expended more in renovations and reestablishment expenses at its replacement site than the statutory cap of \$50,000. On or about October 2017, ABS, through Mr. Campbell, submitted a claim for \$34,398.94 in reestablishment expenses for framing and demolition at 2308 Cosgrove Avenue. The claim form reflected the statutory cap on reestablishment expenses of \$50,000, and a remaining balance after this initial payment of \$15,601.06. Mr. Campbell signed the claim form and Public Railways paid this first claim. On or about November 2017, ABS submitted a second claim for reestablishment expenses of \$16,543.44, but because it had reached the cap for reestablishment expenses, only \$15,601.06 was approved for payment. Mr. Campbell signed this second claim form and Public Railways paid this second claim. In total, Public Railways paid \$50,000 of reestablishment expenses to ABS.

Public Railways adopted the South Carolina Department of Transportation's regulations and guidelines for Relocation Assistance. These guidelines provide that relocation assistance determinations are first made by the Relocation Manager. An applicant may appeal the Relocation Manager's determination to the Chief Legal Counsel for Public Railways. An applicant may then appeal the decision of the Chief Legal Counsel in the Administrative Law Judge Division within thirty days. Public Railways' Relocation Manager made the determination that ABS was not

entitled to receive reestablishment expenses beyond \$50,000. ABS appealed the Relocation Manager's determination to Public Railways' Chief Legal Counsel. Public Railways' Chief Legal Counsel denied ABS's appeal. ABS did not appeal the Chief Legal Counsel's determination to the Administrative Law Court.

In the parties' cross motions for summary judgment, the only dispute is whether South Carolina's \$50,000 statutory cap on reestablishment expenses under S.C. Code Ann. § 28-11-30(4) limits the amount of reestablishment expenses that ABS can recover as a person displaced by eminent domain. ABS contends that it incurred additional reestablishment expenses beyond the statutory limit of \$50,000, and that Public Railways was constitutionally required to pay for these additional expenses.

Because I find that ABS has a statutory, but not a constitutional, right to recover reestablishment expenses, and that ABS has been paid the statutory maximum for reestablishment expenses, I need not, and do not, reach any conclusion as to the validity or reasonableness of the additional claimed expenses by ABS.

CONCLUSIONS OF LAW

I. South Carolina's Statutory Limit for Reestablishment Expenses is \$50,000.

Condemnation actions in South Carolina are governed by The South Carolina Eminent Domain Procedure Act. S.C. Code Ann. § 28-2-10, *et seq.* Condemnation actions may proceed under either an appraisal panel, with appeal or affirmation of the award in the circuit court, or by filing directly in circuit court. S.C. Code Ann. §§ 28-2-220, -250-270.

Persons displaced by condemnation are eligible for certain relocation assistance benefits under a separate statutory and administrative framework. Relocation assistance is set forth in S.C. Code Ann. § 28-11-10, *et seq.* Relocation assistance is an administrative proceeding governed by

rules and regulations of each state or local government body. S.C. Code Ann. § 28-11-50. Public Railways adopted the South Carolina Department of Transportation's regulations and guidelines for Relocation Assistance.

South Carolina's statutory framework for Relocation Assistance contains certain limitations. Of import to this action, South Carolina's statutory limit on the payment of reestablishment expenses is \$50,000, as set forth below:

Reestablishment expenses related to the moving of a small business, farm, or nonprofit organization payable for transportation projects pursuant to federal guidelines and regulations may be paid in an amount *up to fifty thousand dollars*, notwithstanding a lower limitation imposed by federal regulations.

S.C. Code Ann. § 28-11-30(4) (emphasis added). As a matter of law, payment of reestablishment expenses in South Carolina is statutorily capped at \$50,000.

There is no dispute of fact that Public Railways paid \$50,000 to ABS for reestablishment expenses related to renovating ABS's replacement site at 2308 Cosgrove Avenue. There is also no dispute of fact that ABS appealed the Relocation Manager's decision to Public Railways' Chief Legal Counsel but did not appeal the Chief Legal Counsel's determination to the Administrative Law Court. As a matter of law, ABS has received the maximum amount of reestablishment expenses provided for by statute and summary judgment is appropriate on this basis.

II. Reestablishment Expenses and Relocation Costs Incurred by Persons Displaced As a Result of Eminent Domain Are Not Constitutionally Compensable.

In South Carolina, just compensation is the measure of constitutional damages that must be paid for property taken by eminent domain. Reestablishment expenses are not constitutional damages but are a separate and additional statutory benefit for eligible persons displaced as a result of condemnation.

The Fifth Amendment to the United States Constitution states that private property shall

not “be taken for public use, without just compensation.” U.S. Const. amend. V. Likewise, the South Carolina Constitution states that “private property shall not be taken . . . for public use without just compensation being first made for the property.” S.C. Const. art. I, § 13. When Public Railways acquired the Milford Property through eminent domain it was constitutionally required to pay just compensation for the property.

A. Constitutional Just Compensation For a Total Take Includes the Leasehold Interest.

When an entire property is taken by eminent domain, a leasehold interest, if one exists as it did here with the Milford Property, is one of the property rights that is acquired by the condemning authority and compensated for by the payment of just compensation. S.C. Code Ann. § 28-2-280(C)(2) (“Condemnation Notice must . . . designate as . . . ‘other condemnees’ all persons who . . . have or claim any record interest in the property to be taken”). ABS correctly asserts that its leasehold interest was taken as part of Public Railways’ condemnation of the Milford Property; however, it wrongly contends that this property right is separately compensable outside of the condemnation proceedings for determining just compensation.

When Public Railways acquired the entire Milford Property through condemnation and paid just compensation for the Milford Property in South Carolina Department of Commerce, Division of Public Railways v. Hibernian Heights, LLC, and Applied Building Sciences, Inc., No. 2017-CP-10-3029, Public Railways paid the full constitutional amount necessary to acquire the full scope of property rights in the Milford Property. Counsel for the landowner Hibernian Heights and the tenant ABS agreed that the amount of just compensation had been settled. The parties agreed that Hibernian Heights and/or ABS was free to pursue matters involving relocation assistance outside of the condemnation. There are no property rights in the Milford Property that Public Railways did not acquire through condemnation.

Accordingly, to the extent that ABS had a constitutional claim for just compensation in recognition of its leasehold interest in the Milford Property at the time of condemnation, ABS's claim fell within the amount of just compensation paid by Public Railways to acquire the Milford Property. In other words, ABS may have had a claim for an apportionment of just compensation as between itself, as tenant, and Hibernian Heights, LLC, as landlord, as envisioned by the South Carolina Eminent Domain Procedure Act, which provides as follows:

Unless the persons served with the Condemnation Notice agree in writing as to whom just compensation must be made and paid, the appraisal panel determination, verdict, or judgment must be made jointly to all the parties and may be paid to the clerk of court. Upon making the payment, the condemnor's obligation to pay interest upon the funds shall terminate. The payment of the funds so awarded must be held by the clerk of court pending the final order of the court of common pleas in an equity proceeding to which all persons served with the Condemnation Notice must be necessary parties.

S.C. Code Ann. § 28-2-460. However, ABS has never had a freestanding property claim against Public Railways for its leasehold interest outside of the amount due as just compensation for the total taking of the Milford Property.

ABS could have challenged the apportionment of just compensation as between itself and its landlord Hibernian Heights, LLC, but it chose not to. *South Carolina Dept. Transp. v. M&T Enterprises of Mt. Pleasant, LLC*, 379 S.C. 645, 653, 667 S.E.2d 7, 12 (Ct. App. 2008) ("A proceeding to allocate any condemnation funds is by statute a proceeding in equity" (citing S.C. Code Ann. § 28-2-460)). Had ABS done so, South Carolina courts have recognized that "leasehold value in a total condemnation is the difference between the market value rent and the rent paid by the tenant over the full course of the lease including renewal options." *M&T Enterprises*, 379 S.C. at 662, 667 S.E.2d at 16; *Gray v. South Carolina Dept. Highways and Public Transp.*, 311 S.C. 144, 153, 427 S.E.2d 899, 904 (Ct. App. 1992) (same) (citing *Hamilton v. Martin*, 270 S.C. 223, 241 S.E.2d 569 (1978)), *overruled on other grounds by Hardin v. South Carolina Dept. Transp.*

371 S.C. 598, 641 S.E.2d 437 (2007). If ABS had been found to be entitled to value for its leasehold interest, this amount would have been apportioned from the amount of just compensation on deposit with the court, not separately paid by Public Railways. S.C. Code Ann. § 28-2-460.

Accordingly, ABS does not have a separate constitutional claim against Public Railways for its leasehold interest in the Milford Property.² Therefore, to the extent ABS claims a continuing property interest flowing from its lease of the Milford Property, its claims fails and Public Railways' motion for summary judgment is granted.

B. Relocation Assistance and Reestablishment Costs Are Not Constitutionally Compensable.

ABS contends that it is constitutionally entitled to recover reestablishment expenses separate and apart from just compensation. However, neither the United States Constitution nor the South Carolina Constitution require the government to pay for reestablishment expenses of tenants displaced as a result of condemnation; the federal and state constitutions only require the government to pay just compensation for the property being taken. U.S. Const. amend. V.; S.C. Const. art. I, § 13.

The United States Supreme Court has long held that businesses displaced as a result of condemnation do not have a constitutional right to receive moving and related expenses:

The Constitution and the statutes do not define the meaning of just compensation. But it has come to be recognized that just compensation is the value of the interest taken. This is not the value to the owner for his particular purposes or to the condemnor for some special use but a so-called 'market value.' It is recognized that an owner often receives less than the value of the property to him but experience has shown that the rule is reasonably satisfactory. Since 'market value' does not fluctuate with the needs of condemnor or condemnee but with general demand for the property, *evidence of loss of profits, damage to good will, the expense of relocation and other such consequential losses are refused in federal condemnation*

² ABS's reliance on *Horne v. Department of Agriculture*, 576 U.S. 350 (2015), is misplaced because in this case the full extent of ABS's interest in the Milford Property was condemned and compensated for in the condemnation action.

proceedings.

United States v. Petty Motor Co., 327 U.S. 372, 377–78 (1946) (emphasis added); *United States v. General Motors Corp.*, 323 U.S. 373, 379-80 (1945) (“Even where state constitutions command that compensation be made for property ‘taken or damaged’ for public use, as many do, it has generally been held that that which is taken or damaged is the group of rights which the so-called owner exercises in his dominion of the physical thing, and that damage to those rights of ownership *does not include losses to his business or other consequential damage.*” (emphasis added)); *U.S. v. 7,215.50 Acres of Land*, 507 F. Supp. 228 (D.S.C. 1980) (“the expenses of relocation and other consequential losses *are not allowed* in federal condemnation proceedings” (citing *Mitchell v. United States*, 267 U.S. 341, 344 (1925))).

South Carolina law follows federal takings jurisprudence and does not recognize moving and relocation of personal property as elements of constitutional damage. *See Hardin v. South Carolina Dept. Transp.*, 371 S.C. 598, 605, 641 S.E.2d 437, 441 (2007) (“South Carolina courts have embraced federal takings jurisprudence as providing the rubric under which we analyze whether an interference with someone’s property interests amounts to a constitutional taking.”). “The Fifth Amendment Takings Clause concerns itself solely with the owner’s relation to the physical thing and not with consequential damages.” *Westside Quik Shop, Inc. v. Stewart*, 341 S.C. 297, 305, 534 S.E.2d 270, 274 (2000); see also *S.C. State Highway Dep’t v. Bolt*, 242 S.C. 411, 417-18 (1963) (“[I]t is the general rule that injury to or loss of business resulting from the taking is not considered as an element of damage in eminent domain proceedings in the absence of a statute expressly allowing such damages.”).³

³ ABS cites case law and state constitutional provisions in other jurisdictions in support of its argument that reestablishment expenses are constitutionally required in South Carolina. The cases

Costs of moving personal property as a result of condemnation are not elements of constitutional damage in South Carolina:

'A majority of the State Courts hold that, in the absence of a statute or agreement to the contrary, the removal costs of a stock of merchandise, or other personal property, and the breakages or other injury to such property caused by such removal, from a leasehold or fee in land, where there is an entire taking of the whole of the condemnee's estate under the sovereign power of eminent domain, cannot be considered as an element of damage, since such loss is not a taking of property.'

Creative Displays, Inc. v. S.C. Highway Dep't, 272 S.C. 68, 72–73, 248 S.E.2d 916, 918 (1978) (quoting *South Carolina State Highway Dept. v. Smith*, 253 S.C. 639, 642, 172 S.E.2d 827, 828 (1970)).

Recognizing that certain damages to displaced owners or tenants could go uncompensated, the federal government enacted The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Relocation Act"). 42 U.S.C. § 4601, *et seq.* The Relocation Act generally provides that displaced persons are entitled to the following benefits:

- (1) actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;
- (2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the head of the agency;
- (3) actual reasonable expenses in searching for a replacement business or farm; and
- (4) actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, *but not to exceed \$25,000*, as adjusted by regulation, in accordance with section 4633(d) of this title.

42 U.S.C.A. § 4622 (emphasis added). The federal Relocation Act caps reestablishment expenses at \$25,000. 42 U.S.C.A. § 4622(4).

relied on by ABS are based on state-law specific constitutional interpretation, not federal. There is no analogous state constitutional provision or case law in South Carolina.

South Carolina has codified the relocation requirements of the Relocation Act in S.C. Code Ann. § 28-11-10, *et seq.*, mandating relocation payments to displaced persons and businesses regardless of whether a project uses any federal dollars. S.C. Code Ann. § 28-11-10. ABS's actual moving expenses were paid as part of its relocation. South Carolina's statutory scheme increases the cap on reestablishment expenses above the Relocation Act's \$25,000 to \$50,000. S.C. Code Ann. § 28-11-30(4). South Carolina's Relocation Assistance statute expressly provides that: "Nothing in this chapter shall be construed as creating an element of damage in an eminent domain proceeding." S.C. Code Ann. § 28-11-70.

South Carolina courts recognize that condemning authorities are statutorily obligated to pay relocation assistance to displaced tenants regardless of whether a state project involves federal funds. In *Brown v. City of North Charleston*, 314 S.C. 298, 442 S.E.2d 633 (Ct. App. 1994), displaced tenants brought an action for relocation costs after being denied financial assistance to move by the City because the project did not have any federal funding. *Id.* at 299, 442 S.E.2d at 634. The court held that S.C. Code Ann. § 28-11-10 requires relocation assistance to displaced tenants regardless of whether a project has federal funding. *Id.* at 300, 442 S.E.2d at 635. The court looked to statutory, not constitutional, law to reach this result.

Public Railways is under no constitutional obligation to pay any amounts beyond the determined amount of just compensation for condemning the Milford Property. South Carolina's relocation assistance statute places a statutory requirement on Public Railways to pay certain benefits to displaced persons. Public Railways has paid ABS the statutory limit on reestablishment expenses of \$50,000.

ABS was free to make all of the leasehold improvements it chose to its new location, and have the exclusive use of these improvements throughout the duration of its lease. However, it

does not constitutionally fall on Public Railways to reimburse ABS for such expenses. The South Carolina General Assembly determined that \$50,000 would be the maximum amount of reestablishment expenses that a condemning authority could pay a displaced business. The General Assembly could have determined that a cap was not necessary, but instead it placed a cap on reestablishment expenses that was twice the size of the federal government's \$25,000 cap. ABS has not provided any support for asking this Court to ignore the General Assembly's legislative prerogative in enacting a statutorily mandated maximum on reestablishment expenses.

As of a matter of law, ABS is not constitutionally entitled to recover reestablishment expenses. Rather, ABS is statutorily eligible to receive up to \$50,000 in reestablishment expenses. There is no dispute of fact that ABS has already been paid the statutory limit of \$50,000 for reestablishment expenses. For these reasons, summary judgment is appropriate.

I. CONCLUSION

ACCORDINGLY, THIS COURT FINDS:

1. A person displaced because of eminent domain does not have a constitutional right under the United States Constitution or the South Carolina Constitution to receive payment for relocation or reestablishment expenses.
2. South Carolina provides a statutory scheme for persons displaced because of eminent domain to be eligible for certain reimbursements related to relocation. S.C. Code Ann. 28-11-10, *et. seq.* One such category of reimbursement is reestablishment expenses. South Carolina caps reestablishment expenses at \$50,000.
3. ABS has received \$50,000 in reestablishment expenses.
4. ABS has no constitutional or statutory right to recover reestablishment expenses in excess of \$50,000.

THEREFORE,

Plaintiff's motion for summary judgment is **DENIED**.

Defendant's motion for summary judgment is **GRANTED**.

AND IT IS SO ORDERED.

Judge Bentley D. Price
Ninth Judicial Circuit

November __, 2020
Charleston, South Carolina



Charleston Common Pleas

Case Caption: Applied Building Sciences Inc VS South Carolina Department Of Commerce
Case Number: 2019CP1004387
Type: Order/Summary Judgment

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

Electronically signed on 2020-12-17 11:56:33 page 14 of 14

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Charleston
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2019CP1004387

Applied Building Sciences Inc
PLAINTIFF(S)

South Carolina Department Of Commerce
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (CHECK REASON): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled);
☐ Other
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

Plaintiff's Motion to Reconsider is denied.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 12/21/2020 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Charleston Common Pleas

Case Caption: Applied Building Sciences Inc VS South Carolina Department Of Commerce
Case Number: 2019CP1004387
Type: Order/Electronic Form 4

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

Electronically signed on 2020-12-21 15:16:04 page 3 of 3

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Charleston
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2019CP1004387

Applied Building Sciences Inc
PLAINTIFF(S)

South Carolina Department Of Commerce
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (CHECK REASON): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled);
☐ Other
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

Defendant South Carolina Department of Commerce, Division of Public Railway's Motion for Summary Judgment is GRANTED. This Court finds there is no disputed issue of material fact and Public Railways is entitled to a judgment as a matter of law.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 10/22/2020 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Fileers or who are appearing pro se. See Rule 77(d), SCRCP.



Charleston Common Pleas

Case Caption: Applied Building Sciences Inc VS South Carolina Department Of
Commerce
Case Number: 2019CP1004387
Type: Order/Electronic Form 4

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766

Electronically signed on 2020-10-22 10:36:32 page 3 of 3

ELECTRONICALLY FILED - 2020 Oct 22 4:31 PM - CHARLESTON - COMMON PLEAS - CASE#2019CP1004387

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
C/A NO. 2019-CP-10-04387

Applied Building Sciences, Inc.,)
)
Plaintiff,)
)
vs.)
)
South Carolina Department of Commerce, a)
Division of Public Railways,)
)
Defendant:)
)

**NOTICE OF MOTION AND
MOTION FOR
RECONSIDERATION**

YOU WILL PLEASE TAKE NOTICE that the undersigned, as attorney for the Plaintiff, Applied Building Sciences, Inc., will, on the tenth day after service hereof, or as soon thereafter as counsel may be heard, move this Court for an Order reconsidering its Form 4 Order dated October 22, 2020 granting Summary Judgment to the South Carolina Department of Commerce, a Division of Public Railways. The basis of this motion for reconsideration is as follows:

1. A form order is not sufficient in determining a matter of constitutionality.
2. A trial court's order on summary judgment must set out facts and accompanying legal analysis sufficient to permit meaningful appellate review. Such an order must include those facts which the trial court finds relevant, determinative of the issues, and undisputed. The trial court should provide clear notice to all parties and the reviewing court as to the rationale applied in granting summary judgment. See *Bowen v. Lee Process Systems Co.*, 342 S.E 232, 536 S.E. 2d 86 (S.C. App 2000). See also *Froneberger v. Smith*, 406 S.C. 37, 748 S.E.2d 625 (S.C. App. 2013) (circuit court must provide adequate reasoning for its grant of summary judgment).

Finally, the court has not decided Plaintiff's Motion for Summary Judgment which was simultaneously filed at the same time Defendant's Motion for Summary Judgment was filed.

WHEREFORE, Plaintiff requests the Court reconsider its form order granting summary judgment to Defendant, that it also issue an order on Plaintiff's Motion for summary judgment, and finally that it issue an order with sufficient facts and conclusions of law so that appellate review can be obtained.

Respectfully submitted,

KELAHER, CONNELL & CONNOR, P.C.

s/Gene M. Connell, Jr.

Gene M. Connell, Jr. (S.C. Bar No. 1358)

The Courtyard, Suite 209

1500 U. S. Highway 17 North

Post Office Drawer 14547

Surfside Beach, South Carolina 29587-4547

(843) 238-5648 (phone)

(843) 238-5050 (facsimile)

gconnell@classactlaw.net

Attorney for Plaintiff

October 27, 2020

Surfside Beach, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Applied Building Sciences, Inc.,

Plaintiff,

v.

South Carolina Department of Commerce,
Division of Public Railways,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
C/A NO. 2019-CP-10-4387

**NOTICE OF MOTION
AND
MOTION FOR SUMMARY JUDGMENT**

TO: GENE M. CONNELL, JR., ATTORNEY FOR PLAINTIFF

You will please take notice that on the 10th day after service hereof, or as soon thereafter as counsel can be heard before the Presiding Judge at the Charleston County Courthouse, the South Carolina Department of Commerce, Division of Public Railways ("Public Railways") will move before the Court for an order granting summary judgment. This motion is made pursuant to Rule 56, SCRPC.

INTRODUCTION

On June 13, 2017, as part of its Navy Base Intermodal Facility (“NBIF”) project in Charleston County, Public Railways condemned a property owned by Hibernian Heights, LLC located at 1890 Milford Street Charleston, South Carolina (“Milford Property”) in a condemnation action styled as South Carolina Department of Commerce, Division of Public Railways v. Hibernian Heights, LLC, and Applied Building Sciences, Inc., case number

2017-CP-10-3029.¹ (Compl. ¶ 3). Applied Building Sciences, Inc. (“ABS”) was named as an Other Condemnee in that action as the sole tenant of the Milford Property. (Compl. ¶¶ 4-5). At the time of condemnation, Mr. Alan Campbell was the sole owner of Hibernian Heights, LLC and a part owner of ABS. (Affidavit Oscar K. Rucker (Jan. 20, 2020) ¶ 7, attached as **Exhibit A**). The condemnation action was settled by the parties and a consent order of dismissal was entered on June 18, 2019. (Consent Order of Dismissal and Cancellation of List Pendens (June 18, 2019), attached as **Exhibit B**). This action by ABS followed.

Michael Baker International was hired to perform right of way acquisition services for the NBIF project. (Rucker Aff. ¶ 4). On January 17, 2017, Oscar Rucker, Special Projects Manager for Michael Baker International, provided Mr. Campbell and Hibernian Heights, LLC with an Availability of Payments – Relocation Assistance letter. (Rucker Aff. ¶ 13). This letter outlined the various categories of covered costs associated with relocating and reestablishing a business that are available under South Carolina law. (Rucker Aff. ¶13). These eligible cost categories included: (1) costs for moving personal property along with preapproved incidentals such as licenses, permits, replacement stationary, and utility connection for replacement site; (2) direct loss of tangible personal property specifically identified; (3) reestablishment expenses; and (4) replacement site search expenses. (Rucker Aff. ¶ 13 and Ex. 2 thereto). Bids were obtained from third parties for costs to move tenant ABS’s personal property. (Rucker Aff. ¶ 13 and Ex. 2 thereto). The Availability of Payments letter indicated that up to \$50,000 was available to cover expenses actually incurred in relocating and reestablishing the business at a replacement site. *Id.*

¹ Public Railways asks the Court to take judicial notice of the filings in case number 2017-CP-10-3029. See *Doe v. Bishop of Charleston*, 407 S.C. 128, 134 n.2, 754 S.E.2d 494, 497 n.2 (2014) (observing that it is appropriate for a court to take judicial notice of orders in a underlying case).

As the sole tenant of the Milford Property, the costs associated with moving personal property and reestablishment were primarily associated with ABS's business.

Mr. Campbell indicated to Michael Baker on May 4, 2017, that a replacement site for ABS had been located at 2308 Cosgrove Avenue. (Rucker Aff. ¶ 14). ABS undertook renovations to this new building site and sought reimbursement for such reestablishment expenses. (Rucker Aff. ¶ 14). On or about October 2017, ABS, through Mr. Campbell, submitted a claim for \$34,398.94 in reestablishment expenses for framing and demolition at 2308 Cosgrove Avenue. (Rucker Aff. ¶ 15 and Ex. 3 thereto). This claim form reflected the cap on reestablishment expenses of \$50,000, and a remaining balance after this initial payment of \$15,601.06. Mr. Campbell signed the claim form and Public Railways paid this first claim. (Rucker Aff. ¶ 15 and Exs. 3, 4 thereto).

On or about November 2017, ABS submitted a second claim for reestablishment expenses of \$16,543.44, but because it had reached the cap for reestablishment expenses, only \$15,601.06 was approved for payment. (Rucker Aff. ¶ 16 and Ex. 5 thereto). Mr. Campbell signed this second claim form and Public Railways paid this second claim. (Rucker Aff. ¶ 16 and Exs. 5, 6 thereto). In total, Public Railways paid \$50,000 of reestablishment expenses to ABS. (Rucker Aff. ¶ 17).

In this lawsuit, ABS contends that it incurred reestablishment expenses beyond the \$50,000 that it has already been paid. (Compl. ¶¶ 9-11). As set forth below, because the statutory cap on reestablishment expenses is \$50,000, ABS has no legal claim under which to seek recovery in this lawsuit.

LEGAL STANDARD

Summary judgment should be granted "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." SCRCP 56(c). "Summary judgment is appropriate when it is clear that there is no genuine

issue of material fact and the conclusions and inferences to be drawn from the facts are undisputed.” *Garvin v. Bi-Lo, Inc.*, 343 S.C. 625, 628, 541 S.E.2d 831, 833 (2001). In determining whether any triable issue of fact exists, the evidence and all inferences which can reasonably be drawn therefrom are viewed in the light most favorable to the nonmoving party. *Medical Univ. of South Carolina v. Arnaud*, 360 S.C. 615, 619, 602 S.E.2d 747, 749 (2004).

“The issue of interpretation of a statute is a question of law for the court.” *Catawba Indian Tribe of S.C. v. State*, 372 S.C. 519, 524, 642 S.E.2d 751, 753 (2007).

ARGUMENT

I. ABS Has Been Paid South Carolina’s Statutory Limit of \$50,000 for Reestablishment Expenses.

There is no dispute of fact that Public Railways has paid ABS \$50,000 for reestablishment expenses related to its relocation from the Milford Property to its replacement location on Cosgrove Avenue. (Rucker Aff. ¶¶ 15-16 and Exs. 3-6 thereto). Public Railways acquired the Milford Property as part of its NBIF project and ABS as the sole tenant of the Milford Property was required to relocate. Public Railways informed ABS that it would pay for (1) moving expenses; (2) direct loss of certain tangible personal property; (3) replacement site search expenses and (4) up to \$50,000 in reestablishment expenses. (Rucker Aff. ¶ 13 and Ex. 2 thereto). In this lawsuit, ABS contends that it incurred more than \$50,000 in reestablishment expenses and that South Carolina’s statutory cap on relocation expenses does not limit the amount that ABS can claim for reimbursement. (Compl. ¶¶ 19-20). This is incorrect as a matter of law.

ABS located a replacement property and made improvements thereto for which it submitted requests for reimbursement. (Rucker Aff. ¶ 14). Public Railways paid ABS \$50,000 for these reestablishment expenses. (Rucker Aff. ¶¶ 15-16). South Carolina’s statutory limit on reimbursement of reestablishment expenses is \$50,000, set forth as follows:

Reestablishment expenses related to the moving of a small business, farm, or nonprofit organization payable for transportation projects pursuant to federal guidelines and regulations *may be paid in an amount up to fifty thousand dollars, notwithstanding a lower limitation imposed by federal regulations.*

S.C. Code Ann. § 28-11-30(4) (emphasis added). As a matter of law, reimbursement for reestablishment expenses is statutorily limited to \$50,000 and ABS is not entitled to receive more than the statutory cap of \$50,000 for reestablishment expenses.

It is undisputed that ABS has received the maximum amount of reestablishment expenses provided for by statute. Because there is no dispute of fact on this issue, the Court should grant summary judgment holding that as a matter of law ABS has received the statutory cap for reestablishment expenses under S.C. Code Ann. § 28-11-30(4).

II. Public Railways Is Not Constitutionally Required to Pay Reestablishment Expenses Or Any Amount Beyond Just Compensation for Property Taken Through Its Power of Eminent Domain.

When Public Railways acquired the Milford Property through eminent domain, it was constitutionally required to pay just compensation to the landowner Hibernian Heights, LLC, which equates to the fair market value of the property taken.² Public Railways and Hibernian Heights agreed on the amount of just compensation owed for the Milford Property, and Hibernian Heights has received payment. (Exhibit B). The amount of just compensation due for the Milford Property has been settled and Public Railways is under no further constitutional obligation to pay any additional amounts to any person. Public Railways has satisfied its constitutional obligation and ABS's lawsuit seeking payment for amounts beyond just compensation should be dismissed as a matter of law.

² U.S. Const. amend. V ("nor shall private property be taken for public use, without just compensation"); S.C. Const. art. I, § 13 ("private property shall not be taken . . . for public use without just compensation being first made for the property").

The Constitution does not require the government to pay the moving and reestablishment expenses of tenants displaced as a result of condemnation, it only requires the government to pay just compensation for the property being taken. *United States v. Petty Motor Co.*, 327 U.S. 372 (1946). As the Supreme Court of the United States has observed, expenses of relocation are not constitutionally compensable:

The Constitution and the statutes do not define the meaning of just compensation. But it has come to be recognized that just compensation is the value of the interest taken. This is not the value to the owner for his particular purposes or to the condemnor for some special use but a so-called 'market value.' It is recognized that an owner often receives less than the value of the property to him but experience has shown that the rule is reasonably satisfactory. Since 'market value' does not fluctuate with the needs of condemnor or condemnee but with general demand for the property, *evidence of loss of profits, damage to good will, the expense of relocation and other such consequential losses are refused in federal condemnation proceedings.*

United States v. Petty Motor Co., 327 U.S. 372, 377-78 (1946) (emphasis added); *United States v. General Motors Corp.*, 323 U.S. 373, 379-80 (1945) ("Even where state constitutions command that compensation be made for property 'taken or damaged' for public use, as many do, it has generally been held that that which is taken or damaged is the group of rights which the so-called owner exercises in his dominion of the physical thing, and that damage to those rights of ownership *does not include losses to his business or other consequential damage.*" (emphasis added)).

However, recognizing that certain damages to displaced owners or tenants could go uncompensated, the federal government enacted The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Relocation Act"). 42 U.S.C. § 4601, et seq. The Relocation Act applies to state projects that involve federal dollars. *Norfolk Redevelopment and Housing Auth. V. Chesapeake and Potomac Telephone Co., of Virginia*, 464 U.S. 30, 32 (1983) (citing 42 U.S.C. § 4630). The Relocation Act generally provides that displaced persons are entitled to the following benefits:

- (1) actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;
- (2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the head of the agency;
- (3) actual reasonable expenses in searching for a replacement business or farm; and
- (4) actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, *but not to exceed \$25,000*, as adjusted by regulation, in accordance with section 4633(d) of this title.

42 U.S.C.A. § 4622 (emphasis added). These are the same four categories of benefits that John Rowe with Michael Baker International outlined in the Availability of Payments letter to Mr. Campbell and ABS. (Rucker Aff. ¶ 13 and Ex. 2 thereto). The federal Relocation Act caps reestablishment expenses at \$25,000. 42 U.S.C.A. § 4622(4).

South Carolina has codified the relocation requirements of the Relocation Act in S.C. Code Ann. § 28-11-10, mandating relocation payments to displaced persons and businesses regardless of whether a project uses any federal dollars. S.C. Code Ann. § 28-11-10. South Carolina's statutory scheme also increased the cap on reestablishment expenses above the Relocation Act's \$25,000 to \$50,000, as follows:

Reestablishment expenses related to the moving of a small business, farm, or nonprofit organization payable for transportation projects pursuant to federal guidelines and regulations *may be paid in an amount up to fifty thousand dollars, notwithstanding a lower limitation imposed by federal regulations.*

S.C. Code Ann. § 28-11-30(4) (emphasis added). Recognizing that relocation assistance is distinct from constitutional damages in condemnation, South Carolina's Relocation Assistance statute expressly provides that: "Nothing in this chapter shall be construed as creating an element of damage in an eminent domain proceeding." S.C. Code Ann. § 28-11-70.

Public Railways is under no constitutional obligation to pay any amounts beyond the

determined amount of just compensation for taking the Milford Property. South Carolina's relocation assistance statute places a statutory requirement on Public Railways to pay certain benefits to displaced persons. Public Railways has paid ABS the statutory limit on reestablishment expenses. (Rucker Aff. ¶¶ 15-16). As a matter of law, ABS is not constitutionally entitled to receive reestablishment expenses, and it is only statutorily entitled to receive up to \$50,000 in reestablishment expenses. There is no dispute of fact that ABS has already been paid the statutory limit of \$50,000 for reestablishment expenses. For these reasons, summary judgment should be granted.

CONCLUSION

As a matter of law, Public Railways is not constitutionally required to pay reestablishment expenses or any amounts beyond the amount of just compensation for taking the Milford Property. Because the landowner agreed to, and has received, the amount of just compensation, there is no further constitutional obligation on Public Railways for its acquisition of the Milford Property.

South Carolina statutory provisions require Public Railways to pay certain benefits to persons displaced as a result of condemnation. As a matter of law, Public Railways is only statutorily required to pay up to \$50,000 for reestablishment expenses. There is no dispute of fact that ABS has received payment of \$50,000 for reestablishment expenses.

Accordingly, there is no disputed issue of material fact and Public Railways is entitled to judgment as a matter of law.

Respectfully submitted,

s/ David L. Paavola

Keith M. Babcock (Bar No. 456)
David L. Paavola (Bar No. 100714)
Lewis Babcock L.L.P.

1513 Hampton Street (29201)
Post Office Box 11208
Columbia, South Carolina 29211
Telephone: (803) 771-8000
Facsimile: (803) 733-3534
Email: kmb@lewisbabcock.com
dlp@lewisbabcock.com

Counsel for South Carolina Department of
Commerce, Division of Public Railways

Columbia, South Carolina
January 31, 2019

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Applied Building Sciences, Inc.,

Plaintiff,

v.

South Carolina Department of Commerce,
Division of Public Railways,

Defendant.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
C/A NO. 2019-CP-10-4387

**AFFIDAVIT
OF
OSCAR K. RUCKER**

PERSONALLY APPEARED before me Oscar K. Rucker, who, being first duly sworn,
says and deposes:

1. That I am currently a Special Projects Manager for Michael Baker International
and have been in their employment since early-2010.

2. Prior to working at Michael Baker International, I was the Director of Rights of
Way at the South Carolina Department of Transportation from 2002 to early-2010.

3. I have been working in right of way acquisition services in South Carolina for
more than forty years.

4. Michael Baker International was hired by the South Carolina Department of
Commerce, Division of Public Railways to provide right-of-way services for the properties
impacted by the construction of the Navy Base Intermodal Facility ("NBIF") in Charleston,
South Carolina. This included, but was not limited to, working with impacted landowners
and tenants to provide relocation and reestablishment assistance.

5. One such property acquired for the NBIF was located at 1890 Milford Street Charleston, South Carolina ("Milford Property").

6. The Milford Property was acquired through eminent domain in a condemnation action styled as South Carolina Department of Commerce, Division of Public Railways v. Hibernian Heights, LLC, and Applied Building Sciences, Inc., case number 2017-CP-10-3029.

7. At the time of condemnation, the Milford Property was owned by Hibernian Heights, LLC, and occupied by Applied Building Sciences, Inc. ("ABS"). Mr. Alan Campbell was the sole owner of Hibernian Heights, LLC and a partial owner of ABS.

8. As part of the total acquisition of the Milford Property, ABS as a tenant of the Milford Property was entitled to relocation assistance, which consisted, in part, of moving expenses and reestablishment expenses.

9. It is my understanding that South Carolina has codified its provision for relocation assistance related to eminent domain actions in S.C. Code Ann. § 28-11-10, et seq.

10. It is my understanding that reestablishment expenses are limited to \$50,000.00 pursuant to S.C. Code Ann. § 28-11-30(4).

11. It is my understanding that as part of the NBIF project, Palmetto Railways adopted the relocation assistance procedures set forth in the South Carolina Department of Transportation Right of Way Relocation Assistance Manual. (Excerpts attached as Exhibit 1).

12. The SCDOT Right of Way Relocation Assistance Manual sets forth the covered business moving expenses as moving costs, losses of tangible personal property, search costs, and reestablishment expenses. (Ex. 1, at XIII-13-14). The SCDOT manual expressly incorporates the \$50,000 statutory cap on reestablishment expenses. (Ex. 1, at XIII-25, XX-1).

13. On January 17, 2017, Michael Baker provided an Availability of Payments – Relocation Assistance letter to Hibernian Heights, LLC and Mr. Campbell. This letter outlined the cost categories and amounts available for moving various parts of the personal property located at the Milford Property within a fifty-mile radius. Bids were obtained from third parties for costs to move ABS's personal property. This letter also explained the potential eligibility for up to \$50,000 in business reestablishment expenses as well as up to \$2,500 in search expenses. (Attached as Exhibit 2).

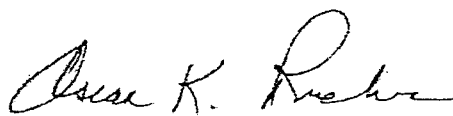
14. Michael Baker was notified on May 4, 2017, that Mr. Campbell had decided to acquire a replacement site located at 2308 Cosgrove Avenue on which to reestablish ABS' business. It is my understanding that ABS undertook renovations to this replacement site to suit its business. ABS sought reimbursement for these renovations.

15. On or about October 2017, ABS through Mr. Campbell submitted a reestablishment claim for framing and demolition of the replacement business site located at 2308 Cosgrove Avenue. Mr. Campbell signed the reestablishment claim form requesting \$34,398.94. This claim form reflected the \$50,000 reestablishment cap and the remaining balance of \$15,601.06. I also signed the claim form and submitted it to Public Railways for payment to ABS. (Attached as Exhibit 3). Public Railways paid this amount to ABS. (Copy of Check, attached as Exhibit 4).

16. On or about November 2017, ABS, operating through Mr. Campbell, submitted a second reestablishment claim for framing and demolition at 2308 Cosgrove Avenue. ABS sought reimbursement for \$16,543.44. However, because only \$15,601.06 was remaining on the \$50,000 cap on reestablishment expenses, this second claim form was only approved for \$15,601.06. Mr. Campbell signed this reestablishment claim form requesting \$15,601.06. This claim form reflected the \$50,000 reestablishment cap and the previous claim of \$34,398.94. I submitted this claim to Public Railways for payment to ABS and indicated that there were \$0.00 left for reestablishment claims after this second payment. (Attached as Exhibit 5). Public Railways paid this amount to ABS. (Copy of Check, attached as Exhibit 6).

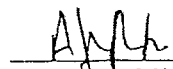
17. In total, ABS has been paid \$50,000.00 for reestablishment expenses.

18. It is my understanding that ABS is not entitled to reimbursement of any reestablishment expenses beyond the statutory cap of \$50,000.



Oscar K. Rucker
Special Projects Manager
Michael Baker International

SWORN to before me this 21st
day of January, 2020


Notary Public for South Carolina
My Commission Expires: August 2, 2029



RELOCATION ASSISTANCE MANUAL

Department of Right of Way
Columbia, South Carolina
January, 2016

Resource Links

Note: Must be connected to the internet to open links.

1. South Carolina Office of Regulatory:
www.regulatorystaff.sc.gov
2. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended:
www.fhwa.dot.gov/real_estate/publications/act.cfm

SECTION I – GENERAL POLICY

The policy of the South Carolina Department of Transportation shall be that all persons, families, businesses and farms who are displaced from their homes or their locations as a result of the acquisition of real property for public purposes receive fair, uniform and equitable treatment and that such persons shall not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole. It is, therefore, intended that the Department shall provide an effective relocation assistance program to the end that:

No Waiver of relocation assistance: SCDOT shall not propose or request that a displaced person waive his or her rights or entitlements to relocation assistance or benefits provided by the Uniform Act, 24.207 (f).

1. No project shall be advertised for construction until each eligible displaced person has either himself obtained, or has the right of possession to, comparable, decent, safe, and sanitary replacement housing or the Department has offered the displaced person comparable, decent, safe, and sanitary replacement housing which is within his financial means and available for immediate occupancy.
2. No eligible occupant shall be required to move from their dwelling unit without first receiving at least 90 days notice in writing that the premises will be needed for construction (See Appendixes – Relocation Assistance Forms 31, 32, 33, and 34), except in those rare cases of “urgent need” as provided for by Federal Regulations.
3. Relocation payments are fairly and equitably determined and are paid to the eligible displacees in a timely manner.
4. Relocation advisory services shall be offered to all displaced persons within the right of way and when determined necessary, to those immediately adjacent thereto. It shall be furnished promptly to all eligible persons requesting assistance.

January, 2016

SCDOT Department of Right of Way Relocation Assistance Manual

5. Proper notices and information regarding the relocation assistance program are furnished to the public on a timely basis.

SCDOT Department of Right of Way Relocation Assistance Manual

d. Requirements for Scheduled Payments

Scheduled payment of moving expenses requires only a "Moving Expense Claim" (Appendix A – Relocation Assistance Forms - Form 6) properly completed and signed by the claimant.

5. Actual Reasonable Cost of Move by a Commercial Mover

- a. A displaced individual or family may be paid the actual, reasonable cost of a move accomplished by a commercial mover. Such expense will be supported by receipted bills. The reasonableness of the cost shall be determined by what commercial movers in the area actually charge. The displacee or Right of Way Agent should obtain two lump sum moving cost bids from commercial movers who are qualified and equipped to accomplish the move. The Department has no obligation to accept unreasonable requests (those with bad business practices or those not acceptable).

The bids should be based on identical services and should be based on "straight time" rates, unless "overtime" rates have been approved in advance of the move.

- b. The displacee can employ any moving firm desired to conduct the move; however, the moving cost payment will be for the actual cost of the move, not to exceed the low bid.
- c. If the Department has reason to believe that the lower of the two bids is not reasonable, a third bid should be obtained. Only in rare instances will it be permissible to go with the higher bid. In those cases, the file will be documented as to the reasons.
- d. Displacees in this category are also entitled to reimbursement for their applicable incidental moving expenses as discussed in Section XIII A.9. Items a - m. They should not be reimbursed for their own labor or for any costs which were not actual "out-of-pocket" expenses.

C. Business Moving Expenses

1. General Provisions

SCDOT Department of Right of Way Relocation Assistance Manual

- a. The owner of an eligible displaced business is entitled to receive payment for either:

(1) Moving and related expenses which include:

- (a) Moving costs (e.g. actual, self-move, alternate payments) As provided later in this section; and
- (b) Losses of tangible personal property, as provided later in this section; and
- (c) Search costs, as provided later in this section; and
- (d) Reestablishment expenses at the new site, as provided later in this section.

OR

- (2) In lieu of the above payments the displacee may be eligible for a payment based upon average annual net earnings of the business as provided in the Section entitled "In-Lieu-of Payment".

- b. Notification and Inspection. The following requirements will apply to payments under this section:

- (1) The displaced person must provide the Department with reasonable advance notice of the approximate move date or date of disposition of personal property and a list or inventory of the items to be moved; however, this requirement may be waived by the agency.
- (2) The displaced person must permit reasonable and timely inspections of the personal property as it is moved to the new location.
- (3) The Department will inform the displaced person of these requirements in the "Notice of Relocation Amount."

2. Moving Costs – Types of Payments

The business owner may select one of the following options:

- 1) Actual, reasonable cost of move performed by a commercial Mover.
- 2) Self-move

- 3) Combination self-move/actual cost move
- 4) Alternate payments

3. Actual Reasonable Moving Expenses – Commercial Mover

Payment is based on actual reasonable costs of a move performed by a commercial mover or contractor. Costs that are reimbursable include such items as dismantling, disconnecting, packing, loading, insuring, transporting, unloading and reinstalling of personal property of the business, and re-lettering signs and replacing stationery on hand at the time of displacement and made obsolete as a result of the move.

The owner of a relocated business is required to submit a certified inventory of the items to be moved in order for his claim for payment of moving costs to be processed and approved. Typically, this inventory will be prepared by the owner of the business and signed and dated by him, certifying it as being true and correct as of the date of preparation. However, in the event that the owner fails to provide such inventory, the agent shall himself prepare an accurate and timely inventory and have the owner certify its correctness. If the inventory changes substantially by the time of the actual move, an updated certified inventory must be prepared and updated moving cost estimates should be obtained.

Reimbursable costs do not include any additions, improvements, alterations or other physical changes on or to any structure in connection with moving personal property; however, it does include modifications to the personal property, including those mandated by Federal, State or local law, code or ordinance, necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property.

The following are requirements for payment:

- a. The Department shall secure at least two firm bids or estimates from responsible licensed commercial movers or contractors prior to the move for moving cost exceeding \$2,500.00. For moving cost under \$2,500.00, only one bid is required unless it appears unreasonable. Payment for the move will be based on the lowest reasonable bid or estimate. Waiver of a second bid for reasonable cause must be obtained from the Team Leader.
- b. Payment shall be made by the Department upon presentation of the paid, receipted and itemized bills after the claimant has moved from the premises. Written prearrangements or assignments to pay the

SCDOT Department of Right of Way Relocation Assistance Manual

mover directly may be used. When the move is completed, the displacee will submit to the Department a receipt for moving costs of the licensed mover or performer of services, which as minimum sets forth:

- (1) Name and address of displacee;
- (2) Name and address of mover or performer of services;
- (3) Identification of personal property moved or description of services provided;
- (4) Date or dates of move or services; and
- (5) Address from which and to which personal property was moved or where services were rendered.

- c. Such expenses will be supported by receipted bills and a certified inventory of the items actually moved. If the items listed on this "as moved" inventory deviate appreciably from the original certified inventory, the amount of the estimate will be appropriately adjusted for payment. The agent assigned to the tract will advise the displacee and/or the mover what is eligible for moving costs.
- d. Where the final bill exceeds the estimate by ten percent (10%) or more, a written explanation shall be secured from the mover and attached to the bill when payment is scheduled.

4. Self-Move

a. Bid Method

A business may be authorized to perform the moving of its personal property itself, under the following conditions:

- (1) The amount to be paid is to be negotiated between the Department and the business, not to exceed the lower of at least two firm bids or estimates obtained by the Department from qualified movers based on the certified inventory. A 15% deduction should be taken from of the lowest bid or estimate for a negotiated self move. Care should be exercised to insure that provisions have been made in the bids or estimates for all allowable costs including insurance, permits, equipment rental, etc. However, it should be impressed upon the displacee that

the bids or estimates contain only those expenses which can be fully supported and justified. All bids shall be based on the prepared certified inventory of the items to be actually moved. Moves shall be completed in substantially the same manner as if performed by a contractor/mover. The Department may make payment based upon a single bid or estimate for moves which are low cost or uncomplicated. Low cost moves are those estimated at \$10,000.00 or less. Uncomplicated moves are characterized by being easy to analyze and understand; they are not intricate nor involved. Questions as to whether or not a move is uncomplicated should be referred to the Relocation Manager for decision.

Self-moves apply to situations where the displacee performs the move with his own personnel and equipment, with the amount of compensation negotiated between the Department and the displacee in advance of the actual move. If the displacee decides to employ additional help, rent equipment or have a portion of the move performed under contract by a third party, only in order to more effectively relocate his business, and the additional cost is simply added to the amount originally negotiated, then such additional costs will not be reimbursed.

- (2) On complicated moves, the move authorization shall be a written agreement or contract signed by the claimant in advance of the move.

The terms of a self-move agreement may include:

- a) A scope of work to be accomplished with completion schedule.
- b) A provision that no claim for payment shall be honored by the Department until the move has been completed (unless the agreement provides for partial payments).
- c) Any other provisions necessary to protect the interests of the parties to the agreement and any other special provisions occasioned by the nature of the move, type of business or farm operation involved or circumstances peculiar to the case.
- d) A provision that claim for payment shall be submitted within 18 months of the date of moving from the premises.

SCDOT Department of Right of Way Relocation Assistance Manual

Self-move agreements shall be signed by the agent and initialed by the Regional Right of Way Administrator and the claimant.

b. Actual Cost Method

If bids or estimates cannot be obtained or the claimant is better qualified to perform the move, the claimant may be paid his actual, reasonable moving costs supported by receipted bills or other evidence of expenses incurred. Consult with the Relocation Manager prior to performing work under this method.

The allowable expenses of a self-move under this provision may include:

- (1) Amounts paid for truck and/or equipment rental but not to exceed the cost paid by a commercial mover.
- (2) If vehicles or equipment owned by a business being moved are used, a reasonable amount to cover gas and oil, and the cost of insurance and depreciation directly allocable to hours and/or days the equipment is used for the move.

Wages paid for the labor of persons who physically participate in the move. Labor costs are to be computed on the basis of actual hours worked at the hourly rate paid, but the hourly rate may not exceed that paid by commercial movers or contractors in the locality for each profession or craft involved.

On complicated moves, an agreement spelling out the above factors plus any other pertinent data should be completed and signed between the Department and the displacee before the move is commenced.

It is required by law that all moving expenses be actual, reasonable, and necessary. To assure this, the Department will provide surveillance commensurate with the expected expenditures involved. Emphasis will be directed toward those moves that are of a complicated nature and/or a substantial expenditure.

c. Moving Expense Finding

The assigned Right of Way Agent may make a moving cost finding not to exceed \$10,000. The amount of the finding may be paid when

SCDOT Department of Right of Way Relocation Assistance Manual

the move is completed, unless a partial advance is approved by the Team Leader. Supporting evidence of actual expenses incurred is not necessary; the itemized moving cost finding is sufficient. The Team Leader will approve the amount before the payment is offered. Documentation supporting the moving cost finding shall be prepared by the agent and reviewed by the Team Leader prior to his approval of the amount. Form 7A (Appendix A – Relocation Assistance Forms) shall be used in preparation of the estimate.

It is the Department policy that the estimate normally not exceed \$10,000. However, if the move is determined to be uncomplicated, the Relocation Manager may approve the use of this format for moving expense findings in excess of \$10,000. Therefore, all pertinent circumstances, including but not limited to the following, should be considered:

- (1) Contact with certified moving firms in the project area to establish the hourly rate for movers, cost of moving vans, vans with hydraulic lifts (if necessary), cranes, and any other necessary equipment.
- (2) A thorough study of the present and proposed location for moving the personal property, including the distance in miles between the two points.
- (3) If the displacee elects to make a self-move, consideration should be given to the expected cost (See Section XIII C.4.1(1)).
- (4) Computations relative to the estimated requirements of completing the move such as : the number of man hours necessary, the types of personnel needed with an appropriate wage rate for same, and the expenses concerning various types of equipment that may be involved.

5. Combination Self-Move/Actual Cost Move

Combination self-move/actual cost moves are allowable. Self-move procedures, described above, shall be followed for that portion of the move; actual cost move procedures shall be followed for the portion of the move performed by a commercial mover or contractor.

6. Alternate Payments

In addition to the above-mentioned options, the owner may be paid moving costs under the following alternate type payments:

SCDOT Department of Right of Way Relocation Assistance Manual

- a. Losses of tangible personal property, as explained in paragraph 7.
- b. Low value/high bulk. When the personal property to be moved is of low value and high bulk, and the cost of moving the property would be disproportionate to its value in the judgment of the Department, the allowable moving cost payment shall not exceed the lesser of: The amount which would be received if the property were sold at the site or the replacement cost of a comparable quantity delivered to the new business relocation. Examples of personal property covered by this provision include, but are not limited to, stockpiled sand, gravel, minerals, metals and other similar items of personal property as determined by the Department.
- c. Purchase of substitute personal property, as explained in paragraph 8.

7. Losses of Tangible Personal Property

- a. Actual direct losses of tangible personal property are allowed when a person who is displaced from his place of business is entitled to relocate such property in whole or in part, but elects not to do so. To be eligible for this benefit the owner of the personal property must:
 - (1) Be eligible to receive payment for his actual and reasonable moving expenses.
 - (2) Enter into a written agreement with the Department stating his election of this method of payment, and agreeing that personal property specifically described or tabulated therein is not to be moved.
 - (3) Make reasonable effort to sell the described personal property, unless it is determined that such effort is not necessary.

8. Purchase of Substitute Personal Property

- (1) If the business is to be relocated and an item of personal property which is used in connection with the business is not moved, but promptly replaced with a comparable item at the new location, the reimbursement shall be the lesser of:
 - (a) The replacement cost, including installation, minus the proceeds from the sale or trade in of the replaced item. "Trade-in value" may be substituted for the proceeds of the sale where applicable, or

SCDOT Department of Right of Way Relocation Assistance Manual

- (b) The estimated cost of moving the items, including installation, to the replacement site, but not to exceed 50 miles, with no allowance for storage. At the Department's discretion, the estimated cost for a low cost move may be based on one bid or estimate.

As used in the above paragraph, a "comparable item" means a replacement, either new or used, which performs the same function as the item to be replaced. "Replacement cost" means the cost to acquire and install a replacement item, either new or used, which performs the same function as the item to be replaced. The trade-in value of old equipment may be used instead of the proceeds of the sale. The amounts received in trade, the proceeds of the sale, the replacement cost of the item, and the estimated cost of moving must be documented.

- (2) If the business is being discontinued or the item is not to be replaced in the relocated business, the payment will be the lesser of:
 - (a) The difference between the fair market value of the personal property for continued use at its location prior to displacement, less the proceeds of the sale. (When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price.); or
 - (b) The estimated cost of moving the item to the replacement site but not to exceed 50 miles, with no allowance for storage. If the piece of equipment is operational at the acquired site, the estimated cost to reconnect the equipment shall be based on the cost to install the equipment as it currently exists, and shall not include the cost of code required betterments or upgrades that may apply at the replacement site.

An appraisal of the item may be required to determine depreciated value in place. The appraisal may be an estimate, in writing, by a knowledgeable employee or, if the nature and/or value of the equipment requires it, an appraisal should be secured from knowledgeable outside sources. Proceeds of the sale and the estimated cost of moving must be documented.

- (3) If a bona fide sale is not effected, as discussed above, because no offer is received for the property, and the property is abandoned, payment for the actual direct loss of that item may not be more than the fair market value of the item for continued use at its location prior to displacement or the estimated cost of moving the item 50 miles,

SCDOT Department of Right of Way Relocation Assistance Manual

whichever is less, plus the costs of the attempted sale, irrespective of the cost to the Department of removing the item.

- (4) When personal property is abandoned with no effort being made by the business to dispose of such property by sale or by removal at no cost by a junk dealer, the owner will not be entitled to moving expenses, or losses, for the items involved. In this situation the Department should obtain a written statement from the owner that he is abandoning the property. The statement should list the abandoned items. If no such statement can be obtained, the owner shall be advised in writing that unless the items are removed, the Department will presume them to be abandoned and will dispose of them as it sees fit.

Abandoned items may be left on the premises for removal by the Department or by the purchaser when buildings are sold for removal.

The cost of removal of personal property shall not be considered as an offsetting charge against other payments to the displaced person.

- (5) Payments may be made only after a bona fide effort has been made by the owner to sell the item involved. The sales prices, if any, and the actual, reasonable costs of advertising and conducting the sale shall be supported by copies of bills of sale or similar documents and by copies of any advertisements, offers to sell, auction records and other items supporting the bona fide nature of the sale. The reasonable cost incurred in attempting to sell an item not relocated will be reimbursed to the displacee.
- (6) This subsection does not apply to machinery and equipment which is classified as realty, but was retained by the owner. Also, the cost of moving structures, improvements or other real property in which the displaced person reserved ownership is excluded.

This subsection does not apply where a displaced owner wishes to retain and move material which is of low value and high bulk. Such material is covered under Alternate Payments, Subsection 6 above.

9. Search Costs

The owner of a business may be paid for his actual, reasonable expenses in searching and negotiating for the purchase or lease of a replacement business site, not to exceed \$2,500. Expenses may include the cost of transportation, meals, lodging away from home and the reasonable value of time actually spent in search including fees of real estate agents and brokers if actually required and paid by the business (excluding fees or commissions related to

SCDOT Department of Right of Way Relocation Assistance Manual

the purchase of the site). Time spent in obtaining permits or attending zoning hearings is reimbursable as search costs.

Expenses must be itemized on a statement attached to the claim form. The claim form must also incorporate the attachment by reference.

Mileage claimed may be reimbursed at recognized State mileage rates or at actual costs incurred as verified by paid receipts.

Time spent in searching may be claimed at a reasonable hourly rate experienced by the claimant.

Claims for meals and minor incidentals such as parking fees and telephone expenses may be accepted but should be supported by paid receipts. If there is a problem providing receipts, please consult the Relocation Manager.

Broker and agent fees as well as lodging, where allowed, will require receipted bills. Note that searching expenses incurred in searching beyond the 50 miles radius may be allowed only if the nature of the business to be relocated reasonably justifies such a move. Caution should be exercised to prevent payment for pseudo-searches which may have involved time spent on vacation or other such purposes.

Search expenses may be included with claims for payment of all other actual expenses, but must be itemized and recapitulated on a separate statement as specified above.

10. Guidelines for Business Moves

It is recommended that a pre-move discussion and agreement take place between the relocation agent and the business displacee prior to securing moving estimates. Items to be emphasized and, if possible, agreed upon:

- a. Contemplated time of move and destination (new location) of move.
- b. Decision by displacee as to self-move, actual cost move by a commercial mover, or a combination of the two. The displacee should be made aware of his options and the necessity to follow through as agreed.
- c. Businesses having floating inventories which fluctuate widely from time to time should be encouraged to move on an actual cost basis using commercial movers. The Right of Way Agent should closely check these moves, particularly just prior to the move, during the moving, and after the move.
- d. Reaching an understanding as to whether there is need for multi-phased move over a period of time or a move all at once.

SCDOT Department of Right of Way Relocation Assistance Manual

- e. Items not to be moved may not necessarily be real property. They may be items covered under the Direct Loss provisions. If possible, during the pre-move conference, these items should be identified and arrangements made for valuation in place and separate moving estimates for these items. Discussions should include explanation of options for replacement costs, if applicable, and requirements for disposal of items not to be moved and/or reinstalled.
- f. Packing, crating, unpacking (if necessary) and moving specifications desired and needed by the displacees.
- g. The necessity to have all movers bid on the same basis and to furnish an itemized inventory of items to be moved. Movers' estimates/bids should include complete specifications, conditions and inventory.
- h. Arrangement for displacee to notify the Department just prior to moving so that the Right of Way Agent can verify the items to be moved. (The degree of verification would depend on the circumstances.)
- i. Explain the need for a properly documented and inventoried bill from the selected mover on actual cost moves.
- j. Determine whether storage will be needed and the reasons therefore.
- k. If the two moving bids vary widely, a third bid should be considered. Wide variations may indicate lack of uniformity in specifications used for the estimate. Widely divergent estimates may be reconciled by meeting with the estimators.

Review qualifications and experience of various moving companies, particularly in large complex business moves. If there appear to be no well-qualified experienced movers, consideration should be given to hiring well-qualified industrial engineering firms to prepare moving cost estimates.
- l. The Right of Way Agent should check realty items in the appraisal to insure that no inventoried items to be moved were paid for in the property valuation as realty items.
- m. The Right of Way Agent should check the existence of moving inventory items on site just prior to the move and so document the parcel file.
- n. The Right of Way Agent should check moving inventory items on new site just after the move to make sure all inventoried items were actually moved, set in place, connected, etc., as provided in the estimate and so certify by signed memo.

SCDOT Department of Right of Way Relocation Assistance Manual

- o. Business moves requiring significant disconnect and reconnect costs should be supported by complete certified or original bills including specialists, installers or tradesmen's charges who actually performed the services. The Right of Way Agent should check to see that all work billed for has been accomplished.
- p. Each estimator for a moving company should always be accompanied by the relocation agent and owner when making his estimate and he (estimator) should be furnished an inventory list. Specifications and inventory for the move should be agreed on at this time and all moving companies shall bid on the same basis.

D. Re-establishment Expenses

In addition to the moving payments described earlier, a small business, as defined in Section III Page 7, farm or nonprofit organization may be eligible to receive a payment, not to exceed \$50,000, for expenses actually incurred in relocating and reestablishing such business, farm or nonprofit organization at a replacement site.

- 1. **ELIGIBLE EXPENSES.** Reestablishment expenses must be actual, reasonable, and necessary, as determined by the Department. They may include, but are not limited to, the following:
 - a. Repairs or improvements to the replacement real property as required by Federal, State or local law, code or ordinance.
 - b. Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
 - c. Construction and installation costs for exterior signing to advertise the business.
 - d. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting.
 - e. Advertisement of replacement location.
 - f. Estimated increased costs of operation during the first 2 years at the replacement site for such items as:
 - (1) Lease or rental charges,
 - (2) Personal or real property taxes,
 - (3) Insurance premiums, and
 - (4) Utility charges, excluding impact fees.

SCDOT Department of Right of Way Relocation Assistance Manual

- g. Other items that are considered essential to the reestablishment of the business.

2. **INELIGIBLE EXPENSES.** The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible.

- a. Purchase of capital assets, such as land, buildings, office furniture, filing cabinets, machinery, or trade fixtures.
- b. Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.
- c. Interior or exterior refurbishments at the replacement site which are for aesthetic purposes, except as provided in Section XIII D.1.e.
- d. Interest on money borrowed to make the move or purchase the replacement property.
- e. Payment to a part-time business in the home which does not contribute materially to the household income.
- f. Cost of constructing a new building.

E. IN-LIEU-OF PAYMENTS

The owner who relocates or discontinues a business may be eligible for a payment in-lieu-of all moving costs and related expenses as outlined in Business Moving Expenses. The payment is equal to the average annual net earnings of the business, except that the payment shall not be less than \$1,000 nor more than \$40,000, if we determine that:

- 1. The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move; and the business vacates or relocates from its displacement site.
- 2. The business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings). A business is assumed to meet this test unless the Department demonstrates that it will not suffer a substantial loss of its existing patronage and;
- 3. The business is not part of a commercial enterprise having more than three other entities which are not being acquired by the State or the United States which is engaged in the same or similar business.

SCDOT Department of Right of Way Relocation Assistance Manual

In order to make such a determination, it is necessary to establish that there is common control, management and ownership of the similar businesses, i.e. that they can be said to be owned, managed and controlled as a single operating unit. Examples would be: the branch offices of national banks, insurance companies or chain supermarket outlets.

The "chain operation" rule does not apply when the individual dealer or franchise holder renting or selling a national product is displaced by a highway project. The focus in determining whether the "chain operation" rule applies should be on the proprietary interest of the individual business operator.

For purposes of this rule, a remaining business facility that did not contribute materially to the income of the displaced person during the two taxable years prior to displacement shall not be considered "another establishment".

4. The business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others.
5. The business is not operated at the displacement site solely for the purpose of renting the site to others.
6. The business contributed materially to the income of the owner during the two taxable years prior to displacement. A part-time individual or family occupation in the home which does not contribute materially to the income of the displaced owner is not eligible for this payment. See Section III Page 5.
7. In determining whether two or more displaced legal entities constitute a single business which is entitled to only one fixed payment, all pertinent factors shall be considered, including the extent to which:
 - a. The same premises and equipment are shared;
 - b. Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;
 - c. The entities are held out to the public, and to those customarily dealing with them, as one business;
 - d. The same person or closely related persons own, control, or manage the affairs of the entities.
8. Benefit Calculation and Limitations

SCDOT Department of Right of Way Relocation Assistance Manual

Payment is based upon the average annual net earnings of the two taxable years immediately preceding the taxable year in which the business operation relocates.

The term "average annual net earnings" means one-half of any net earnings of the business before Federal, State and local income taxes, during the two taxable years immediately preceding the taxable year in which the business relocated.

If the two taxable years immediately preceding displacement are not representative, a two-year period that would be more representative may be used. It should be determined that the proposed construction has been the cause of the outflow of residents thereby resulting in a decline in net income for the business prior to utilizing this alternate procedure or unusual expense items, depreciation, etc. may be reflected in one year's return, thus, the return would not represent the "average" in such cases.

"Average annual net earnings" includes any compensation paid by the business to the owner, his spouse, or his dependents during the two year period.

In the case of a corporate owner of a business, earnings shall include any compensation paid to the spouse or dependents of the principal stockholders of the corporation. A principal stockholder is one who owns 15% or more of the corporation.

For the purpose of determining majority ownership, stock held by a husband, his wife and their dependent children shall be treated as one unit.

If the business was not in operation for the full two taxable years prior to displacement, net earnings shall be based on the actual period of operation at the displacement, site during the two taxable years prior to displacement, projected to an annual rate.

For averaging purposes, zero will be used when one or both of the years has a negative income.

9. Documentation from Claimant

The displaced person shall furnish proof of net earnings through income tax returns, certified financial statements, or other reasonable evidence to satisfactorily support the business income. The Right of Way Agent assigned to the case should obtain copies of the U. S. Income Tax Return from displacee's tax preparer for the appropriate years. The tax preparer should furnish the following certification:

"I hereby certify that the attached copies of U. S. Income Tax Returns are from copies of those documents on file in our office. I further certify that these returns were prepared by this office and that the originals were given to (name of business representative) or signing, dating and mailing to the Internal Revenue Service."

SCDOT Department of Right of Way Relocation Assistance Manual

When electronically filed tax returns are submitted by the displacee, signatures are required on the tax return or a signed statement from tax preparer verifying that the information is correct.

If the displacee prepares his own tax returns, obtain copies of the U. S. Income Tax Return directly from him. He should provide the following certification:

"I hereby certify that the attached copies of U. S. Income Tax Returns are from copies of those documents that I maintain in my file. I further certify that these returns were prepared by me and the originals were mailed to the Internal Revenue Service."

Where the average annual net earnings of a business operation is known or is estimated to be \$1,000 or less, it will not be necessary to obtain copies of income tax returns. The claimants may submit their own statement to that fact.

10. Payment Procedure and Processing Request

Where there is personal property to be removed from the acquired premises, removal shall be completed before the payment is made, unless an advance partial payment has been authorized by the Relocation Manager.

Payments based on average annual net earnings are in lieu of all other types of moving expenses. If such payment is to be made, no payment for actual moving costs, search costs, direct loss of tangible personal property, or reestablishment expenses may be made.

When a completed Relocation Assistance Payment Claim is filed by the operator, the claim will be forwarded to the Team Leader for approval and payment in accordance with standard Department Payment Procedures.

F. Farm Moving Expense

The owner of a displaced farm operation is entitled to receive payments for either:

1. Moving and related expense, as described under Business Moving Expenses, which include:
 - a. Actual Reasonable Moving Expenses,
 - b. Actual Direct Losses of Tangible Personal Property,
 - c. Actual Reasonable Expenses in Searching for a Replacement Farm.

SECTION XX – RELOCATION ASSISTANCE APPEAL PROCEDURES

A. Notice of Right of Appeal

Persons dissatisfied by the determination of their eligibility for relocation assistance payments, or the amount of payment, may have their eligibility reviewed by means of an appeal, (Form 16). Such persons shall be promptly furnished with the forms necessary to file an appeal and will be advised of the procedures required for presentation of their grievances.

B. Review of File by Person Making Appeal

The displacee shall be permitted to inspect and copy all materials pertinent to the appeal in the Central Office during normal working hours. However, the Right of Way Agent's log is confidential and cannot be inspected or copied as provided by 49 CFR Part 24 Section 24.9 (b).

C. Authority

The provisions of this regulation are issued pursuant to Code of Laws of South Carolina, 1976, Section 28-11-10 and Regulation 63-322, and the Administrative Procedures Act, S.C. Code Section 1-23-10, et. seq.

1. An applicant for a relocation assistance payment shall be promptly notified in writing of his eligibility for assistance, the amount of entitlement, if any, and the time and manner in which such payment shall be made. Such notification shall also advise the applicant of the right to appeal and of the procedures for filing an appeal. If the displacee disagrees with the Relocation Manager's decision with respect to eligibility for a payment or the amount of payment offered under this regulation, he shall be promptly reminded of the procedures to be followed in filing a request for review or an appeal.
2. Whenever a displaced person indicates dissatisfaction with the Department's determination of relocation assistance eligibility or when such eligibility is otherwise contested, the assigned Right of Way Agent shall provide full instructions regarding the filing and mailing of the appeal (See Form 16 – Appendix A – Relocation Assistance Forms).

SCDOT Department of Right of Way Relocation Assistance Manual

D. Time Limit for Appeals

A request for review by the Director, Rights of Way, the SCDOT Executive Director's designee must be requested within sixty (60) days after the person receives written notification of the Department's determination of eligibility or of the amount of any relocation assistance payment. An appeal of the Director's decision must be filed within thirty (30) days of receipt of the Director's decision before the Administrative Law Judge Division.

E. Appeal Procedures

Any person who files a proper petition or request for review within the time specified in this regulation shall be given a prompt decision in writing along with the reasons for such decision.

January 17, 2017

Hibernian Heights, LLC
1890 Milford Street
Charleston, SC 29455

Re: AVAILABILITY OF PAYMENTS – RELOCATION ASSISTANCE – OWNER
Tract: 30S

Dear Mr. Campbell:

Palmetto Railways is negotiating to purchase your property. The purchase of the property for construction of this project will require you to move. However, this is not a notice to move. In order to meet Palmetto Railway's construction schedule, it will be necessary for you to vacate the property being acquired in the near future. While we need your cooperation in vacating the property as soon as possible after payment for the property has been made, you will under no circumstances be required to vacate the property for at least 90 days from receipt of this letter.

At the time Palmetto Railways takes possession of the property, we will advise you of the specific date by which you must vacate the property. The specific vacate date will be 30 days or more from the date of notification.

Upon payment, you may be obligated to pay rent to Palmetto Railways until you vacate the property. When we notify you of the specific date you will be advised of the rental amount, if any, and the date on which the rent is due to Palmetto Railways.

Moving Costs

You are entitled to the following methods for moving your personal property:

- Method A – Self Move: A Moving Cost Finding has been prepared using rates and costs obtained from your company, along with information gathered by speaking with certified moving firms and rental service companies in the local area. The calculations used in the Moving Cost Finding are based on your certified Property Inventory and a moving distance within a 50 mile radius. The computations are relative to the estimated requirements of completing the move, such as number of man hours with an appropriate rate and expenses concerning various types of equipment that may be involved. The Moving Cost Finding, in the total amount of \$570.00, has been approved

540 East Bay Street • Charleston, SC 29403 • P: 843.727.2067 • F: 843.727.2005 • PalmettoRailways.com

for the relocation of a portion of your personal property (items # 61 – 80 of the Property Inventory) to a replacement site. A copy of the Moving Cost Finding is included with this letter, for your review.

- **Method B – Reasonable Actual Cost:** This moving method is based upon the actual, reasonable cost of the move performed by qualified moving contractors. In preparation for this moving method, Palmetto Railways has secured bid proposals or estimates from qualified contractors to perform the necessary relocation of the remainder of your personalty located on this property. Those proposals include the costs involved, including insurance (based on replacement value), to remove, reassemble and reinstall the personalty at another location, within a 50 mile radius of your present location. The firms conducting the relocation are paid directly by Palmetto Railways after satisfactorily completing the move. The moving cost proposals cannot include upgrades or improvements or items that were included as compensation in the appraisal to the landowner. The following bids have been secured and approved by Palmetto Railways for payment under this method:

- A low bid of \$23,212.74 from Azalea Moving and Storage for packing and moving items your personal property, with the exception of items # 60 – 80 of the Property Inventory
- A bid of \$1,050.00 from Carolina Mobile Storage, LLC, for moving item # 60 of the Property Inventory
- A bid of \$7,250.00 from Reveal Technology Consultants for disconnect/reconnect of IT/network equipment (items # 25, 41 – 58 of the Property Inventory)

You may elect to move these items yourself for a negotiated percentage of the bids listed above.

- In addition to Method A, and Method B, the following Moving Incidentals may be reimbursed, based upon paid receipted bills, if preapproved by Palmetto Railways and are considered as reasonable and necessary: Licenses (prorated), permits (prorated), replacement of stationary on hand that is made obsolete by the relocation, connection to available nearby utilities from the right of way to improvements at the replacement site, cost of professional services performed prior to the purchase or lease of the



replacement location, and impact fees or one-time assessments for anticipated heavy utility usage (as determined necessary by the Department).

- Direct Loss of Tangible Personal Property: Item # 59 of the Property Inventory is considered a Direct Loss of Tangible Personal Property. Using rates and costs obtained by speaking with certified builders, an estimated, depreciated value has been created based on the costs of materials, labor, shipping & handling, and taxes. The estimated, depreciated value of this item is \$6,104.16.

Re-establishment Expenses

In addition to the moving payments described earlier, you may be eligible to receive a payment, not to exceed \$50,000, for expenses actually incurred in relocating and reestablishing your business at a replacement site.

Search Expenses

You may be paid for your actual, reasonable expenses in searching and negotiating for the purchase of a replacement business site, not to exceed \$2,500. Expenses may include the cost of transportation and the reasonable value of time actually spent in search, including fees of real estate agents and brokers if actually required and paid by you (excluding fees or commissions related to the purchase of the site). Time spent in obtaining permits or attending zoning hearings is reimbursable as search expenses.

In accordance with a written agreement between you and Palmetto Railways, payment shall be made directly to you upon my verification of the completion of the move.

Full details about this moving method is included in the Right of Way Relocation Assistance brochure you have been given. If there is anything you do not understand, please ask me for an explanation.

If you consider the above figures unsatisfactory, you may request a review of these findings by the Executive Director in Charleston, South Carolina. I will be glad to provide assistance in requesting this review.



Sincerely,

A handwritten signature in black ink, appearing to be "John Rowe", is written above the typed name.

John Rowe
Michael Baker International
700 Huger Street
Columbia, SC 29201
(803) 231-4056

ELECTRONICALLY FILED - 2020 Jan 31 3:15 PM - CHARLESTON - COMMON PLEAS - CASE#2019CP1004387

Michael Baker International

CLAIM FOR RE-ESTABLISHMENT REIMBURSEMENT

DISPLACEE: Applied Building Sciences, Inc.

DISPLACEE # 1

PALMETTO RAILWAYS

Tract: 30S

RE: PAYMENT FOR RE-ESTABLISHMENT

Applied Building Sciences, Inc., owned a building on Milford Street, and used this property as their primary office. Palmetto Railways is purchasing the entire property for their project. As a result of the new right-of-way acquisition, Applied Building Sciences, Inc., will be displaced. As part of their relocation benefits, they are entitled to up to \$50,000.00 in re-establishment.

Applied Building Sciences, Inc., has purchased a replacement site and begun renovations. As part of those renovations, they have begun demolishing walls and flooring, as the previous layout of the replacement site was for a medical office. They have also begun framing the new layout, which will be more conducive to an engineering firm. They have submitted a first round of invoices for the demolition and framing, and we have reviewed the submitted invoices.

We are requesting payment in the amount of \$34,398.94 be made to Applied Building Sciences, Inc., at this time. The remaining amount that they will be eligible for under re-establishment is \$15,601.06.

W-9 is attached.

Recommended by:


Oscar Rucker

Michael Baker International

Syn 11-7-17
REO EXPENSES - TRACT #30S
NBIF 193022

Re-Establishment Claim for Framing and Demolition

Claimant: Applied Building Sciences, Inc.
 Address: 1890 Millford Street, Charleston, SC 29455

Date: 10/27/17

Site Visit / Verification Date: 10/19/2017

Date	Vendor	Description (from Displacee)	Invoiced Amount	Notes	Approved Amount
8/8/2017	A1 Locksmith	Master key exterior locks	\$ 160.00	Basic upkeep	\$ -
8/16/2017	Air Plus, LLC	Temporary HVAC	\$ 360.00	Necessary for air quality during demo	\$ 360.00
8/23/2017	Artisan Building Services, LLC	Demolition	\$ 950.63	1st Third Demolition; Verified w/ Displacee that there were two separate invoices to same Vendor for same amount	\$ 950.63
8/23/2017	Artisan Building Services, LLC	Demolition	\$ 950.63	1st Third Demolition; Verified w/ Displacee that there were two separate invoices to same Vendor for same amount.	\$ 950.63
8/31/2017	Republic Services	Dumpster/Debris Removal	\$ 1,285.92	1st Third Demolition.	\$ 1,285.92
9/8/2017	LMB Interior Trim	Demolition/Framing	\$ 750.00	1st Third Demolition / Framing; Verified w/ Displacee that this is a legitimate vendor	\$ 750.00
9/8/2017	Matt Davis	Demolition/Framing	\$ 700.00	1st Third Demolition / Framing; Verified w/ Displacee that this is a legitimate vendor	\$ 700.00

9/8/2017	Ryan Langston	Demolition/Framing	\$ 700.00	1st Third Demolition / Framing; Verified w/ Displacee that this is a legitimate vendor	\$ 700.00
9/13/2017	Artisan Building Services, LLC	Demolition	\$ 922.50	1st Third Demolition	\$ 922.50
9/18/2017	Jon-Don	Filters for HEPA	\$ 78.60	Necessary for air quality during demo	\$ 78.60
9/21/2017	The Lawn Brothers	Exterior clean up / Debris removal	\$ 100.00	Exterior clean up / Debris removal	\$ 100.00
9/24/2017	LMB Interior Trim	Demolition/Framing	\$ 2,087.18	1st Third Demolition / Framing	\$ 2,087.18
9/24/2017	LMB Interior Trim	Demolition/Framing	\$ 1,800.00	1st Third Demolition / Framing	\$ 1,800.00
9/25/2017	Frazier's Ironworks	Columns / Framing	\$ 1,740.00	1st Third Framing; Permanent metal columns necessary for removal of previous load-bearing walls	\$ 1,740.00
9/25/2017	Buck Lumber	LVL/Hangars	\$ 1,779.60	1st Third Framing	\$ 1,779.60
9/29/2017	Matt Davis	Demolition/Framing	\$ 1,530.00	1st Third Demolition / Framing	\$ 1,530.00
9/29/2017	Russell Langston	Demolition/Framing	\$ 1,620.00	1st Third Demolition / Framing; Verified w/ Displacee that this is a legitimate vendor	\$ 1,620.00
9/29/2017	Ryan Langston	Demolition/Framing	\$ 1,530.00	1st Third Demolition / Framing	\$ 1,530.00
9/30/2017	Lowe's	Gloves/Masks/Framing materials	\$ 790.33	Some items not approved, such as brooms, saw, etc.	\$ 309.51
9/30/2017	Republic Services	Dumpster/Debris Removal	\$ 1,022.68	1st Third Demolition	\$ 1,022.68
10/6/2017	Buck Lumber	Floor Truss Material	\$ 297.00	1st Third Framing	\$ 297.00
10/6/2017	Buck Lumber	Lumber	\$ 467.69	1st Third Framing	\$ 467.69
10/12/2017	Buck Lumber	Lumber	\$ 502.09	1st Third Framing	\$ 502.09

10/12/2017	LMB Interior Trim	Demolition/Framing	\$ 1,964.91	1st Third Demolition / Framing	\$ 1,964.91
10/13/2017	Matt Davis	Demolition/Framing	\$ 1,050.00	1st Third Demolition / Framing	\$ 1,050.00
10/13/2017	Ryan Langston	Demolition/Framing	\$ 1,050.00	1st Third Demolition / Framing	\$ 1,050.00
10/20/2017	Brandon Sloan	Demolition/Framing	\$ 1,350.00	1st Third Demolition / Framing	\$ 1,350.00
10/20/2017	James Howard	Demolition/Framing	\$ 1,710.00	1st Third Demolition / Framing	\$ 1,710.00
10/20/2017	Matt Davis	Demolition/Framing	\$ 1,890.00	1st Third Demolition / Framing	\$ 1,890.00
10/20/2017	Russell Langston	Demolition/Framing	\$ 2,010.00	1st Third Demolition / Framing	\$ 2,010.00
10/20/2017	Ryan Langston	Demolition/Framing	\$ 1,890.00	1st Third Demolition / Framing	\$ 1,890.00

TOTAL: \$ 34,398.94

Re-Establishment Cap: \$ 50,000.00

Remaining Re-Establishment
Eligibility: \$ 15,601.06

Claimant:



Recommended:



Approved: _____

1931

Bank of America

PALMETTO RAILWAYS, NBIF
640 EAST BAY STREET
CHARLESTON, SC 29403-6337

67-448/539

11/8/2017

PAY TO THE ORDER OF APPLIED BUILDING SCIENCES INC. \$ **34,398.94

Thirty-Four Thousand Three Hundred Ninety-Eight and 94/100 DOLLARS

APPLIED BUILDING SCIENCES INC.
1890 MILFORD ST
CHARLESTON SC 29464

PALMETTO RAILWAYS, NBIF

MEMO

Redacted

PALMETTO RAILWAYS, NBIF CHARLESTON, SC 29403-6337		APPLIED BUILDING SCIENCES INC.		11/8/2017		1931
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
11/3/2017	Bill	Tract 30S	34,398.94	34,398.94		34,398.94
				Check Amount		34,398.94

Checking NBIF Redacted 34,398.94

PALMETTO RAILWAYS, NBIF CHARLESTON, SC 29403-6337		APPLIED BUILDING SCIENCES INC.		11/8/2017		1931
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
11/3/2017	Bill	Tract 30S	34,398.94	34,398.94		34,398.94
				Check Amount		34,398.94

Checking NBIF Redacted 34,398.94

Michael Baker International

CLAIM FOR RE-ESTABLISHMENT REIMBURSEMENT

DISPLACEE: Applied Building Sciences, Inc.

DISPLACEE # 1

PALMETTO RAILWAYS

Tract: 305

RE: PAYMENT FOR RE-ESTABLISHMENT

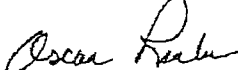
Applied Building Sciences, Inc., owned a building on Milford Street, and used this property as their primary office. Palmetto Railways is purchasing the entire property for their project. As a result of the new right-of-way acquisition, Applied Building Sciences, Inc., will be displaced. As part of their relocation benefits, they are entitled to up to \$50,000.00 in re-establishment.

Applied Building Sciences, Inc., has purchased a replacement site and begun renovations. As part of those renovations, they have begun demolishing walls and flooring, as the previous layout of the replacement site was for a medical office. They have also begun framing the new layout, which will be more conducive to an engineering firm. They have now submitted a second round of invoices for the demolition and framing, and we have reviewed the submitted invoices.

We are requesting payment in the amount of \$15,601.06 be made to Applied Building Sciences, Inc., at this time. The remaining amount that they will be eligible for under re-establishment is \$0.00.

W-9 previously submitted.

Recommended by:


Oscar Rucker

Michael Baker International

 11-20-17

193022 - NBIF

Relo ~~exp~~ exp Reimb.
Southern Correction

Re-Establishment Claim for Framing and Demolition

Claimant: Applied Building Sciences, Inc.
 Address: 1890 Milford Street, Charleston, SC 29455

Date: 11/17/17

Site Visit / Verification Date: 11/17/2017

Date	Vendor	Description (from Displacee)	Invoiced Amount	Notes	Approved Amount
10/31/2017	Artisan Building Services, LLC	Demolition	\$ 2,295.00	2nd Third Demolition	\$ 2,295.00
11/7/2017	Republic Services	Dumpster/Debris Removal	\$ 2,367.44	2nd Third Demolition	\$ 2,367.44
11/10/2017	Brandon Sloan	Demolition/Framing	\$ 1,980.00	2nd Third Demolition/Framing	\$ 1,980.00
11/10/2017	Matt Davis	Demolition/Framing	\$ 1,980.00	2nd Third Demolition/Framing	\$ 1,980.00
11/10/2017	Patrick Connelly	Demolition/Framing	\$ 1,650.00	2nd Third Demolition/Framing	\$ 1,650.00
11/10/2017	Ryan Langston	Demolition/Framing	\$ 1,980.00	2nd Third Demolition/Framing	\$ 1,980.00
11/10/2017	James Howard	Demolition/Framing	\$ 1,980.00	2nd Third Demolition/Framing	\$ 1,980.00
11/10/2017	Russell Langston	Demolition/Framing	\$ 2,311.00	2nd Third Demolition/Framing; Displacee has reached cap for re-establishment reimbursement	\$ 1,368.62

TOTAL: \$ 15,601.06

Previous Re-Establishment Claims: \$ 34,398.94

Re-Establishment Cap: \$ 50,000.00

Claimant:

Alan D. Campbell

Recommended:

Anthony J. H. H.

Approved:

[Signature]

1947

Bank of America

PALMETTO RAILWAYS, NBIF
540 EAST BAY STREET
CHARLESTON, SC 29403-6337

11/21/2017

PAY TO THE ORDER OF APPLIED BUILDING SCIENCES INC. \$ **15,601.06

Fifteen Thousand Six Hundred One and 06/100ths DOLLARS

APPLIED BUILDING SCIENCES INC.
1890 MILFORD ST
CHARLESTON SC 29464

PALMETTO RAILWAYS, NBIF

MEMO

Redacted

PALMETTO RAILWAYS, NBIF CHARLESTON, SC 29403-6337 APPLIED BUILDING SCIENCES INC.					11/21/2017	1947
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
11/17/2017	Bill	Tract 30S	15,601.06	15,601.06		15,601.06
					Check Amount	15,601.06

Checking NBIF Redacted

15,601.06

PALMETTO RAILWAYS, NBIF CHARLESTON, SC 29403-6337 APPLIED BUILDING SCIENCES INC.					11/21/2017	1947
Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
11/17/2017	Bill	Tract 30S	15,601.06	15,601.06		15,601.06
					Check Amount	15,601.06

Checking NBIF Redacted

15,601.06

SP300THG-1

REORDER FROM YOUR LOCAL SAFEGUARD DISTRIBUTOR IF UNKNOWN, CALL 800-623-3422

CR2271001000 11/21/2017

cc
Benina

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Project: Navy Base Intermodal Facility

Tract: 30S

South Carolina Department of Commerce,
Division of Public Railways,

Condemnor,

v.

Hibernian Heights, LLC,

Landowner,

and

Applied Building Sciences, Inc.,

Other Condemnee.

) IN THE COURT OF COMMON PLEAS
) C/A NO. 2017-CP-10-3029
)

**CONSENT ORDER OF DISMISSAL AND
CANCELLATION OF LIS PENDENS**

FILED
2019 JUN 18 PM 12:18
JULIE J. ARNDT
CLERK OF COURT

This matter comes before the Court upon the motion of the Condemnor, South Carolina Department of Commerce, Division of Public Railways, and with the consent of the Landowner, pursuant to Rule 41(a)(2) of the South Carolina Rules of Civil Procedure, for an Order to end this case because the case has been settled pursuant to the Code of Laws South Carolina, S.C. Code Ann. § 28-2-40 (2007).

WHEREAS the Condemnor and Landowner have agreed that the aggregate sum of One Million Seven Hundred Thousand Dollars and 00/100 (\$1,700,000.00) is just compensation for the property more fully described in Condemnor's Condemnation Notice and Tender of Payment;



WHEREAS the Condemnor deposited its offer of just compensation of One Million One Hundred Thirty Thousand and 00/100 (\$1,130,000.00) with the Clerk of Court and the Landowner previously drew down 100% of this amount; and

WHEREAS the Condemnor and the Landowner have agreed that this case has been settled and therefore should be ended and stricken from the calendar, the Landowner has received a check for the balance of just compensation from the Condemnor in the amount of Five Hundred Seventy Thousand Dollars and 00/100 (\$570,000.00), and the above-entitled action should be dismissed with prejudice;

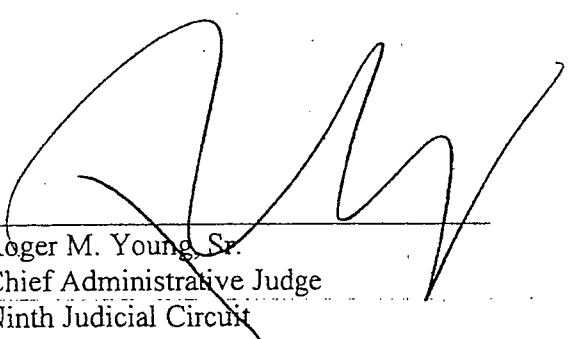
It is hereby **ORDERED** that:

- (1) this case be ended and stricken, with prejudice, from the calendar;
- (2) the Clerk of Court annotate a copy of the Condemnation Notice and Tender of Payment with the date and amount of settlement as One Million Seven Hundred Thousand Dollars and 00/100 (\$1,700,000.00);
- (3) the Clerk of Court file the Annotated Condemnation Notice and Tender of Payment with the Office of Register of Mesne Conveyance for Charleston County, South Carolina in the same manner that deeds are recorded, showing the transfer of the property to the Condemnor, such filing being exempt from filing fees as provided under S.C. Code Ann. § 12-24-40; and
- (4) the Clerk of Court cancel the lis pendens filed by the Condemnor in this action; and
- (5) the Landowner provide Public Railways with completed/executed Request for Taxpayer Identification Number and Certification, and a Release.

AND IT IS SO ORDERED.

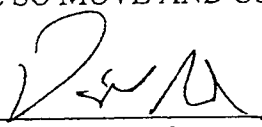


2019
Charleston, South Carolina



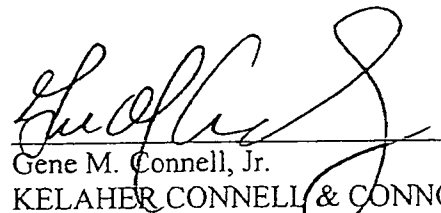
Roger M. Young, Sr.
Chief Administrative Judge
Ninth Judicial Circuit

WE SO MOVE AND CONSENT:



Keith M. Babcock
David L. Paavola
LEWIS BABCOCK L.L.P.
1513 Hampton Street
Post Office Box 11208
Columbia, South Carolina 29211
(803) 771-8000
Attorneys for the Condemnor

6-11, 2019



Gene M. Connell, Jr.
KELAHER CONNELL & CONNOR, PC
Post Office Drawer 14547
Surfside Beach, South Carolina 29587
(843) 238-5648

Attorney for Landowner Hibernian Heights, LLC, and Applied Building Sciences, Inc.

6-7, 2019

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
C/A NO. 2019-CP-10-04387

Applied Building Sciences, Inc.,)
)
Plaintiff,)
)
vs.)
)
South Carolina Department of Commerce, a)
Division of Public Railways,)
)
Defendant.)
)

**NOTICE OF MOTION AND
MOTION FOR SUMMARY
JUDGMENT**

TO: DAVID L. PAAVOLA AND KEITH M. BABCOCK, ATTORNES FOR DEFENDANT
SOUTH CAROLINA DEPARTMENT OF COMMERCE, A DIVISION OF PUBLIC
RAILWAYS:

YOU WILL PLEASE TAKE NOTICE that the undersigned, as attorney for the Plaintiff, Applied Building Sciences, Inc., will, on the tenth day after service hereof, or as soon thereafter as counsel may be heard, move this Court for an Order granting Summary Judgment to the Plaintiff. The basis of this motion is that Plaintiff was a tenant at 1890 Milford Street, Charleston, South Carolina when Defendant South Carolina Department of Commerce, Division of Public Railways brought suit against Hibernian Heights, LLC (the Landowner) and Applied Building Sciences, Inc. (the Tenant) for condemnation. Applied Building Sciences, Inc. is an engineering firm and as a result of the condemnation was forced to move to a new location. Applied Building Sciences, Inc. applied for supplementary relocation assistance pursuant to South Carolina law. Applied Building Sciences, Inc. argues that the \$50,000.00 limit for relocation assistance under South Carolina law does not prohibit Applied Building Sciences, Inc. from seeking additional compensation for relocation and reestablishment expenses under the United States and South Carolina Constitutions.

South Carolina's law on reimbursement of reestablishment expenses is set forth in S.C. Code Ann. § 28-11-30(4) which states as follows:

Reestablishment expenses related to the moving of a small business, farm, or nonprofit organization payable for transportation projects pursuant to federal guidelines and regulations may be paid in an amount up to fifty thousand dollars, notwithstanding a lower limitation imposed by federal regulations.

Applied Building Sciences, Inc. argues that S.C. Code § 28-11-30(4) is unconstitutional if it limits its damages and that when there is a taking of property by the State of South Carolina or other governmental entity both Constitutions demand and requires that the damages not be limited. Further, the State does not limit those damages nor could it.

Specifically, Plaintiff asserts that the United States and South Carolina Constitutions are independent and additional claims to the statutory amounts recoverable under S.C. Code § 28-11-30(4).

The South Carolina Constitution, Article 1, § 13 states in pertinent part:

Except as otherwise provided in this Constitution, private property shall not be taken for private use without the consent of the owner, nor for public use without just compensation being first made for the property.

The United States Constitution has a similar provision. (See Fifth Amendment to United States Constitution which states any taking for public use requires just compensation.

WHEREFORE, Plaintiff moves the Court grant it summary judgment and hold as a matter of law that Plaintiff's damages are not limited to the \$50,000.00 limit as asserted by Defendants.

KELAHHER, CONNELL & CONNOR, P.C.

s/Gene M. Connell, Jr.

Gene M. Connell, Jr. (S.C. Bar No. 1358)

The Courtyard, Suite 209

1500 U. S. Highway 17 North

Post Office Drawer 14547

Surfside Beach, South Carolina 29587-4547

(843) 238-5648 (phone)

(843) 238-5050 (facsimile)

gconnell@classactlaw.net

Attorney for Plaintiff

February 24, 2020

Surfside Beach, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
C/A NO. 2019-CP-10-04387

Applied Building Sciences, Inc.,

Plaintiff,

vs.

South Carolina Department of Commerce, a
Division of Public Railways,

Defendant.

**MEMORANDUM OF LAW IN
SUPPORT OF PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT**

I. INTRODUCTION.

On June 13, 2017, the South Carolina Department of Commerce, Division of Public Railways filed a condemnation against Hibernian Heights, LLC (Landowner) for property located at 1890 Milford Street, Charleston, South Carolina. Applied Building Sciences, Inc. was a tenant of the property and was named as Other Condemnee in that action. The condemnation case was settled by the parties through a consent order. However, the parties agreed that Applied Building Sciences, Inc.'s rights to argue that its relocation costs were more than the statutory limit would be allowed to proceed in a separate action.

Plaintiff Applied Building Sciences, Inc. filed this action for inverse condemnation pursuant to the South Carolina Constitution and the United States Constitution.

II. THE CONSTITUTION DEMANDS THESE CLAIMS BE PAID.

South Carolina Constitution, Article 1 § 13(A) provides:

Except as otherwise provided in this Constitution, private property shall not be taken for private use without the consent of the owner, nor for public use without just compensation being first made for the property.

The Fifth Amendment of the United States Constitution provides:

... nor shall private property be taken for public use without just compensation.

In this action, Applied Building Sciences, Inc. argues that the relocation expenses are private property and that the Defendant South Carolina Department of Commerce, Division of Public Railways has taken its property. There is no question that the government has physically taken Applied Building Sciences, Inc.'s lease and required it to move its business.

Plaintiff argues that the Constitution of the United States is supreme and that the South Carolina Constitution is supreme in regard to the relocation statute. (S.C. Code Ann. § 28-11-30(4). Plaintiff further argues that relocation expenses cannot be limited to \$50,000.00 and that such would violate the United States and South Carolina Constitutions.

III. OTHER STATE COURTS HAVE HELD THAT MOVING EXPENSES ARE ALLOWABLE.

Numerous cases have held this throughout the country. In *Dep't of Trans. v. Gilling*, 289 Mich. App. 219, 796 N.W.2d 476 (2010), the issue was whether or not moving and relocation expenses were the only available means for compensation of those expenses under state law. The Michigan Court of Appeals held that claims for business-interruption damages do not allow for lost profits but permit recovery of moving and relocation expenses.

The Court, in a well-reasoned opinion stated, relocation assistance acts are "not the exclusive remedy for reimbursement of moving and related expenses in those jurisdictions where such expenses are recoverable in a condemnation proceeding." (796 N.W. 2d 477).

The Michigan Court cited *State ex. rel. Dep't of Trans. v. Little*, 2004 OK 74, 100 P.3d 707 (Okla. 2004). In that case, the Oklahoma Supreme Court concluded that administrative reimbursement proceedings were "a supplementary scheme of recovery under which funds can be used to reimburse a person displaced from a home, business or farm by a [government] project for that person's moving and related expenses where such expenses are not otherwise fully compensable under state condemnation law." The Michigan Supreme Court also cited additional cases for that proposition. See *Malone v. Florida Dep't of Transp. Admin. Div.*, 438 So. 2d 857

(Fla. App. 1983), overruled in part by *Sys Components Corp. v. Florida Dep't of Trans.*, 14 So. 3d 967 (Fla. 2009); *Mississippi State Hwy. Comm. v. Rives*, 271 So. 2d (Miss. 1972).

The Michigan Court in *Department of Transportation, supra*, also considered the just-compensation principles under its own Constitution and the United States Constitution. The Court held that moving and relocation expenses as to business-interruption damages were clearly allowed.

There is additional supporting case law in Michigan for this principle. See *Grand Rapids & I R Co. v. Weiden*, 70 Mich. 390, 38 N.W. 294 (1888). In *Weiden* the Michigan Supreme Court observed that property owners were “using their property in lucrative business in which the locality and its surroundings had some bearing on its value.” Therefore, the Court concluded that Appellants were entitled to compensation for their losses that resulted from interruption of their business in addition to the value of the property itself.” The Court in reversing a jury verdict because it failed to adequately compensate for business damages stated:

It appeared affirmatively, and without contradiction, that actual expenses of moving the business reached within a few dollars of all that the jury awarded for those purposes and for his buildings and improvements. The testimony shows that the buildings and improvements were of considerable value. The verdict is not only grossly unfair, but given without any reference to uncontradicted testimony. Juries have no right to disregard facts and follow their caprices. There is no reasonable ground on which the verdict can be sustained. *Weiden*, 70 Mich. at 395.

Accordingly, the Michigan Supreme Court made clear that a business owner could be compensated for the actual expenses of moving his business in addition to compensation for his buildings and improvements pursuant to a constitutional claim.

In *Dep't of Trans. v. Gilling*, 289 Mich. App. 219, 796 N.W.2d 476 (2010), the Michigan Department of Transportation argued that state and federal statutes exclusively govern recovery for moving and relocation expenses. The Michigan Court dispatched that argument in light of the numerous condemnation cases it had analyzed and held that the administrative-recovery provisions supplement, rather than supplant, a property owner's constitutional right to receive just

compensation for moving and relocation expenses as a result of a business interruption. The Court noted relocation and financial assistance allowed under this act are independent of and in addition to compensation for land, buildings or property rights and shall not be the subject of consideration in condemnation proceedings. In sum, relocation assistance acts are not the exclusive remedy for reimbursement of moving and related expenses and are recoverable in a condemnation proceeding.

The Court stated:

We find nothing in the Uniform Relocation Assistance and Real Property Acquisition Act (FURA) (42 U.S.C. 4601, et seq.) to indicate that the administrative scheme that it creates was designed to precede resort to the courts..... The federal regulations implementing the FURA recognized that compensation made under judicial eminent-domain principles of state law may proceed the filing of a FURA claim and, when read in conjunction with 42 U.S.C. 4631(b), implicitly acknowledge that state law condemnation compensation may include items that would also be compensable under the FURA.

In reaching its opinion, the Michigan Court wrote “no act of the Legislature can take away what the Constitution has given.” See *Silver Creek Drain Dist. v. Extrusions Div., Inc.*, 468 Mich. 367, 374, 663 N.W.2d 436 (2003). Thus, the Michigan courts in cases have repeatedly authorized a business owner to receive business-interruption damages including moving and relocation expenses as constitutional just compensation.

IV. SOUTH CAROLINA LAW IN ACCORD WITH MICHIGAN.

South Carolina inverse condemnation law is not a means of property acquisition but allows the tenants remedy for uncompensated takings of property for public use. Tenants are entitled to recover just compensation for all property taken or damaged for public use whether the damages are direct or consequential. Our courts have repeatedly held the constitutional right of South Carolinians for compensation when private property taken for public use. See *Byrd v. City of Hartsville*, 365 S.C. 650, 620 S.E.2d 76 (2005).

V. CONCLUSION

Applied Building Sciences, Inc. has a constitutional right to recover its moving and relocation expenses and a State statute cannot limit this right. As an example, the State surely could not require the BMW plant to move its entire operations in Greenville and then limit its reimbursement and moving costs to \$50,000.00 pursuant to S.C. Code Ann. § 28-11-30(4). To hold otherwise “takes” private property without just compensation. Thus, this Court should set this matter down for trial and grant Plaintiff’s motion that its damages cannot as a matter of Constitutional law be limited to \$50,000.00 for moving and reimbursement expenses.

KELAHHER, CONNELL & CONNOR, P.C.

s/Gene M. Connell, Jr.

Gene M. Connell, Jr. (S.C. Bar No. 1358)
The Courtyard, Suite 209
1500 U. S. Highway 17 North
Post Office Drawer 14547
Surfside Beach, South Carolina 29587-4547
(843) 238-5648 (phone)
(843) 238-5050 (facsimile)
gconnell@classactlaw.net
Attorney for Plaintiff

February 24, 2020
Surfside Beach, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Applied Building Sciences, Inc.,

Plaintiff,

v.

South Carolina Department of Commerce,
Division of Public Railways,

Defendant.

) IN THE COURT OF COMMON PLEAS

) NINTH JUDICIAL CIRCUIT

) C/A NO. 2019-CP-10-4387

) **DEFENDANT'S MEMORANDUM IN**

) **OPPOSITION TO PLAINTIFF'S**

) **MOTION FOR**

) **SUMMARY JUDGMENT**

) **AND**

) **IN SUPPORT OF DEFENDANT'S**

) **MOTION FOR SUMMARY JUDGMENT**

The South Carolina Department of Commerce, Division of Public Railways (hereinafter, "Public Railways") hereby responds in opposition to Plaintiff Applied Building Sciences, Inc.'s (hereinafter "ABS") motion for summary judgment and in support of Defendant's Motion for Summary Judgment. In this lawsuit, ABS is asking the Court to order Public Railways to pay the full amount of leasehold improvements that ABS made to its newly leased location after relocating from a property that was condemned by Defendant as part of a public project. Neither the United States Constitution nor the South Carolina Constitution places such a burden on a condemning authority. South Carolina statutory law requires a condemning authority to pay for actual moving expenses, losses of tangible personal property, search costs for a new location, and up to \$50,000 for reestablishment expenses. ABS has received these statutory benefits and is not constitutionally entitled to more. Accordingly, ABS's motion for summary judgment should be denied and Public Railways' motion for summary judgment should be granted.

INTRODUCTION

On June 13, 2017, as part of its Navy Base Intermodal Facility ("NBIF") project in Charleston County, Public Railways condemned property owned by Hibernian Heights, LLC

located at 1890 Milford Street Charleston, South Carolina (the “Milford Property”) in a condemnation action styled as South Carolina Department of Commerce, Division of Public Railways v. Hibernian Heights, LLC, and Applied Building Sciences, Inc., case number 2017-CP-10-3029. ABS was named as an Other Condemnee in that action as the sole tenant of the Milford Property. At the time of condemnation, Mr. Alan Campbell was the sole owner of Hibernian Heights, LLC and a part owner of ABS. The condemnation action was settled by the parties and a consent order of dismissal was entered on June 18, 2019. This action for inverse condemnation by ABS followed. Defendant Public Railways moved for summary judgment in this matter on January 31, 2020,¹ and Plaintiff ABS moved for summary judgment on February 24, 2020.

For the reasons stated herein, ABS’s motion for summary judgment should be denied and Public Railway’s motion for summary judgment should be granted.

ARGUMENT

I. Constitutional Just Compensation For A Total Take Includes the Leasehold Interest.

Public Railways’ payment of just compensation for the Milford Property included the value of ABS’s leasehold interest, if any. When an entire property is taken by eminent domain, a leasehold interest is one of the property rights that is acquired and compensated for by the payment of just compensation. ABS correctly asserts that its leasehold interest was taken as part of Public Railways’ condemnation of the Milford Property; however, it wrongly suggests that this property right is separately compensable outside of the condemnation proceedings for determining just compensation.

When Public Railways acquired the entire Milford Property through condemnation and paid just compensation for the Milford Property in South Carolina Department of Commerce,

¹ Public Railways fully incorporates its motion for summary judgment in this brief.

Division of Public Railways v. Hibernian Heights, LLC, and Applied Building Sciences, Inc., No. 2017-CP-10-3029, Public Railways paid the full constitutional amount necessary to acquire the full scope of property rights in the Milford Property. Counsel for the landowner Hibernian Heights and tenant ABS agreed that the amount of just compensation had been settled. (Consent Order of Dismissal and Cancellation of Lis Pendens, attached as Exhibit B to Public Railways' Motion for Summary Judgment). The parties agreed that Hibernian Heights and/or ABS was free to pursue matters involving relocation assistance outside of the condemnation. There are no property rights in the Milford Property that Public Railways did not acquire through condemnation.

Accordingly, to the extent that ABS had a constitutional claim for just compensation in recognition of its leasehold interest in the Milford Property at the time of condemnation, ABS's claim fell within the amount of just compensation paid by Public Railways to acquire the Milford Property. In other words, ABS may have had a claim for an apportionment of just compensation as between itself, as tenant, and Hibernian Heights, LLC, as landlord, as envisioned by the South Carolina Eminent Domain Procedure Act, which provides as follows:

Unless the persons served with the Condemnation Notice agree in writing as to whom just compensation must be made and paid, the appraisal panel determination, verdict, or judgment must be made jointly to all the parties and may be paid to the clerk of court. Upon making the payment, the condemnor's obligation to pay interest upon the funds shall terminate. The payment of the funds so awarded must be held by the clerk of court pending the final order of the court of common pleas in an equity proceeding to which all persons served with the Condemnation Notice must be necessary parties.

S.C. Code Ann. § 28-2-460. However, ABS has never had a freestanding property claim against Public Railways for its leasehold interest outside of the amount due as just compensation for the total taking of the Milford Property.

ABS could have challenged the apportionment of just compensation as between itself and its landlord Hibernian Heights, LLC, but it chose not to. *South Carolina Dept. Transp. v. M&T*

Enterprises of Mt. Pleasant, LLC, 379 S.C. 645, 653, 667 S.E.2d 7, 12 (Ct. App. 2008) (“A proceeding to allocate any condemnation funds is by statute a proceeding in equity” (citing S.C. Code Ann. § 28-2-460)). Had ABS done so, South Carolina courts have recognized that “leasehold value in a total condemnation is the difference between the market value rent and the rent paid by the tenant over the full course of the lease including renewal options.” *M&T Enterprises*, 379 S.C. at 662, 667 S.E.2d at 16; *Gray v. South Carolina Dept. Highways and Public Transp.*, 311 S.C. 144, 153, 427 S.E.2d 899, 904 (Ct. App. 1992) (same) (citing *Hamilton v. Martin*, 270 S.C. 223, 241 S.E.2d 569 (1978)), *overruled on other grounds by Hardin v. South Carolina Dept. Transp.* 371 S.C. 598, 641 S.E.2d 437 (2007). If ABS had been found to be entitled to value for its leasehold interest, this amount would have been apportioned from the amount of just compensation on deposit with the court, not separately paid by Public Railways. S.C. Code Ann. § 28-2-460.

Accordingly, ABS does not have a separate constitutional claim against Public Railways for its leasehold interest in the Milford Property. Therefore, to the extent ABS claims a property interest flowing from its lease of the Milford Property, its motion for summary judgment should be denied.

II. Reimbursement for Relocation and Reestablishment Costs Are Statutory, Not Constitutional.

ABS is not constitutionally entitled to recover expenses for making leasehold improvements to its new location under state or federal law. Rather, ABS has a statutory right to recover moving and reestablishment expenses under South Carolina’s statutory framework for relocation assistance, which places limits on the amount of such expenses. South Carolina’s statutory limit on reimbursement of reestablishment expenses is \$50,000, set forth as follows:

Reestablishment expenses related to the moving of a small business, farm, or nonprofit organization payable for transportation projects pursuant to federal guidelines and regulations *may be paid in an amount up to fifty thousand dollars*,

notwithstanding a lower limitation imposed by federal regulations.

S.C. Code Ann. § 28-11-30(4) (emphasis added). This \$50,000 in reestablishment expenses are in addition to moving expenses that are separately paid for by the condemning authority. Because Public Railways does not regularly condemn property for public projects, it adopted the South Carolina Department of Transportation's regulations and guidelines set forth in its Relocation Assistance Manual. (Attached as **Exhibit 1**). ABS's moving expenses were paid under these regulations as well as the maximum statutory amount of \$50,000 in relocation expenses. (Affidavit Oscar K. Rucker ¶¶ 13-17, attached as Exhibit A to Public Railways' Motion Summary Judgment).

ABS previously sought payment from Public Railways for additional expenses above the \$50,000 cap but was denied. ABS appealed this decision through the South Carolina Department of Commerce. Its request for additional payment beyond the statutory maximum was ultimately denied. (Letter Karen Manning to Gene Connell (July 23, 2019), attached as **Exhibit 2**). ABS could have sought review of the Department of Commerce's decision through the administrative law court but chose not to do so. Instead, ABS filed this lawsuit claiming that more than \$500,000 in additional expenses should be paid for under a constitutional theory. ABS was informed of the \$50,000 limit on reestablishment expenses when it first met with Public Railways' representatives. (Affidavit Oscar K. Rucker ¶ 13, attached as Exhibit A to Public Railways' Motion Summary Judgment). ABS chose to renovate its newly leased location in amounts grossly in excess of the statutory limits on reimbursement. ABS was free to do so, but it cannot now demand that Public Railways pay for these leasehold improvements.

When Public Railways acquired the Milford Property through eminent domain it was constitutionally required to pay just compensation, which equated to the fair market value of the

Milford Property.² South Carolina's Eminent Domain Procedure Act provides that "In determining just compensation, only the value of the property to be taken, any diminution in the value of the landowner's remaining property, and any benefits as provided in § 28-2-360 may be considered." S.C. Code Ann. § 28-2-370. Public Railways fulfilled its constitutional obligation to pay just compensation when it acquired the Milford Property through condemnation. (Exhibit B to Public Railways' Motion for Summary Judgment).

Federal courts have long held that businesses displaced as a result of condemnation do not have a constitutional right to receive moving and related expenses. *United States v. Petty Motor Co.*, 327 U.S. 372, 377-78 (1946) ("Since 'market value' does not fluctuate with the needs of condemnor or condemnee but with general demand for the property, *evidence of loss of profits, damage to good will, the expense of relocation and other such consequential losses are refused in federal condemnation proceedings.*" (emphasis added)); *U.S. v. 7,215.50 Acres of Land*, 507 F. Supp. 228 (D.S.C. 1980) ("the expenses of relocation and other consequential losses *are not allowed* in federal condemnation proceedings" (citing *Mitchell v. United States*, 267 U.S. 341, 344 (1925); *United States ex. rel T.V.A. v. Powelson*, 319 U.S. 266 (1943) (emphasis added))).

South Carolina law follows federal takings and does not recognize moving and relocation of personal property as elements of constitutional damage. See *Hardin v. South Carolina Dept. Transp.*, 371 S.C. 598, 605, 641 S.E.2d 437, 441 (2007) ("South Carolina courts have embraced federal takings jurisprudence as providing the rubric under which we analyze whether an interference with someone's property interests amounts to a constitutional taking."). "The Fifth Amendment Takings Clause concerns itself solely with the owner's relation to the physical thing

² U.S. Const. amend. V ("nor shall private property be taken for public use, without just compensation"); S.C. Const. art. I, § 13 ("private property shall not be taken . . . for public use without just compensation being first made for the property").

and not with consequential damages.” *Westside Quik Shop, Inc. v. Stewart*, 341 S.C. 297, 305, 534 S.E.2d 270, 274 (2000); see also *S.C. State Highway Dep’t v. Bolt*, 242 S.C. 411, 417-18 (1963) (“[I]t is the general rule that injury to or loss of business resulting from the taking is not considered as an element of damage in eminent domain proceedings in the absence of a statute expressly allowing such damages.”).

Costs of moving personal property as a result of condemnation are not elements of constitutional damage in South Carolina:

‘A majority of the State Courts hold that, in the absence of a statute or agreement to the contrary, the removal costs of a stock of merchandise, or other personal property, and the breakages or other injury to such property caused by such removal, from a leasehold or fee in land, where there is an entire taking of the whole of the condemnee’s estate under the sovereign power of eminent domain, cannot be considered as an element of damage, since such loss is not a taking of property.’

Creative Displays, Inc. v. S.C. Highway Dep’t, 272 S.C. 68, 72–73, 248 S.E.2d 916, 918 (1978) (quoting *South Carolina State Highway Dept. v. Smith*, 253 S.C. 639, 642, 172 S.E.2d 827, 828 (1970)).

Even so, South Carolina courts recognize that condemning authorities are statutorily obligated to pay relocation assistance to displaced tenants regardless of whether a state project involves federal funds. In *Brown v. City of North Charleston*, 314 S.C. 298, 442 S.E.2d 633 (Ct. App. 1994), displaced tenants brought an action for relocation costs after being denied financial assistance to move by the City because the project did not have any federal funding. *Id.* at 299, 442 S.E.2d at 634. The court held that S.C. Code Ann. § 28-11-10 requires relocation assistance to displaced tenants regardless of whether a project has federal funding. *Id.* at 300, 442 S.E.2d at 635. The court looked to statutory, not constitutional, law to reach this result.

ABS relies primarily on case law from Michigan to support its argument that moving and relocation expenses are constitutionally required in South Carolina. In *Department of*

Transportation v. Gilling, 796 N.W.2d 476 (Mich. Ct. App. 2010), the Michigan Court of Appeals undertook a review of Michigan case law ruling that what Michigan classifies as business interruption damages, “moving and relocation expenses,” are constitutionally required in Michigan separate and apart from statutory relocation provisions. *Id.* at 481-488. The *Gilling* court relied exclusively on Michigan case law and did not address federal takings jurisprudence, which South Carolina courts follow. *Hardin*, 371 S.C. at 605, 641 S.E.2d at 441. ABS also cited *State of Oklahoma Department of Transportation v. Little*, 100 P.3d 707 (Okla. 2004). In *Little*, the Oklahoma Supreme Court relied exclusively on Oklahoma state case law to find that moving and related expenses are an element of just compensation in Oklahoma and the Federal Relocation Act did not displace that historic case law. *Little*, 100 P.3d at 717. The cases relied on by ABS are based on state law specific constitutional interpretation, not federal. *Gilling*, 796 N.W. 2d at 487-88 (“state law condemnation compensation may include items that would also be compensable under the provisions of the [Federal Relocation Act]” (quoting *Little*, 100 P.3d at 716-17) (emphasis in original; internal quotation marks omitted)); *Little*, 100 P.3d at 719 (“The relocation assistance acts do not add to or subtract from the components of value or damage due a condemnee as just compensation *under the state law of eminent domain.*”); *Malone v. Division of Admin., State of Florida Dept. of Transp.*, 438 So.2d 857, 861 (Fla. Dist. Ct. App. 1983) (“[O]ur function is to assess the validity of the cost items based *solely upon our interpretation of Florida law.*” (emphasis added)). There is no analogous state constitutional provision or case law in South Carolina. ABS’s reliance on Michigan and Oklahoma law is misplaced and does not supplant South Carolina’s long history of following federal taking jurisprudence in ruling that costs for moving personal property and relocating a business are not elements of constitutional damage.

To the extent that ABS was entitled to receive moving or related expenses as a result of being displaced from the Milford Property, it was through federal or state relocation assistance acts enacted for this very purpose. See Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. § 4601, et seq. (“Relocation Assistance Act”); South Carolina Eminent Domain Procedure Act, Relocation Assistance, S.C. Code Ann. § 28-11-10, et seq. South Carolina’s statutory provision for relocation assistance incorporates all payments required under the federal Relocation Assistance Act. S.C. Code Ann. § 28-11-10.³

The federal Relocation Assistance Act provides payment for (1) actual moving expenses, (2) direct losses of tangible personal property as a result of moving, (3) actual reasonable expenses in searching for a replacement site, and (4) actual reasonable expenses necessary to reestablish a displaced business up to \$25,000. 42 U.S.C.A. § 4622. South Carolina’s Relocation Assistance statute incorporates these categories of reimbursable expenses but also increases the cap on reestablishment expenses to \$50,000. S.C. Code Ann. § 28-11-30(4). ABS has received these benefits and the statutory maximum \$50,000 for reestablishment expenses and is not entitled to more. (Affidavit Oscar K. Rucker ¶¶ 13-17, attached as Exhibit A to Public Railways’ Motion Summary Judgment).

There is no dispute of fact that ABS has already received the statutory maximum of \$50,000 in reestablishment expenses. (Affidavit Oscar K. Rucker ¶¶ 15-17). In its motion for summary judgment, ABS broadly lumps together all of its claimed unreimbursed expenses together as “moving and relocation”; however, ABS’s moving expenses have been fully paid and this dispute

³ This statute also expressly provides that: “Nothing in this chapter shall be construed as creating an element of damage in an eminent domain proceeding,” S.C. Code Ann. § 28-11-70, further indicating that moving and reestablishment expenses are not constitutionally mandated damages flowing from a taking.

is not about expenses that ABS was forced to incur as a result of moving, but those expenses beyond \$50,000 that ABS chose to incur to renovate its newly leased location—which amounts to \$561,365 according to its complaint.” Included in these expenses are thousands of dollars for site visits and travel time by its own employees to inspect renovations. (Compl. Ex. A).

While ABS was free to make all of the leasehold improvements it chose to its new location, and have the exclusive use of these improvements throughout the duration of its lease, it does not constitutionally fall on Public Railways to reimburse ABS for such expenses. The South Carolina General Assembly determined that \$50,000 would be the maximum amount of reestablishment expenses that a condemning authority could pay a displaced business. The General Assembly could have determined that a cap was not necessary, but instead it placed a cap on reestablishment expenses that was twice as generous as the federal government’s \$25,000 cap. ABS has not provided any support for ignoring the General Assembly’s statutorily mandated maximum on reestablishment expenses.

CONCLUSION

Neither the federal nor state constitution mandate the payment of moving and related expenses to a business displaced as a result of condemnation. Such expenses are considered collateral to the taking of private property. Recognizing the impact that condemnation has on displaced persons and businesses, the federal government enacted a relocation act, and South Carolina followed suit. Such acts provide displaced persons with moving and related reestablishment expenses. ABS was statutorily entitled to receive, and did receive, moving expenses and up to \$50,000 of reestablishment expenses. ABS does not have a constitutional basis upon which to seek recovering of more than the statutory maximum amount of reestablishment expenses. As such, its motion for summary judgment should be denied and Public Railways’

motion for summary judgment granted.

Respectfully submitted,

s/David L. Paavola

Keith M. Babcock (Bar No. 456)

David L. Paavola (Bar No. 100714)

Lewis Babcock L.L.P.

1513 Hampton Street (29201)

Post Office Box 11208

Columbia, South Carolina 29211

Telephone: (803) 771-8000

Facsimile: (803) 733-3534

Email: kmb@lewisbabcock.com

dlp@lewisbabcock.com

Counsel for South Carolina Department of
Commerce, Division of Public Railways

Columbia, South Carolina
June 12, 2020

ELECTRONICALLY FILED - 2020 Jun 12 2:28 PM - CHARLESTON - COMMON PLEAS - CASE#2019CP1004387

**SOUTH CAROLINA DEPARTMENT OF COMMERCE,
DIVISION OF PUBLIC RAILWAYS – RELOCATION ASSISTANCE**

RECITALS

WHEREAS, the South Carolina Department of Commerce, Division of Public Railways (“Palmetto Railways”) is constructing an equal dual access intermodal facility known as the Navy Base Intermodal Facility (“NBIF”) on the former Navy Base in North Charleston, South Carolina; and

WHEREAS, Palmetto Railways has or will acquire properties in connection with the NBIF either by condemnation or negotiated purchase; and

WHEREAS, state and federal law proscribe the rights of individuals and/or entities displaced by such acquisitions and the procedures that must be adhered to in the event of such displacement; and

WHEREAS, the South Carolina Department of Transportation (“SCDOT”) has promulgated regulations and developed a relocation manual and associated forms in accordance with applicable law that can be found in the SCDOT Department of Right of Way Relocation Assistance Manual (the “Relocation Assistance Manual”), which is available on SCDOT’s website using the following link:

<https://www.scdot.org/business/pdf/rightofway/Relocation.pdf>; and

WHEREAS, Palmetto Railways has adopted and intends to follow the procedures regarding relocation as set forth in the Relocation Assistance Manual; and

WHEREAS, Palmetto Railways requires an appeals procedure that is consistent with the appeals procedure established by SCDOT, but that will apply to appeals concerning relocations necessitated by the NBIF.

NOW, THEREFORE, Palmetto Railways hereby identifies the following persons who will be responsible for managing relocation assistance and appeals for Palmetto Railways and further adopts the following procedures related to appeals concerning relocations of displaced persons or entities associated with the NBIF as a supplement to the procedures set forth in the Relocation Assistance Manual:

I. Relocation Assistance and Appeals at Palmetto Railways

Relocation Assistance within Palmetto Railways is under the general supervision of the President. A designated employee from Michael Baker International (or its subconsultant) shall serve as Right of Way Agent for relocation assistance associated with the NBIF project. Palmetto Railways Chief Financial Officer shall serve as Relocations Manager and shall monitor the relocations process to ensure that relocations are managed in a uniform and fiscally responsible

manner. Chief Legal Counsel for the South Carolina Department of Commerce shall review any decision by the Relocation Manager upon proper request, as set forth herein.

II. Notice of Right to Appeal

Persons dissatisfied by the determination of their eligibility for relocation assistance payments, or the amount of payment, may have their eligibility reviewed by means of an appeal. Such persons shall be promptly furnished with the forms necessary to file an appeal and will be advised of the procedures required for presentation of their grievances.

III. Review of File by Person Making Appeal

Any displaced person shall be permitted to inspect and copy all materials pertinent to the appeal at 540 E. Bay Street, Charleston, South Carolina, during normal working hours. However, the Right of Way Agent's log is confidential and cannot be inspected or copied as provided by 49 CFR Part 24 Section 24.9(b).

IV. Appeal Procedure

- A. Applicants for relocation assistance payment shall be promptly notified in writing of their eligibility for assistance, the amount of entitlement, if any, and the time and manner in which such payment shall be made. Such notification shall also advise applicants of the right to appeal and of the procedures for filing an appeal. Applicants who disagree with the Relocation Manager's decision with respect to eligibility for a payment or the amount of payment offered under this regulation shall be promptly reminded of the procedures to be followed in filing a request for review or an appeal.
- B. Whenever a displaced person indicates dissatisfaction with the Relocation Manager's determination of relocation assistance eligibility or when such eligibility is otherwise contested, the assigned Right of Way Agent shall provide full instructions regarding the filing and mailing of the appeal.

IV. Time Limit for Appeals

A request for review by the Chief Legal Counsel, South Carolina Department of Commerce, must be requested within sixty (60) days after the person receives written notification of the Relocation Manager's determination of eligibility or of the amount of any relocation assistance payment. An appeal of the Chief Legal Counsel's decision must be filed within thirty (30) days of receipt of such decision before the Administrative Law Judge Division.

V. Appeal Procedures

Any person who files a proper petition request for review within the time specified in its regulation shall be given a prompt decision in writing along with the reasons for such decision.



Henry McMaster
Governor

SOUTH CAROLINA
DEPARTMENT OF COMMERCE

Robert M. Hitt III
Secretary

July 23, 2019

VIA US MAIL

Gene M. Connell, Jr.
Kelaher, Connell & Connor, P.C.
Post Office Drawer 14547
Surfside Beach, SC 29587

Re: *South Carolina Department of Commerce, Division of Public Railways v. Hibernian Heights, LLC, et. al.*
C/A No. 2017-CP-10-3029

Dear Mr. Connell:

By letter dated June 12, 2019 and received on June 18, 2019, you made a timely appeal of the "Relocation Manager's determination of eligibility or of the amount of any relocation assistance payment" pursuant to our agency's relocation assistance procedures. For the reasons stated herein, I find that the Relocation Manager's determination was correct because the relocation and reestablishment assistance provided by Palmetto Railways to Applied Science and Engineering (Ika Applied Building Sciences, Inc.) (hereinafter, "ABS") met the requirements of state and federal law and complied with applicable procedures. For these reasons, I deny your appeal of the Relocation Manager's determination.

APPLICABLE LAW & PROCEDURES

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (the "Act"), established for the first time authorization to compensate individuals and businesses displaced by the acquisition of private property for public purposes. 42 U.S.C. § 4601, et seq. The compensation for relocation authorized by the Act is in addition to compensation required constitutionally as "just compensation" for property acquired through eminent domain procedures. Specifically, the Act authorizes compensation in four (4) categories, which in pertinent part include:

- (1) actual reasonable expenses in moving . . . [a] business . . . ;
- (2) actual direct losses of tangible personal property as a result of moving or discontinuing a business . . . , but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the head of the [displacing] agency;
- (3) actual reasonable expenses in searching for a replacement business . . . ; and
- (4) actual reasonable expenses necessary to reestablish a displaced . . . small business at its new site, but not to exceed \$25,000

42 U.S.C. §4622(a).

Based on the federal authorization to provide relocation assistance, South Carolina law also provides that displaced businesses are entitled to relocation expenses to include reestablishment expenses but increases the authorized limit for reestablishment expenses up to \$50,000:

To the extent that Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646) makes certain requirements . . . pertaining to the acquisition of real property by states prerequisites to federal aid to such states in . . . projects involving the acquisition of real property for public uses, state agencies . . . involved in these . . . projects may expend available public funds as provided by this section, whether or not the . . . project is federally aided.

(4) Reestablishment expenses related to the moving of a small business . . . payable for transportation projects pursuant to federal guidelines and regulations *may be paid in an amount up to fifty thousand dollars, notwithstanding the lower limitation imposed by federal regulations.*

S.C. Code § 28-11-30(4) (emphasis added). Accordingly, in South Carolina, displaced businesses are eligible for more compensation for business reestablishment than is provided for in federal law.

The procedures in our state applicable to public acquisitions of private property for transportation projects were developed by the South Carolina Department of Transportation (SCDOT) within the framework established by state and federal law. Unlike SCDOT, Palmetto Railways does not routinely undertake large public transportation projects. For that reason, Palmetto Railways' Relocation Assistance Procedures adopt (and incorporate by reference) the procedures set forth in the SCDOT Department of Right of Way Relocation Assistance Manual for implementation of its Navy Base Intermodal Facility (NBIF) project. *See* Relocation Assistance Procedures attached as *Exhibit 1*. The SCDOT Relocation Assistance Manual is available on the South Carolina Department of Transportation's website by using the following link: <https://www.scdot.org/business/pdf/rightofway/Relocation.pdf>. A copy of the Relocation Assistance Manual, in pertinent part, is also attached hereto as *Exhibit 2*.

The provision of business moving expenses as outlined in the SCDOT Relocation Assistance Manual, mirrors the federal guidelines and provides for the increased compensation for business reestablishment expenses authorized by S.C. Code Section 28-11-30(4). *See Exhibit 2* at p. XIII-14 (stating that an eligible displaced business is entitled to receive payments for moving and related expenses which include moving costs, losses of tangible personal property, search costs, and reestablishment expenses). Details concerning eligible expenses, including monetary limits -- \$50,000 for reestablishment expenses -- are set forth in the SCDOT manual. *See Exhibit 2* at pp. XIII-14-26.¹

FINDINGS OF FACT

After reviewing the May 1, 2019 report prepared by Oscar Rucker, Palmetto Railways' right-of-way acquisition consultant, and other information provided by Mr. Rucker with his report, all of which is attached hereto as *Exhibit 3*, I find as follows:

- (1) A Notice of Availability of Payments letter, dated January 17, 2017, was provided to Alan Campbell, owner of the property acquired by Palmetto Railways for just compensation pursuant to eminent domain procedures for a public rail project. *See Exhibit 3* at pp. 4-7. The notice met all legal and procedural requirements and outlined compensation for a displaced business in each of the four (4) required categories (i.e., moving expenses, direct losses of

¹Non-exclusive lists of eligible and ineligible reestablishment expenses are located on pp. XIII 25-26.

- tangible personal property, search expenses (not to exceed \$2,500), and reestablishment expenses (not to exceed \$50,000)). The letter also notified Mr. Campbell of the right to request a review of the compensation amounts identified. *See Exhibit 3* at p. 6.
- (2) By or before May 4, 2017, Mr. Campbell notified Palmetto Railways' right-of-way agent that he had located a replacement property. After an on-site walk through of the replacement property on August 24, 2017, Mr. Campbell reviewed and approved a list of reestablishment expenses eligible for reimbursement in accordance with the Relocation Assistance Procedures. Mr. Campbell also requested, and Palmetto Railways approved, reimbursement of the reestablishment expenses in phases. *See Exhibit 3* at pp. 2, 8-9.
 - (3) On or about October 3, 2017, Mr. Campbell requested reimbursement of expenses totaling approximately two-thirds of the allowable reestablishment expense amount. After confirmation that additional reimbursements could be made up to \$50,000, Mr. Campbell submitted supporting invoices for the expenditures, and Palmetto Railways reimbursed the claimed expenditures in the amount of \$34,393.94. *See Exhibit 3* at p. 2 and *Exhibit 4*.
 - (4) On or about November 13, 2017, Mr. Campbell made a second request for reimbursement of reestablishment expenses. The claim was prepared, approved, and paid in the amount of \$15,601.06. The claim form noted that the "remaining amount . . . eligible for repayment for . . . re-establishment is \$0.00." Mr. Campbell raised no issues or concerns with the full payment by Palmetto Railways of the \$50,000 in reestablishment expenses he submitted for reimbursement. *See Exhibit 5* and *Exhibit 3* at p. 2.
 - (5) In early 2019, Mr. Campbell raised additional relocation and/or reestablishment expenses that he believed should have been paid. On March 19, 2019, Mr. Rucker reviewed invoices for these additional expenses and determined that the expenses were not eligible for reimbursement because the \$50,000 cap on reestablishment expenses had been reached and/or the expenses were not eligible for repayment as set forth in the Relocation Assistance Manual. *See Exhibit 6*. While Mr. Rucker notes in his May 1, 2019 report that there is a \$7,154.16 eligible loss of tangible personal property expense related to moving two containers to the replacement site, Mr. Campbell had not submitted a claim for this expense, and the containers had not been moved as of the date of Mr. Rucker's report. *Exhibit 3* at p. 3.

FINAL DETERMINATION

As set forth above, Mr. Campbell received full and fair compensation to relocate and reestablish ABS at an alternate location after receiving just compensation for acquisition by Palmetto Railways pursuant to eminent domain procedures of the property required for the construction and implementation of the NBIF. My review confirms that (1) Mr. Campbell received adequate notice of his rights and obligations; (2) Mr. Campbell participated in reviewing and approving the expenditures to be reimbursed; and (3) the actions by Palmetto Railways' right-of-way consultant on its behalf met the requirements of state and federal law as well as applicable guidelines and procedures. I further find that, by the end of November 2017, Mr. Campbell made claims for and received the maximum amount of compensation available for reestablishment of ABS pursuant to state and federal guidelines; that he expressed no dissatisfaction with the compensation during the relevant time period; and that the subsequent claims for reimbursement exceeded the \$50,000 cap for reestablishment expenses and/or were ineligible for repayment.

If you wish to appeal this final determination, you may file an appeal with the Administrative Law Judge Division within thirty (30) days of receipt of same.

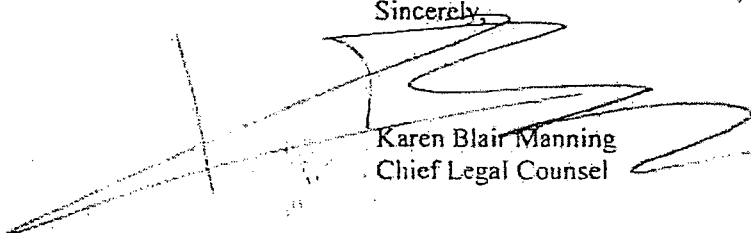
ADDITIONAL ISSUES

You have questioned whether the "Relocation Assistance Procedures Act"² applies to the relocation of ABS because you have been given no information that federal funding is involved in the NBIF-related condemnations or relocations. While Palmetto Railways has applied for and expects to receive a loan from the Federal Railroad Administration to fund construction and implementation of the NBIF, receipt of federal aid is not a prerequisite to the application of the state and federal statutes and procedures referenced in this letter to the relocation and reestablishment of ABS.

In your June 12, 2019 letter, you state that Palmetto Railways has no procedures in force and effect concerning relocation assistance and that you have never been provided same. In fact, your April 15, 2019 letter to me included a copy of the applicable Relocation Assistance Procedures, which incorporate by reference the SCDOT Relocation Assistance Manual. Additionally, on April 24, 2019, Keith Babcock, outside counsel to Palmetto Railways, provided you with an updated link to the online version of the SCDOT manual, which was and has been publicly available via SCDOT's website.

Finally, you raise legal arguments that are more appropriately addressed by the Administrative Law Judge and/or the circuit court, but I will respond briefly to the arguments raised. First, inverse condemnation does not apply to a scenario in which the property owner has been provided just compensation pursuant to eminent domain procedures; therefore, S.C. Code Section 28-11-30(3) is inapplicable. Second, as noted by Oscar Rucker in his May 1, 2019 report and reiterated herein, the reestablishment expenses provided in Section 28-11-30(4) are not constitutionally required and, instead, provide additional compensation above and beyond the "just compensation" required pursuant to eminent domain laws. Finally, *Oklahoma Dept. of Transportation v. Billy Little and Cherokee County Treasurer*, an Oklahoma case, is not controlling in South Carolina and is inconsistent with well-settled jurisprudence in our state.

Sincerely,


Karen Blair Manning
Chief Legal Counsel

KBM

Attachments

cc: Keith M. Babcock
Sheri Cooper

² I assume you are referring to Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and/or S.C. Code § 28-11-30(4).

EXHIBIT 1

**SOUTH CAROLINA DEPARTMENT OF COMMERCE,
DIVISION OF PUBLIC RAILWAYS – RELOCATION ASSISTANCE**

RECITALS

WHEREAS, the South Carolina Department of Commerce, Division of Public Railways (“Palmetto Railways”) is constructing an equal dual access intermodal facility known as the Navy Base Intermodal Facility (“NBIF”) on the former Navy Base in North Charleston, South Carolina; and

WHEREAS, Palmetto Railways has or will acquire properties in connection with the NBIF either by condemnation or negotiated purchase; and

WHEREAS, state and federal law proscribe the rights of individuals and/or entities displaced by such acquisitions and the procedures that must be adhered to in the event of such displacement; and

WHEREAS, the South Carolina Department of Transportation (“SCDOT”) has promulgated regulations and developed a relocation manual and associated forms in accordance with applicable law that can be found in the SCDOT Department of Right of Way Relocation Assistance Manual (the “Relocation Assistance Manual”), which is available on SCDOT’s website using the following link:

<https://www.scdot.org/business/pdf/rightofway/Relocation.pdf>; and

WHEREAS, Palmetto Railways has adopted and intends to follow the procedures regarding relocation as set forth in the Relocation Assistance Manual; and

WHEREAS, Palmetto Railways requires an appeals procedure that is consistent with the appeals procedure established by SCDOT, but that will apply to appeals concerning relocations necessitated by the NBIF.

NOW, THEREFORE, Palmetto Railways hereby identifies the following persons who will be responsible for managing relocation assistance and appeals for Palmetto Railways and further adopts the following procedures related to appeals concerning relocations of displaced persons or entities associated with the NBIF as a supplement to the procedures set forth in the Relocation Assistance Manual:

I. Relocation Assistance and Appeals at Palmetto Railways

Relocation Assistance within Palmetto Railways is under the general supervision of the President. A designated employee from Michael Baker International (or its subconsultant) shall serve as Right of Way Agent for relocation assistance associated with the NBIF project. Palmetto Railways Chief Financial Officer shall serve as Relocations Manager and shall monitor the relocations process to ensure that relocations are managed in a uniform and fiscally responsible

manner. Chief Legal Counsel for the South Carolina Department of Commerce shall review any decision by the Relocation Manager upon proper request, as set forth herein.

II. Notice of Right to Appeal

Persons dissatisfied by the determination of their eligibility for relocation assistance payments, or the amount of payment, may have their eligibility reviewed by means of an appeal. Such persons shall be promptly furnished with the forms necessary to file an appeal and will be advised of the procedures required for presentation of their grievances.

III. Review of File by Person Making Appeal

Any displaced person shall be permitted to inspect and copy all materials pertinent to the appeal at 540 E. Bay Street, Charleston, South Carolina, during normal working hours. However, the Right of Way Agent's log is confidential and cannot be inspected or copied as provided by 49 CFR Part 24 Section 24.9(b).

IV. Appeal Procedure

- A. Applicants for relocation assistance payment shall be promptly notified in writing of their eligibility for assistance, the amount of entitlement, if any, and the time and manner in which such payment shall be made. Such notification shall also advise applicants of the right to appeal and of the procedures for filing an appeal. Applicants who disagree with the Relocation Manager's decision with respect to eligibility for a payment or the amount of payment offered under this regulation shall be promptly reminded of the procedures to be followed in filing a request for review or an appeal.
- B. Whenever a displaced person indicates dissatisfaction with the Relocation Manager's determination of relocation assistance eligibility or when such eligibility is otherwise contested, the assigned Right of Way Agent shall provide full instructions regarding the filing and mailing of the appeal.

IV. Time Limit for Appeals

A request for review by the Chief Legal Counsel, South Carolina Department of Commerce, must be requested within sixty (60) days after the person receives written notification of the Relocation Manager's determination of eligibility or of the amount of any relocation assistance payment. An appeal of the Chief Legal Counsel's decision must be filed within thirty (30) days of receipt of such decision before the Administrative Law Judge Division.

V. Appeal Procedures

Any person who files a proper petition request for review within the time specified in its regulation shall be given a prompt decision in writing along with the reasons for such decision.

EXHIBIT 2



RELOCATION ASSISTANCE MANUAL

Department of Right of Way
Columbia, South Carolina
January, 2016

Resource Links

Note: Must be connected to the internet to open links.

1. South Carolina Office of Regulatory:
www.regulatorystaff.sc.gov
2. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended:
www.fhwa.dot.gov/real_estate/publications/act.cfm

SECTION I – GENERAL POLICY

The policy of the South Carolina Department of Transportation shall be that all persons, families, businesses and farms who are displaced from their homes or their locations as a result of the acquisition of real property for public purposes receive fair, uniform and equitable treatment and that such persons shall not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole. It is, therefore, intended that the Department shall provide an effective relocation assistance program to the end that:

No Waiver of relocation assistance: SCDOT shall not propose or request that a displaced person waive his or her rights or entitlements to relocation assistance or benefits provided by the Uniform Act, 24.207 (f).

1. No project shall be advertised for construction until each eligible displaced person has either himself obtained, or has the right of possession to, comparable, decent, safe, and sanitary replacement housing or the Department has offered the displaced person comparable, decent, safe, and sanitary replacement housing which is within his financial means and available for immediate occupancy.
2. No eligible occupant shall be required to move from their dwelling unit without first receiving at least 90 days notice in writing that the premises will be needed for construction (See Appendixes – Relocation Assistance Forms 31, 32, 33, and 34), except in those rare cases of “urgent need” as provided for by Federal Regulations.
3. Relocation payments are fairly and equitably determined and are paid to the eligible displacees in a timely manner.
4. Relocation advisory services shall be offered to all displaced persons within the right of way and when determined necessary, to those immediately adjacent thereto. It shall be furnished promptly to all eligible persons requesting assistance.

5. Proper notices and information regarding the relocation assistance program are furnished to the public on a timely basis.

d. Requirements for Scheduled Payments

Scheduled payment of moving expenses requires only a "Moving Expense Claim" (Appendix A – Relocation Assistance Forms - Form 6) properly completed and signed by the claimant.

5. Actual Reasonable Cost of Move by a Commercial Mover

- a. A displaced individual or family may be paid the actual, reasonable cost of a move accomplished by a commercial mover. Such expense will be supported by receipted bills. The reasonableness of the cost shall be determined by what commercial movers in the area actually charge. The displacee or Right of Way Agent should obtain two lump sum moving cost bids from commercial movers who are qualified and equipped to accomplish the move. The Department has no obligation to accept unreasonable requests (those with bad business practices or those not acceptable).

The bids should be based on identical services and should be based on "straight time" rates, unless "overtime" rates have been approved in advance of the move.

- b. The displacee can employ any moving firm desired to conduct the move; however, the moving cost payment will be for the actual cost of the move, not to exceed the low bid.
- c. If the Department has reason to believe that the lower of the two bids is not reasonable, a third bid should be obtained. Only in rare instances will it be permissible to go with the higher bid. In those cases, the file will be documented as to the reasons.
- d. Displacees in this category are also entitled to reimbursement for their applicable incidental moving expenses as discussed in Section XIII A.9. Items a - m. They should not be reimbursed for their own labor or for any costs which were not actual "out-of-pocket" expenses.

C. Business Moving Expenses

1. General Provisions

SCDOT Department of Right of Way Relocation Assistance Manual

- a. The owner of an eligible displaced business is entitled to receive payment for either:

(1) Moving and related expenses which include:

- (a) Moving costs (e.g. actual, self-move, alternate payments) As provided later in this section; and
- (b) Losses of tangible personal property, as provided later in this section; and
- (c) Search costs, as provided later in this section; and
- (d) Reestablishment expenses at the new site, as provided later in this section.

OR

- (2) In lieu of the above payments the displacee may be eligible for a payment based upon average annual net earnings of the business as provided in the Section entitled "In-Lieu-of Payment".

- b. Notification and Inspection. The following requirements will apply to payments under this section:

- (1) The displaced person must provide the Department with reasonable advance notice of the approximate move date or date of disposition of personal property and a list or inventory of the items to be moved; however, this requirement may be waived by the agency.
- (2) The displaced person must permit reasonable and timely inspections of the personal property as it is moved to the new location.
- (3) The Department will inform the displaced person of these requirements in the "Notice of Relocation Amount."

2. **Moving Costs – Types of Payments**

The business owner may select one of the following options:

- 1) Actual, reasonable cost of move performed by a commercial Mover.
- 2) Self-move

- 3) Combination self-move/actual cost move
- 4) Alternate payments

3. Actual Reasonable Moving Expenses – Commercial Mover

Payment is based on actual reasonable costs of a move performed by a commercial mover or contractor. Costs that are reimbursable include such items as dismantling, disconnecting, packing, loading, insuring, transporting, unloading and reinstalling of personal property of the business, and re-lettering signs and replacing stationery on hand at the time of displacement and made obsolete as a result of the move.

The owner of a relocated business is required to submit a certified inventory of the items to be moved in order for his claim for payment of moving costs to be processed and approved. Typically, this inventory will be prepared by the owner of the business and signed and dated by him, certifying it as being true and correct as of the date of preparation. However, in the event that the owner fails to provide such inventory, the agent shall himself prepare an accurate and timely inventory and have the owner certify its correctness. If the inventory changes substantially by the time of the actual move, an updated certified inventory must be prepared and updated moving cost estimates should be obtained.

Reimbursable costs do not include any additions, improvements, alterations or other physical changes on or to any structure in connection with moving personal property; however, it does include modifications to the personal property, including those mandated by Federal, State or local law, code or ordinance, necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property.

The following are requirements for payment:

- a. The Department shall secure at least two firm bids or estimates from responsible licensed commercial movers or contractors prior to the move for moving cost exceeding \$2,500.00. For moving cost under \$2,500.00, only one bid is required unless it appears unreasonable. Payment for the move will be based on the lowest reasonable bid or estimate. Waiver of a second bid for reasonable cause must be obtained from the Team Leader.
- b. Payment shall be made by the Department upon presentation of the paid, receipted and itemized bills after the claimant has moved from the premises. Written prearrangements or assignments to pay the

SCDOT Department of Right of Way Relocation Assistance Manual

mover directly may be used. When the move is completed, the displacee will submit to the Department a receipt for moving costs of the licensed mover or performer of services, which as minimum sets forth:

- (1) Name and address of displacee;
- (2) Name and address of mover or performer of services;
- (3) Identification of personal property moved or description of services provided;
- (4) Date or dates of move or services; and
- (5) Address from which and to which personal property was moved or where services were rendered.

- c. Such expenses will be supported by receipted bills and a certified inventory of the items actually moved. If the items listed on this "as moved" inventory deviate appreciably from the original certified inventory, the amount of the estimate will be appropriately adjusted for payment. The agent assigned to the tract will advise the displacee and/or the mover what is eligible for moving costs.
- d. Where the final bill exceeds the estimate by ten percent (10%) or more, a written explanation shall be secured from the mover and attached to the bill when payment is scheduled.

4. Self-Move

a. Bid Method

A business may be authorized to perform the moving of its personal property itself, under the following conditions:

- (1) The amount to be paid is to be negotiated between the Department and the business, not to exceed the lower of at least two firm bids or estimates obtained by the Department from qualified movers based on the certified inventory. A 15% deduction should be taken from of the lowest bid or estimate for a negotiated self move. Care should be exercised to insure that provisions have been made in the bids or estimates for all allowable costs including insurance, permits, equipment rental, etc. However, it should be impressed upon the displacee that

SCDOT Department of Right of Way Relocation Assistance Manual

the bids or estimates contain only those expenses which can be fully supported and justified. All bids shall be based on the prepared certified inventory of the items to be actually moved. Moves shall be completed in substantially the same manner as if performed by a contractor/mover. The Department may make payment based upon a single bid or estimate for moves which are low cost or uncomplicated. Low cost moves are those estimated at \$10,000.00 or less. Uncomplicated moves are characterized by being easy to analyze and understand; they are not intricate nor involved. Questions as to whether or not a move is uncomplicated should be referred to the Relocation Manager for decision.

Self-moves apply to situations where the displacee performs the move with his own personnel and equipment, with the amount of compensation negotiated between the Department and the displacee in advance of the actual move. If the displacee decides to employ additional help, rent equipment or have a portion of the move performed under contract by a third party, only in order to more effectively relocate his business, and the additional cost is simply added to the amount originally negotiated, then such additional costs will not be reimbursed.

- (2) On complicated moves, the move authorization shall be a written agreement or contract signed by the claimant in advance of the move.

The terms of a self-move agreement may include:

- a) A scope of work to be accomplished with completion schedule.
- b) A provision that no claim for payment shall be honored by the Department until the move has been completed (unless the agreement provides for partial payments).
- c) Any other provisions necessary to protect the interests of the parties to the agreement and any other special provisions occasioned by the nature of the move, type of business or farm operation involved or circumstances peculiar to the case.
- d) A provision that claim for payment shall be submitted within 18 months of the date of moving from the premises.

SCDOT Department of Right of Way Relocation Assistance Manual

Self-move agreements shall be signed by the agent and initialed by the Regional Right of Way Administrator and the claimant.

b. Actual Cost Method

If bids or estimates cannot be obtained or the claimant is better qualified to perform the move, the claimant may be paid his actual, reasonable moving costs supported by receipted bills or other evidence of expenses incurred. Consult with the Relocation Manager prior to performing work under this method.

The allowable expenses of a self-move under this provision may include:

- (1) Amounts paid for truck and/or equipment rental but not to exceed the cost paid by a commercial mover.
- (2) If vehicles or equipment owned by a business being moved are used, a reasonable amount to cover gas and oil, and the cost of insurance and depreciation directly allocable to hours and/or days the equipment is used for the move.

Wages paid for the labor of persons who physically participate in the move. Labor costs are to be computed on the basis of actual hours worked at the hourly rate paid, but the hourly rate may not exceed that paid by commercial movers or contractors in the locality for each profession or craft involved.

On complicated moves, an agreement spelling out the above factors plus any other pertinent data should be completed and signed between the Department and the displacee before the move is commenced.

It is required by law that all moving expenses be actual, reasonable, and necessary. To assure this, the Department will provide surveillance commensurate with the expected expenditures involved. Emphasis will be directed toward those moves that are of a complicated nature and/or a substantial expenditure.

c. Moving Expense Finding

The assigned Right of Way Agent may make a moving cost finding not to exceed \$10,000. The amount of the finding may be paid when

the move is completed, unless a partial advance is approved by the Team Leader. Supporting evidence of actual expenses incurred is not necessary; the itemized moving cost finding is sufficient. The Team Leader will approve the amount before the payment is offered. Documentation supporting the moving cost finding shall be prepared by the agent and reviewed by the Team Leader prior to his approval of the amount. Form 7A (Appendix A – Relocation Assistance Forms) shall be used in preparation of the estimate.

It is the Department policy that the estimate normally not exceed \$10,000. However, if the move is determined to be uncomplicated, the Relocation Manager may approve the use of this format for moving expense findings in excess of \$10,000. Therefore, all pertinent circumstances, including but not limited to the following, should be considered:

- (1) Contact with certified moving firms in the project area to establish the hourly rate for movers, cost of moving vans, vans with hydraulic lifts (if necessary), cranes, and any other necessary equipment.
- (2) A thorough study of the present and proposed location for moving the personal property, including the distance in miles between the two points.
- (3) If the displacee elects to make a self-move, consideration should be given to the expected cost (See Section XIII C.4.1(1)).
- (4) Computations relative to the estimated requirements of completing the move such as : the number of man hours necessary, the types of personnel needed with an appropriate wage rate for same, and the expenses concerning various types of equipment that may be involved.

5. **Combination Self-Move/Actual Cost Move**

Combination self-move/actual cost moves are allowable. Self-move procedures, described above, shall be followed for that portion of the move; actual cost move procedures shall be followed for the portion of the move performed by a commercial mover or contractor.

6. **Alternate Payments**

In addition to the above-mentioned options, the owner may be paid moving costs under the following alternate type payments:

- a. Losses of tangible personal property, as explained in paragraph 7.
- b. Low value/high bulk. When the personal property to be moved is of low value and high bulk, and the cost of moving the property would be disproportionate to its value in the judgment of the Department, the allowable moving cost payment shall not exceed the lesser of: The amount which would be received if the property were sold at the site or the replacement cost of a comparable quantity delivered to the new business relocation. Examples of personal property covered by this provision include, but are not limited to, stockpiled sand, gravel, minerals, metals and other similar items of personal property as determined by the Department.
- c. Purchase of substitute personal property, as explained in paragraph 8.

7. Losses of Tangible Personal Property

- a. Actual direct losses of tangible personal property are allowed when a person who is displaced from his place of business is entitled to relocate such property in whole or in part, but elects not to do so. To be eligible for this benefit the owner of the personal property must:
 - (1) Be eligible to receive payment for his actual and reasonable moving expenses.
 - (2) Enter into a written agreement with the Department stating his election of this method of payment, and agreeing that personal property specifically described or tabulated therein is not to be moved.
 - (3) Make reasonable effort to sell the described personal property, unless it is determined that such effort is not necessary.

8. Purchase of Substitute Personal Property

- (1) If the business is to be relocated and an item of personal property which is used in connection with the business is not moved, but promptly replaced with a comparable item at the new location, the reimbursement shall be the lesser of:
 - (a) The replacement cost, including installation, minus the proceeds from the sale or trade in of the replaced item. "Trade-in value" may be substituted for the proceeds of the sale where applicable, or

SCDOT Department of Right of Way Relocation Assistance Manual

- (b) The estimated cost of moving the items, including installation, to the replacement site, but not to exceed 50 miles, with no allowance for storage. At the Department's discretion, the estimated cost for a low cost move may be based on one bid or estimate.

As used in the above paragraph, a "comparable item" means a replacement, either new or used, which performs the same function as the item to be replaced. "Replacement cost" means the cost to acquire and install a replacement item, either new or used, which performs the same function as the item to be replaced. The trade-in value of old equipment may be used instead of the proceeds of the sale. The amounts received in trade, the proceeds of the sale, the replacement cost of the item, and the estimated cost of moving must be documented.

- (2) If the business is being discontinued or the item is not to be replaced in the relocated business, the payment will be the lesser of:
 - (a) The difference between the fair market value of the personal property for continued use at its location prior to displacement, less the proceeds of the sale. (When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price.); or
 - (b) The estimated cost of moving the item to the replacement site but not to exceed 50 miles, with no allowance for storage. If the piece of equipment is operational at the acquired site, the estimated cost to reconnect the equipment shall be based on the cost to install the equipment as it currently exists, and shall not include the cost of code required betterments or upgrades that may apply at the replacement site.

An appraisal of the item may be required to determine depreciated value in place. The appraisal may be an estimate, in writing, by a knowledgeable employee or, if the nature and/or value of the equipment requires it, an appraisal should be secured from knowledgeable outside sources. Proceeds of the sale and the estimated cost of moving must be documented.

- (3) If a bona fide sale is not effected, as discussed above, because no offer is received for the property, and the property is abandoned, payment for the actual direct loss of that item may not be more than the fair market value of the item for continued use at its location prior to displacement or the estimated cost of moving the item 50 miles,

SCDOT Department of Right of Way Relocation Assistance Manual

whichever is less, plus the costs of the attempted sale, irrespective of the cost to the Department of removing the item.

- (4) When personal property is abandoned with no effort being made by the business to dispose of such property by sale or by removal at no cost by a junk dealer, the owner will not be entitled to moving expenses, or losses, for the items involved. In this situation the Department should obtain a written statement from the owner that he is abandoning the property. The statement should list the abandoned items. If no such statement can be obtained, the owner shall be advised in writing that unless the items are removed, the Department will presume them to be abandoned and will dispose of them as it sees fit.

Abandoned items may be left on the premises for removal by the Department or by the purchaser when buildings are sold for removal.

The cost of removal of personal property shall not be considered as an offsetting charge against other payments to the displaced person.

- (5) Payments may be made only after a bona fide effort has been made by the owner to sell the item involved. The sales prices, if any, and the actual, reasonable costs of advertising and conducting the sale shall be supported by copies of bills of sale or similar documents and by copies of any advertisements, offers to sell, auction records and other items supporting the bona fide nature of the sale. The reasonable cost incurred in attempting to sell an item not relocated will be reimbursed to the displacee.
- (6) This subsection does not apply to machinery and equipment which is classified as realty, but was retained by the owner. Also, the cost of moving structures, improvements or other real property in which the displaced person reserved ownership is excluded.

This subsection does not apply where a displaced owner wishes to retain and move material which is of low value and high bulk. Such material is covered under Alternate Payments, Subsection 6 above.

9. Search Costs

The owner of a business may be paid for his actual, reasonable expenses in searching and negotiating for the purchase or lease of a replacement business site, not to exceed \$2,500. Expenses may include the cost of transportation, meals, lodging away from home and the reasonable value of time actually spent in search including fees of real estate agents and brokers if actually required and paid by the business (excluding fees or commissions related to

SCDOT Department of Right of Way Relocation Assistance Manual

the purchase of the site). Time spent in obtaining permits or attending zoning hearings is reimbursable as search costs.

~~Expenses must be itemized on a statement attached to the claim form. The claim form must also incorporate the attachment by reference.~~

Mileage claimed may be reimbursed at recognized State mileage rates or at actual costs incurred as verified by paid receipts.

Time spent in searching may be claimed at a reasonable hourly rate experienced by the claimant.

Claims for meals and minor incidentals such as parking fees and telephone expenses may be accepted but should be supported by paid receipts. If there is a problem providing receipts, please consult the Relocation Manager.

Broker and agent fees as well as lodging, where allowed, will require receipted bills. Note that searching expenses incurred in searching beyond the 50 miles radius may be allowed only if the nature of the business to be relocated reasonably justifies such a move. Caution should be exercised to prevent payment for pseudo-searches which may have involved time spent on vacation or other such purposes.

Search expenses may be included with claims for payment of all other actual expenses, but must be itemized and recapitulated on a separate statement as specified above.

10. Guidelines for Business Moves

It is recommended that a pre-move discussion and agreement take place between the relocation agent and the business displacee prior to securing moving estimates. Items to be emphasized and, if possible, agreed upon:

- a. Contemplated time of move and destination (new location) of move.
- b. Decision by displacee as to self-move, actual cost move by a commercial mover, or a combination of the two. The displacee should be made aware of his options and the necessity to follow through as agreed.
- c. Businesses having floating inventories which fluctuate widely from time to time should be encouraged to move on an actual cost basis using commercial movers. The Right of Way Agent should closely check these moves, particularly just prior to the move, during the moving, and after the move.
- d. Reaching an understanding as to whether there is need for multi-phased move over a period of time or a move all at once.

SCDOT Department of Right of Way Relocation Assistance Manual

- e. Items not to be moved may not necessarily be real property. They may be items covered under the Direct Loss provisions. If possible, during the pre-move conference, these items should be identified and arrangements made for valuation in place and separate moving estimates for these items. Discussions should include explanation of options for replacement costs, if applicable, and requirements for disposal of items not to be moved and/or reinstalled.
- f. Packing, crating, unpacking (if necessary) and moving specifications desired and needed by the displacees.
- g. The necessity to have all movers bid on the same basis and to furnish an itemized inventory of items to be moved. Movers' estimates/bids should include complete specifications, conditions and inventory.
- h. Arrangement for displacee to notify the Department just prior to moving so that the Right of Way Agent can verify the items to be moved. (The degree of verification would depend on the circumstances.)
- i. Explain the need for a properly documented and inventoried bill from the selected mover on actual cost moves.
- j. Determine whether storage will be needed and the reasons therefore.
- k. If the two moving bids vary widely, a third bid should be considered. Wide variations may indicate lack of uniformity in specifications used for the estimate. Widely divergent estimates may be reconciled by meeting with the estimators.

Review qualifications and experience of various moving companies, particularly in large complex business moves. If there appear to be no well-qualified experienced movers, consideration should be given to hiring well-qualified industrial engineering firms to prepare moving cost estimates.
- l. The Right of Way Agent should check realty items in the appraisal to insure that no inventoried items to be moved were paid for in the property valuation as realty items.
- m. The Right of Way Agent should check the existence of moving inventory items on site just prior to the move and so document the parcel file.
- n. The Right of Way Agent should check moving inventory items on new site just after the move to make sure all inventoried items were actually moved, set in place, connected, etc., as provided in the estimate and so certify by signed memo.

SCDOT Department of Right of Way Relocation Assistance Manual

- o. Business moves requiring significant disconnect and reconnect costs should be supported by complete certified or original bills including specialists, installers or tradesmen's charges who actually performed the services. The Right of Way Agent should check to see that all work billed for has been accomplished.
- p. Each estimator for a moving company should always be accompanied by the relocation agent and owner when making his estimate and he (estimator) should be furnished an inventory list. Specifications and inventory for the move should be agreed on at this time and all moving companies shall bid on the same basis.

D. Re-establishment Expenses

In addition to the moving payments described earlier, a small business, as defined in Section III Page 7, farm or nonprofit organization may be eligible to receive a payment, not to exceed \$50,000, for expenses actually incurred in relocating and reestablishing such business, farm or nonprofit organization at a replacement site.

- 1. **ELIGIBLE EXPENSES.** Reestablishment expenses must be actual, reasonable, and necessary, as determined by the Department. They may include, but are not limited to, the following:
 - a. Repairs or improvements to the replacement real property as required by Federal, State or local law, code or ordinance.
 - b. Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
 - c. Construction and installation costs for exterior signing to advertise the business.
 - d. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting.
 - e. Advertisement of replacement location.
 - f. Estimated increased costs of operation during the first 2 years at the replacement site for such items as:
 - (1) Lease or rental charges,
 - (2) Personal or real property taxes,
 - (3) Insurance premiums, and
 - (4) Utility charges, excluding impact fees.

SCDOT Department of Right of Way Relocation Assistance Manual

- g. Other items that are considered essential to the reestablishment of the business.

2. ~~INELIGIBLE EXPENSES.~~ The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible.

- a. Purchase of capital assets, such as land, buildings, office furniture, filing cabinets, machinery, or trade fixtures.
- b. Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.
- c. Interior or exterior refurbishments at the replacement site which are for aesthetic purposes, except as provided in Section XIII D.1.e.
- d. Interest on money borrowed to make the move or purchase the replacement property.
- e. Payment to a part-time business in the home which does not contribute materially to the household income.
- f. Cost of constructing a new building.

E. IN-LIEU-OF PAYMENTS

The owner who relocates or discontinues a business may be eligible for a payment in-lieu-of all moving costs and related expenses as outlined in Business Moving Expenses. The payment is equal to the average annual net earnings of the business, except that the payment shall not be less than \$1,000 nor more than \$40,000, if we determine that:

- 1. The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move; and the business vacates or relocates from its displacement site.
- 2. The business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings). A business is assumed to meet this test unless the Department demonstrates that it will not suffer a substantial loss of its existing patronage and;
- 3. The business is not part of a commercial enterprise having more than three other entities which are not being acquired by the State or the United States which is engaged in the same or similar business.

In order to make such a determination, it is necessary to establish that there is common control, management and ownership of the similar businesses, i.e. that they can be said to be owned, managed and controlled as a single operating unit. Examples would be: the branch offices of national banks, insurance companies or chain supermarket outlets.

The "chain operation" rule does not apply when the individual dealer or franchise holder renting or selling a national product is displaced by a highway project. The focus in determining whether the "chain operation" rule applies should be on the proprietary interest of the individual business operator.

For purposes of this rule, a remaining business facility that did not contribute materially to the income of the displaced person during the two taxable years prior to displacement shall not be considered "another establishment".

4. The business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others.
5. The business is not operated at the displacement site solely for the purpose of renting the site to others.
6. The business contributed materially to the income of the owner during the two taxable years prior to displacement. A part-time individual or family occupation in the home which does not contribute materially to the income of the displaced owner is not eligible for this payment. See Section III Page 5.
7. In determining whether two or more displaced legal entities constitute a single business which is entitled to only one fixed payment, all pertinent factors shall be considered, including the extent to which:
 - a. The same premises and equipment are shared;
 - b. Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;
 - c. The entities are held out to the public, and to those customarily dealing with them, as one business;
 - d. The same person or closely related persons own, control, or manage the affairs of the entities.
8. Benefit Calculation and Limitations

SCDOT Department of Right of Way Relocation Assistance Manual

Payment is based upon the average annual net earnings of the two taxable years immediately preceding the taxable year in which the business operation relocates.

The term "average annual net earnings" means one-half of any net earnings of the business before Federal, State and local income taxes, during the two taxable years immediately preceding the taxable year in which the business relocated.

If the two taxable years immediately preceding displacement are not representative, a two-year period that would be more representative may be used. It should be determined that the proposed construction has been the cause of the outflow of residents thereby resulting in a decline in net income for the business prior to utilizing this alternate procedure or unusual expense items, depreciation, etc. may be reflected in one year's return, thus, the return would not represent the "average" in such cases.

"Average annual net earnings" includes any compensation paid by the business to the owner, his spouse, or his dependents during the two year period.

In the case of a corporate owner of a business, earnings shall include any compensation paid to the spouse or dependents of the principal stockholders of the corporation. A principal stockholder is one who owns 15% or more of the corporation.

For the purpose of determining majority ownership, stock held by a husband, his wife and their dependent children shall be treated as one unit.

If the business was not in operation for the full two taxable years prior to displacement, net earnings shall be based on the actual period of operation at the displacement, site during the two taxable years prior to displacement, projected to an annual rate.

For averaging purposes, zero will be used when one or both of the years has a negative income.

9. Documentation from Claimant

The displaced person shall furnish proof of net earnings through income tax returns, certified financial statements, or other reasonable evidence to satisfactorily support the business income. The Right of Way Agent assigned to the case should obtain copies of the U. S. Income Tax Return from displacee's tax preparer for the appropriate years. The tax preparer should furnish the following certification:

"I hereby certify that the attached copies of U. S. Income Tax Returns are from copies of those documents on file in our office. I further certify that these returns were prepared by this office and that the originals were given to (name of business representative) or signing, dating and mailing to the Internal Revenue Service."

SCDOT Department of Right of Way Relocation Assistance Manual

When electronically filed tax returns are submitted by the displacee, signatures are required on the tax return or a signed statement from tax preparer verifying that the information is correct.

If the displacee prepares his own tax returns, obtain copies of the U. S. Income Tax Return directly from him. He should provide the following certification:

"I hereby certify that the attached copies of U. S. Income Tax Returns are from copies of those documents that I maintain in my file. I further certify that these returns were prepared by me and the originals were mailed to the Internal Revenue Service."

Where the average annual net earnings of a business operation is known or is estimated to be \$1,000 or less, it will not be necessary to obtain copies of income tax returns. The claimants may submit their own statement to that fact.

10. Payment Procedure and Processing Request

Where there is personal property to be removed from the acquired premises, removal shall be completed before the payment is made, unless an advance partial payment has been authorized by the Relocation Manager.

Payments based on average annual net earnings are in lieu of all other types of moving expenses. If such payment is to be made, no payment for actual moving costs, search costs, direct loss of tangible personal property, or reestablishment expenses may be made.

When a completed Relocation Assistance Payment Claim is filed by the operator, the claim will be forwarded to the Team Leader for approval and payment in accordance with standard Department Payment Procedures.

F. Farm Moving Expense

The owner of a displaced farm operation is entitled to receive payments for either:

1. Moving and related expense, as described under Business Moving Expenses, which include:
 - a. Actual Reasonable Moving Expenses,
 - b. Actual Direct Losses of Tangible Personal Property,
 - c. Actual Reasonable Expenses in Searching for a Replacement Farm.

SECTION XX – RELOCATION ASSISTANCE APPEAL PROCEDURES

A. Notice of Right of Appeal

Persons dissatisfied by the determination of their eligibility for relocation assistance payments, or the amount of payment, may have their eligibility reviewed by means of an appeal, (Form 16). Such persons shall be promptly furnished with the forms necessary to file an appeal and will be advised of the procedures required for presentation of their grievances.

B. Review of File by Person Making Appeal

The displacee shall be permitted to inspect and copy all materials pertinent to the appeal in the Central Office during normal working hours. However, the Right of Way Agent's log is confidential and cannot be inspected or copied as provided by 49 CFR Part 24 Section 24.9 (b).

C. Authority

The provisions of this regulation are issued pursuant to Code of Laws of South Carolina, 1976, Section 28-11-10 and Regulation 63-322, and the Administrative Procedures Act, S.C. Code Section 1-23-10, et. seq.

1. An applicant for a relocation assistance payment shall be promptly notified in writing of his eligibility for assistance, the amount of entitlement, if any, and the time and manner in which such payment shall be made. Such notification shall also advise the applicant of the right to appeal and of the procedures for filing an appeal. If the displacee disagrees with the Relocation Manager's decision with respect to eligibility for a payment or the amount of payment offered under this regulation, he shall be promptly reminded of the procedures to be followed in filing a request for review or an appeal.
2. Whenever a displaced person indicates dissatisfaction with the Department's determination of relocation assistance eligibility or when such eligibility is otherwise contested, the assigned Right of Way Agent shall provide full instructions regarding the filing and mailing of the appeal (See Form 16 – Appendix A – Relocation Assistance Forms).

SCDOT Department of Right of Way Relocation Assistance Manual

D. Time Limit for Appeals

A request for review by the Director, Rights of Way, the SCDOT Executive Director's designee must be requested within sixty (60) days after the person receives written notification of the Department's determination of eligibility or of the amount of any relocation assistance payment. An appeal of the Director's decision must be filed within thirty (30) days of receipt of the Director's decision before the Administrative Law Judge Division.

E. Appeal Procedures

Any person who files a proper petition or request for review within the time specified in this regulation shall be given a prompt decision in writing along with the reasons for such decision.

EXHIBIT 3

May 1, 2019

Ms. Sheri Cooper
CFO, Palmetto Railways
540 East Bay Street
Charleston, SC 29403

Dear Ms. Cooper:

I have been provided Mr. Gene Connell's letter of April 15, 2019, citing his disagreement with the limitations established for the Relocation Program's Re-establishment Expense program. The following is my attempt to explain how the program came into being and how we reviewed the request from ABS:

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, established the relocation assistance program for the first time. Prior to this Act, the Eminent Domain procedures only paid just compensation for the properties acquired, and no further benefits were provided by the condemning authorities. After the Uniform Act was passed, those owners and businesses displaced by projects now had the ability to be provided additional benefits, beyond just compensation, to assist them in moving, and other benefits based on whether they were residential or business. The relocation program is considered to be an Administrative program that goes beyond the constitutional requirements to pay just compensation. Constitutionally, this program is not required, and the establishment of the Program by the US Congress went beyond the Constitutional requirements for the acquisition of property.

When the program was established by Congress, limits were established on the payments to be made under the program. While these limits have been adjusted over the years by the Federal Authorities in recent times, the Act was adjusted to allow that if a State law established a value limit greater than that provided for in the Federal Act, then the Federal Program would participate to the level established by the State's Law. Therefore in 2010, South Carolina modified Title 28, Section 28-11-30, (4) to set the Reestablishment Expense at \$50,000, while the Federal limitation is \$25,000 as show in Title 42 Chapter 61 Section 4622(a)(4) of the Federal Code.

On January 17, 2017, an Availability of Payments letter (copy attached) was provided to Mr. Campbell. This letter outlined the amounts available for the moving of the various parts of the personal property located at the site to be moved within a fifty-mile radius of the Milford Street location. In addition, there was a potential loss of tangible personal property included, along with the potential eligibility for up to \$50,000 in Re-establishment Expenses along Search Expenses which is limited to \$2,500. This letter also contained the right of the displacee to request a review of the amounts identified as being available. No request for this review was received.

MTBAKERINTL.COM

700 Huger Street | Columbia, SC 29201
Office: 803-254-2211 | Fax: 803-779-8749

ELECTRONICALLY FILED - 2020 Jun 12 2:28 PM - CHARLESTON - COMMON PLEAS - CASE#2019CP1004387

We were notified on May 4, 2017 that Mr. Campbell had decided to acquire a replacement site located at 2308 Cosgrove Avenue. We conducted an external review of the site and found it to be acceptable based on the appearance and information available to us. On August 24, 2017, John Rowe and I met with Alan Campbell, owner of the building and principal of the Company being displaced with Wayne Butler to do a walk through of the replacement site and discuss the initial items to be considered for re-establishment. We explained that pre-approval of the items was required under the program, and John Rowe agreed to provide the initial list to Mr. Campbell for his review and editing based upon our meeting and walk through of the building. Our discussions included Mr. Campbell's preference to break the re-establishment into thirds, to limit the amount of funds "out-of-pocket" at a given time. On August 29, 2017, the initial draft of items we considered eligible was provided to Mr. Campbell. Mr. Campbell concurred with the list which was submitted, and the list was approved by Palmetto Railways (Copy attached).

On October 3, 2017, John Rowe received a request for reimbursement of approximately two thirds of the reestablishment expense amount. We requested supporting documentation (i.e. invoices from contractors) to be included in our review of the claim request. On October 5, 2017, Mr. Campbell also wanted to verify that this was just their first submittal and that they were entitled to make additional submittals. It was confirmed that he could make additional submittals up to \$50,000. The first claim for reestablishment is dated October 27, 2017 in the amount of \$34,398.94. Adjacent to the signature of Mr. Campbell on the claim form shows the amount of the CAP and the amount of remaining eligibility.

On November 13, 2017, John Rowe received a second request for processing of a reestablishment expense. The second claim was prepared and dated November 17, 2017, in the amount of \$15,601.06 for the balance of the available \$50,000 for reestablishment. Again, adjacent to the signature of the owner, the claim form shows the full amount available is now being paid. No concerns were raised at this time about the CAP that SC 28-11-30 establishes were raised by the displacee and no request was made for a review by Mr. Campbell.

By letter dated March 12, 2019, Attorney Keith Babcock requested that I review three documents provided to him during the deposition of Alan Campbell regarding time and other items Mr. Campbell felt he should be compensated for under the relocation program. My findings were submitted by my letter of March 19, 2019, (copy attached) to Mr. Campbell and his Attorney, Gene Connell. All of their requests for additional relocation payments were denied based on the displacee having reached the CAP for re-establishment, or because the proposed charges were not eligible.

I have attached pages XIII-25 and XIII-26 from the SCDOT Relocation Manual which gives a listing of those items considered as eligible and ineligible for re-establishment expenses. I have further reviewed Exhibits A, B and C again, with each being included with this transmittal and a discussion of each exhibit follows:

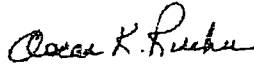
- 1) Exhibit A – First contact with Mr. Campbell occurred on July 18, 2016 regarding the project. The majority of the entries on this exhibit occur prior to the initial contact with Mr. Campbell and appear to be regarding proposed changes to the building located on Milford Street. Those entries that occur after the initial contact date appear to be maintenance type of items to the

Milford Street property. None of these items are considered eligible under the relocation program because they pertain to the Milford Street property.

- 2) Exhibit B – The majority of the entries for this exhibit revolve around staff meetings, repairs made at the Milford Street site, and discussions regarding the office modifications. These meeting were not submitted for consideration of pre-approval which is a requirement of the approval process and the repair work at the Milford Street site is ineligible.
- 3) Exhibit C – As evidenced by the entries for this exhibit, the modifications originally discussed with us concerning the renovation of the Cosgrove site continue to change and evolve to the point that the entire building was gutted and was being completely renovated on both the interior & exterior. While the owner has the right to make these changes, they are not the anticipated modifications considered under the reestablishment program as shown in the previously referenced portion of the SCDOT Relocation Manual, and the owner did not request previous approval of these additional items from Palmetto Railways prior to implementing them. It was not anticipated that a replacement site would be totally modified as the owner has chosen to do in this situation. Clearly other replacement locations which would have required less work could have been considered and modified to suit this particular business. For these reasons and the fact that the CAP was reached, these charges are not deemed eligible for re-imbursement.
- 4) It appears there are three entries that may have qualified in Exhibit C, if the CAP had not been previously reached. These entries are as follows: 1) 7/12/17 Entry regarding Code Compliance; 2) 9/8/17 AOC Generator; 3) 3/2/18 Business License. Using appropriate rates, it is believed the cost of these items would be \$1,105.69.

In summary, for the reasons listed above, we find that no additional costs under the relocation program are available to the displacee except for the \$7,154.16 cost to move the two containers from the Milford Street site which included the loss of tangible personal property identified and the shed covering the containers. The claim form for these two containers has been provided to Mr. Alan Campbell, and we were told they would be removed by the end of February 2019. However, they are still on the Milford Street site as of the date of this letter.

Sincerely,



Oscar K. Rucker
Director of Right of Way Services

CC:
Keith M. Babcock



January 17, 2017

Hibernian Heights, LLC
1890 Milford Street
Charleston, SC 29455

Re: AVAILABILITY OF PAYMENTS – RELOCATION ASSISTANCE – OWNER
Tract: 30S

Dear Mr. Campbell:

Palmetto Railways is negotiating to purchase your property. The purchase of the property for construction of this project will require you to move. However, this is not a notice to move. In order to meet Palmetto Railway's construction schedule, it will be necessary for you to vacate the property being acquired in the near future. While we need your cooperation in vacating the property as soon as possible after payment for the property has been made, you will under no circumstances be required to vacate the property for at least 90 days from receipt of this letter.

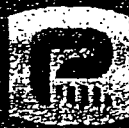
At the time Palmetto Railways takes possession of the property, we will advise you of the specific date by which you must vacate the property. The specific vacate date will be 30 days or more from the date of notification.

Upon payment, you may be obligated to pay rent to Palmetto Railways until you vacate the property. When we notify you of the specific date you will be advised of the rental amount, if any, and the date on which the rent is due to Palmetto Railways.

Moving Costs

You are entitled to the following methods for moving your personal property:

- Method A – Self Move: A Moving Cost Finding has been prepared using rates and costs obtained from your company, along with information gathered by speaking with certified moving firms and rental service companies in the local area. The calculations used in the Moving Cost Finding are based on your certified Property Inventory and a moving distance within a 50 mile radius. The computations are relative to the estimated requirements of completing the move, such as number of man hours with an appropriate rate and expenses concerning various types of equipment that may be involved. The Moving Cost Finding, in the total amount of \$570.00, has been approved



Palmetto

for the relocation of a portion of your personal property (items # 61 – 80 of the Property Inventory) to a replacement site. A copy of the Moving Cost Finding is included with this letter, for your review.

- **Method B – Reasonable Actual Cost:** This moving method is based upon the actual, reasonable cost of the move performed by qualified moving contractors. In preparation for this moving method, Palmetto Railways has secured bid proposals or estimates from qualified contractors to perform the necessary relocation of the remainder of your personalty located on this property. Those proposals include the costs involved, including insurance (based on replacement value), to remove, reassemble and reinstall the personalty at another location, within a 50 mile radius of your present location. The firms conducting the relocation are paid directly by Palmetto Railways after satisfactorily completing the move. The moving cost proposals cannot include upgrades or improvements or items that were included as compensation in the appraisal to the landowner. The following bids have been secured and approved by Palmetto Railways for payment under this method:

- A low bid of \$23,212.74 from Azalea Moving and Storage for packing and moving items your personal property, with the exception of items # 60 – 80 of the Property Inventory
- A bid of \$1,050.00 from Carolina Mobile Storage, LLC, for moving item # 60 of the Property Inventory
- A bid of \$7,250.00 from Reveal Technology Consultants for disconnect/reconnect of IT/network equipment (items # 25, 41 – 58 of the Property Inventory)

You may elect to move these items yourself for a negotiated percentage of the bids listed above.

- In addition to Method A, and Method B, the following Moving Incidentals may be reimbursed, based upon paid receipted bills, if preapproved by Palmetto Railways and are considered as reasonable and necessary: Licenses (prorated), permits (prorated), replacement of stationary on hand that is made obsolete by the relocation, connection to available nearby utilities from the right of way to improvements at the replacement site, cost of professional services performed prior to the purchase or lease of the



Palmetto

replacement location, and impact fees or one-time assessments for anticipated heavy utility usage (as determined necessary by the Department).

- Direct Loss of Tangible Personal Property: Item # 59 of the Property Inventory is considered a Direct Loss of Tangible Personal Property. Using rates and costs obtained by speaking with certified builders, an estimated, depreciated value has been created based on the costs of materials, labor, shipping & handling, and taxes. The estimated, depreciated value of this item is \$6,104.16.

Re-establishment Expenses

In addition to the moving payments described earlier, you may be eligible to receive a payment, not to exceed \$50,000, for expenses actually incurred in relocating and reestablishing your business at a replacement site.

Search Expenses

You may be paid for your actual, reasonable expenses in searching and negotiating for the purchase of a replacement business site, not to exceed \$2,500. Expenses may include the cost of transportation and the reasonable value of time actually spent in search, including fees of real estate agents and brokers if actually required and paid by you (excluding fees or commissions related to the purchase of the site). Time spent in obtaining permits or attending zoning hearings is reimbursable as search expenses.

In accordance with a written agreement between you and Palmetto Railways, payment shall be made directly to you upon my verification of the completion of the move.

Full details about this moving method is included in the Right of Way Relocation Assistance brochure you have been given. If there is anything you do not understand, please ask me for an explanation.

If you consider the above figures unsatisfactory, you may request a review of these findings by the Executive Director in Charleston, South Carolina. I will be glad to provide assistance in requesting this review.



Sincerely,

A handwritten signature in black ink, appearing to read 'John Rowe'.

John Rowe
Michael Baker International
700 Huger Street
Columbia, SC 29201
(803) 231-4056

ELECTRONICALLY FILED - 2020 Jun 12 2:28 PM - CHARLESTON - COMMON PLEAS - CASE#2019CP1004387

Rucker, Oscar K

From: Alan Campbell <acampbell@appliedbuildingsciences.com>
Sent: Tuesday, September 05, 2017 4:20 PM
To: Rowe Jr, Albert J
Cc: Christy Young; Rucker, Oscar K; Katherine Haupt
Subject: RE: Palmetto Railways - Reestablishment
Attachments: Scanned from a Xerox Multifunction Printer.pdf

John,

I believe your list substantially covers what we discussed. I have initialed and dated the attached copy. Katherine will retain the original. Thanks.

Alan O. Campbell, PE, RRC
APPLIED BUILDING SCIENCES, INC.
 1890 Milford Street
 Charleston, SC 29405
 843-724-1460 (direct)
 843-817-7310 (cell)
 843-724-1458 (fax)

From: Rowe Jr, Albert J [mailto:John.Rowe@mbakerintl.com]
Sent: Tuesday, August 29, 2017 2:28 PM
To: Alan Campbell <acampbell@appliedbuildingsciences.com>
Cc: Christy Young <cyoung@appliedbuildingsciences.com>; Rucker, Oscar K <OKRucker@mbakerintl.com>
Subject: Palmetto Railways - Reestablishment

Mr. Campbell,

Attached, please find the list we went over last Thursday, for your review. Please add/edit as you see fit. Once you return this to me, I will send to Palmetto Railways for review.

If you have any questions or concerns, please do not hesitate to contact me.

Thanks,

A. John Rowe, Jr. | Right-of-Way Acquisition Agent | Michael Baker International
 700 Huger Street | Columbia, SC 29201 | [O] 803-231-4056 | [M] 803-216-4043
john.rowe@mbakerintl.com | www.mbakerintl.com

Michael Baker

INTERNATIONAL

Facebook YouTube

ISO 9001 LEAN SIX SIGMA

Innovation Done Right...We Make a Difference

A walk-through of the replacement property was performed on Thursday, August 24, 2017. Oscar Rucker and John Rowe inspected the property, and were accompanied by Alan Campbell and Wayne Butler. The following list of potential reestablishment expenditures was identified by the property owner, for review and consideration:

- Replace all store-front windows – Windows are cracked, broken, and seals are gone.
- Replace doors – Metal doors are rusted and glass doors are cracked; door frames are damaged and warped
- Remove and replace drywall and stud-walls – Walls have moisture, mold, and termite damage behind drywall; also, floorplan is being reconfigured to better accommodate engineering office, as building was previously used as medical office w/ exam rooms.
- Remove and replace flooring – Carpet and tile flooring has water damage & holes/tears
- Replace Air Conditioning Condensers – A/C condenser units stolen before property purchased
- Replace/Redesign stairwell – Stairwell is not to code height
- Replace roofing – Flat surface roof is leaking, and appears to have drains that have been covered over by roofing materials
- Metal Pipe Support Columns and Metal Beams – Due to moisture, rust needs to be sandblasted to determine if replacement of beams/columns is required
- Paint for walls and ceilings – Walls/Ceilings have multiple holes and patches, requiring new paint
- Tree removal – Large Oak Tree in rear of building appears to be dying or diseased, and may need to be removed.
- Concrete floor repair – There are some cracks and holes in the concrete floor that will need to be repaired and possibly covered; Displacee has mentioned polishing concrete to eliminate need for floor covering in some areas
- Add Windows – Cut-in and add windows to increase natural lighting which is a code requirement

AOL 9/5/17

CHAPTER 11
Relocation Assistance

SECTION 28-11-10. Payments and assistance to displaced persons or other entities.

To the extent that the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646) makes relocation payments and assistance to displaced persons or other legal entities by states a prerequisite to Federal aid to such states in programs or projects involving the acquisition of real property for public uses, as such terms are defined in such Federal law, State agencies and instrumentalities and political subdivisions and local government agencies and instrumentalities involved in such programs or projects are empowered to expend available public funds for such purposes and are required to make such payments to such displaced persons or other legal entities, whether the program or project is federally aided or not, and such expenditures shall be deemed part of the cost of such program or project.

HISTORY: 1962 Code Section 25-181; 1972 (57) 2522.

SECTION 28-11-20. Costs incurred before July 1, 1972.

Where Federal funds are available for payment of such relocation costs, such costs may be paid by such State and local government agencies and instrumentalities and political subdivisions even though they occurred prior to July 1, 1972.

HISTORY: 1962 Code Section 25-182; 1972 (57) 2522.

SECTION 28-11-30. Reimbursement of property owners for certain expenses.

To the extent that Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646) makes certain requirements pertaining to the acquisition of real property by states prerequisites to federal aid to such states in programs or projects involving the acquisition of real property for public uses, state agencies and instrumentalities and political subdivisions and local government agencies and instrumentalities involved in these programs or projects may expend available public funds as provided in this section, whether or not the program or project is federally aided.

(1) A person, agency, or other entity acquiring real property for public use in a project or program shall, as soon as practicable after the date of payment of the purchase price or the date of deposit into court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, reimburse the owner, to the extent the State deems fair and reasonable, for expenses he necessarily incurred for:

(a) recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the State;

(b) penalty costs for prepayment for preexisting recorded mortgage entered into in good faith encumbering such real property; and

(c) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the agency concerned, or the effective date of possession of such real property by such agency, whichever is the earlier.

(2) Where a condemnation proceeding is instituted by the agency to acquire real property for such use and:

(a) the final judgment is that the real property cannot be acquired by condemnation; or

(b) the proceeding is abandoned, the owner of any right, title, or interest in such real property shall be paid such sum as will, in the opinion of the agency, reimburse such owner for his reasonable attorney, appraisal, and engineering fees actually incurred because of the condemnation proceedings. The award of these sums will be paid by the person, agency, or other entity which sought to condemn the property.

(3) Where an inverse condemnation proceeding is instituted by the owner of a right, title, or interest in real property because of use of his property in a program or project, the court, rendering a judgment for the plaintiff in the proceeding and awarding compensation for the taking of property, or the attorney effecting

a settlement of a proceeding, shall determine and award or allow to the plaintiff, as a part of the judgment or settlement, a sum that will, in the opinion of the court or the agency's attorney, reimburse the plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees actually incurred because of the proceeding.

(4) Reestablishment expenses related to the moving of a small business, farm, or nonprofit organization payable for transportation projects pursuant to federal guidelines and regulations may be paid in an amount up to fifty thousand dollars, notwithstanding a lower limitation imposed by federal regulations.

HISTORY: 1962 Code Section 25-183; 1972 (57) 3105; 2010 Act No. 184, Section 1, eff May 28, 2010.
Effect of Amendment

The 2010 amendment added subsection (4) and made other nonsubstantive changes.

SECTION 28-11-40. Contracts between governmental agencies.

Any such State or local government agency or instrumentality or political subdivision of the State may contract with any other State or local government agency or instrumentality or political subdivision of the State to carry out its functions under this chapter but none shall be required to do so.

HISTORY: 1962 Code Section 25-184; 1972 (57) 2522.

SECTION 28-11-50. Promulgation of rules and regulations.

Each State or local government agency or instrumentality or political subdivision of the State may promulgate such rules and regulations as are necessary to carry out the provisions of this chapter.

HISTORY: 1962 Code Section 25-185; 1972 (57) 2522.

SECTION 28-11-60. Impact for purposes of income tax or public assistance eligibility.

No payment received by a person or other legal entity hereunder shall be considered as income or resources for tax purposes or for any purpose related to public assistance received by or due to such person or other legal entity.

HISTORY: 1962 Code Section 25-186; 1972 (57) 2522, 3105.

SECTION 28-11-70. Chapter does not create element of damage in eminent domain.

Nothing in this chapter shall be construed as creating an element of damage in an eminent domain proceeding.

HISTORY: 1962 Code Section 25-187; 1972 (57) 2522.

§4622. Moving and related expenses**(a) General provision**

Whenever a program or project to be undertaken by a displacing agency will result in the displacement of any person, the head of the displacing agency shall provide for the payment to the displaced person of—

- (1) actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;
- (2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the head of the agency;
- (3) actual reasonable expenses in searching for a replacement business or farm; and
- (4) actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, but not to exceed \$25,000, as adjusted by regulation, in accordance with section 4633(d) of this title.

(b) Displacement from dwelling; election of payments: expense and dislocation allowance

Any displaced person eligible for payments under subsection (a) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive an expense and dislocation allowance, which shall be determined according to a schedule established by the head of the lead agency.

(c) Displacement from business or farm operation; election of payments; minimum and maximum amounts; eligibility

Any displaced person eligible for payments under subsection (a) of this section who is displaced from the person's place of business or farm operation and who is eligible under criteria established by the head of the lead agency may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section. Such payment shall consist of a fixed payment in an amount to be determined according to criteria established by the head of the lead agency, except that such payment shall not be less than \$1,000 nor more than \$40,000, as adjusted by regulation, in accordance with section 4633(d) of this title. A person whose sole business at the displacement dwelling is the rental of such property to others shall not qualify for a payment under this subsection.

(d) Certain utility relocation expenses

(1) Except as otherwise provided by Federal law—

(A) if a program or project (i) which is undertaken by a displacing agency, and (ii) the purpose of which is not to relocate or reconstruct any utility facility, results in the relocation of a utility facility;

(B) if the owner of the utility facility which is being relocated under such program or project has entered into, with the State or local government on whose property, easement, or right-of-way such facility is located, a franchise or similar agreement with respect to the use of such property, easement, or right-of-way; and

(C) if the relocation of such facility results in such owner incurring an extraordinary cost in connection with such relocation;

the displacing agency may, in accordance with such regulations as the head of the lead agency may issue, provide to such owner a relocation payment which may not exceed the amount of such extraordinary cost (less any increase in the value of the new utility facility above the value of the old utility facility and less any salvage value derived from the old utility facility).

(2) For purposes of this subsection, the term—

(A) "extraordinary cost in connection with a relocation" means any cost incurred by the owner of a utility facility in connection with relocation of such facility which is determined by the head of the displacing agency, under such regulations as the head of the lead agency shall issue—

- (i) to be a non-routine relocation expense;
- (ii) to be a cost such owner ordinarily does not include in its annual budget as an expense of operation; and
- (iii) to meet such other requirements as the lead agency may prescribe in such regulations; and

(B) "utility facility" means—

- (i) any electric, gas, water, steam power, or materials transmission or distribution system;
- (ii) any transportation system;
- (iii) any communications system (including cable television); and
- (iv) any fixtures, equipment, or other property associated with the operation, maintenance, or repair of any such system;

located on property which is owned by a State or local government or over which a State or local government has an easement or right-of-way. A utility facility may be publicly, privately, or cooperatively owned.

(Pub. L. 91-646, title II, §202, Jan. 2, 1971, 84 Stat. 1895; Pub. L. 100-17, title IV, §405, Apr. 2, 1987, 101 Stat. 249; Pub. L. 112-141, div. A, title I, §1521(a), July 6, 2012, 126 Stat. 577.)

AMENDMENTS

2012—Subsec. (a)(4). Pub. L. 112-141, §1521(a)(1), substituted "\$25,000, as adjusted by regulation, in accordance with section 4633(d) of this title" for "\$10,000".

Subsec. (c). Pub. L. 112-141, §1521(a)(2), substituted "\$40,000, as adjusted by regulation, in accordance with section 4633(d) of this title" for "\$20,000" in second sentence.

1987—Subsec. (a). Pub. L. 100-17, §405(a)(1), inserted introductory provisions and struck out former introductory provisions which read as follows: "Whenever the acquisition of real property for a program or project undertaken by a Federal agency in any State will result in the displacement of any person on or after January 2, 1971, the head of such agency shall make a payment to any displaced person, upon proper application as approved by such agency head, for—".

Subsec. (a)(4). Pub. L. 100-17, §405(a)(2)-(4), added par. (4).

Subsec. (b). Pub. L. 100-17, §405(b), substituted "an expense and dislocation allowance, which shall be determined according to a schedule established by the head of the lead agency" for "a moving expense allowance, determined according to a schedule established by the head of the Federal agency, not to exceed \$300; and a dislocation allowance of \$200".

Subsec. (c). Pub. L. 100-17, §405(c), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: "Any displaced person eligible for payments under subsection (a) of

this section who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall be not less than \$2,500 nor more than \$10,000. In the case of a business no payment shall be made under this subsection unless the head of the Federal agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not a part of a commercial enterprise having at least one other establishment not being acquired by the United States, which is engaged in the same or similar business. For purposes of this subsection, the term 'average annual net earnings' means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as the head of such agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period."

Subsec. (d). Pub. L. 100-17, §405(d), added subsec. (d).

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective 2 years after the date of enactment of Pub. L. 112-141, see section 1521(g) of Pub. L. 112-141, set out as a note under section 308 of Title 23, Highways.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-17 effective on effective date provided in regulations promulgated under section 4633 of this title (as amended by section 412 of Pub. L. 100-17), but not later than 2 years after Apr. 2, 1987, see section 418 of Pub. L. 100-17, set out as a note under section 4601 of this title.

100-17
412
418

EXHIBIT 4

PALMETTO RAILWAYS, NBIF
540 EAST BAY STREET
CHARLESTON, SC 29403-6337



Bank of America

Redacted

11/8/2017

PAY TO THE
ORDER OF

APPLIED BUILDING SCIENCES INC.

\$ **34,398.94

Thirty-Four Thousand Three Hundred Ninety-Eight and 94/100*****

DOLLARS

APPLIED BUILDING SCIENCES INC.
1890 MILFORD ST
CHARLESTON SC 29464

PALMETTO RAILWAYS, NBIF

MEMO

Shredd

AUTHORIZED SIGNATURE

Redacted

PALMETTO RAILWAYS, NBIF
CHARLESTON, SC 29403-6337

APPLIED BUILDING SCIENCES INC.

Date	Type	Reference	Original Amt.	Balance Due	11/8/2017 Discount	Payment
11/3/2017	Bill	Tract 30S	34,398.94	34,398.94		34,398.94
					Check Amount	34,398.94

Checking NBIF Redacted

34,398.94

PALMETTO RAILWAYS, NBIF
CHARLESTON, SC 29403-6337

APPLIED BUILDING SCIENCES INC.

Date	Type	Reference	Original Amt.	Balance Due	11/8/2017 Discount	Payment
11/3/2017	Bill	Tract 30S	34,398.94	34,398.94		34,398.94
					Check Amount	34,398.94

Checking NBIF Redacted

34,398.94

Michael Baker International

CLAIM FOR RE-ESTABLISHMENT REIMBURSEMENT

DISPLACED: Applied Building Sciences, Inc.

DISPLACED # 1

PALMETTO RAILWAYS

Tract: 305

RE: PAYMENT FOR RE-ESTABLISHMENT

Applied Building Sciences, Inc., owned a building on Milford Street, and used this property as their primary office. Palmetto Railways is purchasing the entire property for their project. As a result of the new right-of-way acquisition, Applied Building Sciences, Inc., will be displaced. As part of their relocation benefits, they are entitled to up to \$50,000.00 in re-establishment.

Applied Building Sciences, Inc., has purchased a replacement site and begun renovations. As part of those renovations, they have begun demolishing walls and flooring, as the previous layout of the replacement site was for a medical office. They have also begun framing the new layout, which will be more conducive to an engineering firm. They have submitted a first round of invoices for the demolition and framing, and we have reviewed the submitted invoices.

We are requesting payment in the amount of ~~\$34,398.94~~ be made to Applied Building Sciences, Inc., at this time. The remaining amount that they will be eligible for under re-establishment is \$15,601.06.

W-9 is attached.

Recommended by:


Oscar Rucker

Michael Baker International

*Spec 11-7-17
Reo EXPENSES - TRACT #305
NBIA 11-7-17*

Re-Establishment Claim for Framing and Demolition

Claimant: Applied Building Sciences, Inc.
 Address: 1890 Milford Street, Charleston, SC 29455

Date: 10/27/17

Site Visit / Verification Date: 10/19/2017

Date	Vendor	Description (from Displacee)	Invoiced Amount	Notes	Approved Amount
8/8/2017	A1 Locksmith	Master key exterior locks	\$ 160.00	Basic upkeep	\$ -
8/16/2017	Air Plus, LLC	Temporary HVAC	\$ 360.00	Necessary for air quality during demo	\$ 360.00
8/23/2017	Artisan Building Services, LLC	Demolition	\$ 950.63	1st Third Demolition; Verified w/ Displacee that there were two separate invoices to same Vendor for same amount	\$ 950.63
8/23/2017	Artisan Building Services, LLC	Demolition	\$ 950.63	1st Third Demolition; Verified w/ Displacee that there were two separate invoices to same Vendor for same amount	\$ 950.63
8/31/2017	Republic Services	Dumpster/Debris Removal	\$ 1,285.92	1st Third Demolition	\$ 1,285.92
9/8/2017	LMB Interior Trim	Demolition/Framing	\$ 750.00	1st Third Demolition / Framing; Verified w/ Displacee that this is a legitimate vendor	\$ 750.00
9/8/2017	Matt Davis	Demolition/Framing	\$ 700.00	1st Third Demolition / Framing; Verified w/ Displacee that this is a legitimate vendor	\$ 700.00

9/8/2017	Ryan Langston	Demolition/Framing	\$ 700.00	1st Third Demolition / Framing; Verified w/ Displacee that this is a legitimate vendor	\$ 700.00
9/13/2017	Artisan Building Services, LLC	Demolition	\$ 922.50	1st Third Demolition	\$ 922.50
9/18/2017	Jon-Don	Filters for HEPA	\$ 78.60	Necessary for air quality during demo	\$ 78.60
9/21/2017	The Lawn Brothers	Exterior clean up / Debris removal	\$ 100.00	Exterior clean up / Debris removal	\$ 100.00
9/24/2017	LMB Interior Trim	Demolition/Framing	\$ 2,087.18	1st Third Demolition / Framing	\$ 2,087.18
9/24/2017	LMB Interior Trim	Demolition/Framing	\$ 1,800.00	1st Third Demolition / Framing	\$ 1,800.00
9/25/2017	Frazier's Ironworks	Columns / Framing	\$ 1,740.00	1st Third Framing; Permanent metal columns necessary for removal of previous load-bearing walls	\$ 1,740.00
9/25/2017	Buck Lumber	LVL/Hangars	\$ 1,779.60	1st Third Framing	\$ 1,779.60
9/29/2017	Matt Davis	Demolition/Framing	\$ 1,530.00	1st Third Demolition / Framing	\$ 1,530.00
9/29/2017	Russell Langston	Demolition/Framing	\$ 1,620.00	1st Third Demolition / Framing; Verified w/ Displacee that this is a legitimate vendor	\$ 1,620.00
9/29/2017	Ryan Langston	Demolition/Framing	\$ 1,530.00	1st Third Demolition / Framing	\$ 1,530.00
9/30/2017	Lowe's	Gloves/Masks/Framing materials	\$ 790.33	Some items not approved, such as brooms, saw, etc.	\$ 309.51
9/30/2017	Republic Services	Dumpster/Debris Removal	\$ 1,022.68	1st Third Demolition	\$ 1,022.68
10/6/2017	Buck Lumber	Floor Truss Material	\$ 297.00	1st Third Framing	\$ 297.00
10/6/2017	Buck Lumber	Lumber	\$ 467.69	1st Third Framing	\$ 467.69
10/12/2017	Buck Lumber	Lumber	\$ 502.09	1st Third Framing	\$ 502.09

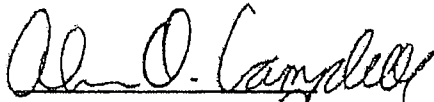
10/12/2017	LMB Interior Trim	Demolition/Framing	\$ 1,964.91	1st Third Demolition / Framing	\$ 1,964.91
10/13/2017	Matt Davis	Demolition/Framing	\$ 1,050.00	1st Third Demolition / Framing	\$ 1,050.00
10/13/2017	Ryan Langston	Demolition/Framing	\$ 1,050.00	1st Third Demolition / Framing	\$ 1,050.00
10/20/2017	Brandon Sloan	Demolition/Framing	\$ 1,350.00	1st Third Demolition / Framing	\$ 1,350.00
10/20/2017	James Howard	Demolition/Framing	\$ 1,710.00	1st Third Demolition / Framing	\$ 1,710.00
10/20/2017	Matt Davis	Demolition/Framing	\$ 1,890.00	1st Third Demolition / Framing	\$ 1,890.00
10/20/2017	Russell Langston	Demolition/Framing	\$ 2,010.00	1st Third Demolition / Framing	\$ 2,010.00
10/20/2017	Ryan Langston	Demolition/Framing	\$ 1,890.00	1st Third Demolition / Framing	\$ 1,890.00

TOTAL: \$ 34,398.94

Re-Establishment Cap: \$ 50,000.00

Remaining Re-Establishment
Eligibility: \$ 15,601.06

Claimant:



Recommended:



Approved:



CERTIFICATION OF LEGAL RESIDENCY IN THE UNITED STATES

Project ID No. _____ County CHARLESTON
 Road/Route _____ Tract 30S Displacee No. 1

(Please read instructions below carefully before completing this form)

RESIDENTIAL DISPLACEES

- A. Individual. I certify that (check one):
 I am a citizen of the United States _____ ☐
 I am an alien lawfully present in the United States _____ ☐
- B. Family. I certify that:
 There are _____ persons (number) in my household and that _____
 are citizens (number) of the United States and _____ are aliens
 (number) lawfully present in the United States.

NON-RESIDENTIAL DISPLACEES

- C. Sole Proprietorship. I certify that (check one):
 I am a citizen of the United States _____ ☐
 I am an alien lawfully present in the United States _____ ☐
 I am a non-U.S. citizen not present in the United States _____ ☐
- D. Partnership. I certify that:
 There are _____ partners (number) in the partnership and that _____
 are citizens (number) of the United States, _____ are aliens (number)
 lawfully present in the United States, and _____ are non-U.S. citizens
 (number) not present in the United States.
- E. Corporation. I certify that:
Applied Building Sciences Inc.
 (name of corporation) is established pursuant to State Law and is
 authorized to conduct business in the United States.

Allen O. Campbell
 Signature

11/3/17
 Date

Instructions:

1. Please use only the category above (Individual, Family, Sole Proprietorship, etc.) that describes your occupancy status.
2. For B or D above, please fill in the correct number of persons.
3. The certification for non-residential displacee may be signed by an owner or other person authorized to sign on their behalf.
4. Your signature on this (or the claim) form constitutes certification.

EXHIBIT 5

PALMETTO RAILWAYS, NBIF
540 EAST BAY STREET
CHARLESTON, SC 29403-6337



Bank of America

Redacted

11/21/2017

PAY TO THE
ORDER OF

APPLIED BUILDING SCIENCES INC.

\$ **15,601.06

Fifteen-Thousand Six Hundred One and 06/100

DOLLARS

APPLIED BUILDING SCIENCES INC.
1890 MILFORD ST
CHARLESTON SC 29464

PALMETTO RAILWAYS, NBIF

MEMO

Shield

AUTHORIZED SIGNATURE

Redacted

PALMETTO RAILWAYS, NBIF
CHARLESTON, SC 29403-6337

APPLIED BUILDING SCIENCES INC.

Date Type Reference
11/17/2017 Bill Tract 30S

Original Amt.
15,601.06

Balance Due
15,601.06

11/21/2017

Discount

Payment
15,601.06

Check Amount

15,601.06

Checking NBIF Redacted

15,601.06

PALMETTO RAILWAYS, NBIF
CHARLESTON, SC 29403-6337

APPLIED BUILDING SCIENCES INC.

Date Type Reference
11/17/2017 Bill Tract 30S

Original Amt.
15,601.06

Balance Due
15,601.06

11/21/2017

Discount

Payment
15,601.06

Check Amount

15,601.06

Checking NBIF Redacted

15,601.06

Michael Baker International

CLAIM FOR RE-ESTABLISHMENT REIMBURSEMENT

DISPLACEE: Applied Building Sciences, Inc.

DISPLACEE # 1

PALMETTO RAILWAYS

Tract: 305

RE: PAYMENT FOR RE-ESTABLISHMENT

Applied Building Sciences, Inc., owned a building on Milford Street, and used this property as their primary office. Palmetto Railways is purchasing the entire property for their project. As a result of the new right-of-way acquisition, Applied Building Sciences, Inc., will be displaced. As part of their relocation benefits, they are entitled to up to \$50,000.00 in re-establishment.

Applied Building Sciences, Inc., has purchased a replacement site and begun renovations. As part of those renovations, they have begun demolishing walls and flooring, as the previous layout of the replacement site was for a medical office. They have also begun framing the new layout, which will be more conducive to an engineering firm. They have now submitted a second round of invoices for the demolition and framing, and we have reviewed the submitted invoices.

We are requesting payment in the amount of \$15,601.06 be made to Applied Building Sciences, Inc., at this time. The remaining amount that they will be eligible for under re-establishment is \$0.00.

W-9 previously submitted.

Recommended by:

Oscar Rucker
Oscar Rucker

Michael Baker International

Sly 11-20-17

193022 - NBIF

Relo. exp. Reimb.

Southern Connecticut

Re-Establishment Claim for Framing and Demolition

Claimant: Applied Building Sciences, Inc.
 Address: 1890 Milford Street, Charleston, SC 29455

Date: 11/17/17 Site Visit / Verification Date: 11/17/2017

Date	Vendor	Description (from Displacee)	Invoiced Amount	Notes	Approved Amount
10/31/2017	Artisan Building Services, LLC	Demolition	\$ 2,295.00	2nd Third Demolition	\$ 2,295.00
11/7/2017	Republic Services	Dumpster/Debris Removal	\$ 2,367.44	2nd Third Demolition	\$ 2,367.44
11/10/2017	Brandon Sloan	Demolition/Framing	\$ 1,980.00	2nd Third Demolition/Framing	\$ 1,980.00
11/10/2017	Matt Davis	Demolition/Framing	\$ 1,980.00	2nd Third Demolition/Framing	\$ 1,980.00
11/10/2017	Patrick Connelly	Demolition/Framing	\$ 1,650.00	2nd Third Demolition/Framing	\$ 1,650.00
11/10/2017	Ryan Langston	Demolition/Framing	\$ 1,980.00	2nd Third Demolition/Framing	\$ 1,980.00
11/10/2017	James Howard	Demolition/Framing	\$ 1,980.00	2nd Third Demolition/Framing	\$ 1,980.00
11/10/2017	Russell Langston	Demolition/Framing	\$ 2,311.00	2nd Third Demolition/Framing; Displacee has reached cap for re-establishment reimbursement	\$ 1,368.62

TOTAL: \$ 15,601.06

Previous Re-Establishment Claims: \$ 34,398.94

Re-Establishment Cap: \$ 50,000.00

Claimant:

Alan D. Campbell

Recommended:

Anthony J. H. H.

Approved:

[Signature]

EXHIBIT 6

March 19, 2019

Applied Building Sciences
PO Box 71127
N Charleston, SC 29405

Dear Mr. Campbell:

At the request of Palmetto Railways, I have reviewed the three exhibits you have provided in reference to the right-of-way acquisition and Relocation of your Milford Street location. After reviewing, our findings are as follows:

- Exhibit A: None of these charges are eligible under any of the relocation programs since they were related to the building that was purchased. Additionally, all of this work was supposedly done prior to the offer to purchase and Relocation Availability of Payment being made.
- Exhibit B: The majority of the charges on this document are for providing oversight to the renovations by Mr. Campbell and his staff. These types of charges are not eligible for reimbursement under the relocation program. There are also charges for the Milford Street property purchased, and therefore, they are not eligible under the relocation program.
- Exhibit C: There are only two items on Exhibit C which potentially could be eligible under the reestablishment portion of the relocation program, with the appropriate explanation for the expenditure. First, on September 6, 2017, there are charges for securing a generator for the AOC from Orangeburg. A better description of the need, as well as why this had to be secured from Orangeburg, would be necessary for this to be considered. Second, on March 2, 2018, there are charges for logistics regarding the business license for the new site. This would normally be considered under the search expense if it was part of the consideration for using this particular site. A better description of what was actually being considered must be provided.

The two items shown under Exhibit C are not eligible for re-establishment or search expense at this time as the displacee has been reimbursed to the maximum amount allowed under state law as shown in Title 28 Chapter 11. Further, if we had considered

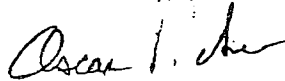
3-25-19

We Make a Difference

these items or any other item eligible it would have been based on an approved rate, and not the Company's billing rate for these services.

If you consider the above findings to be unsatisfactory, you may request a review of these findings by the CFO, Sheri Cooper, Palmetto Railways in Charleston, South Carolina or if you prefer to appeal this finding, that appeal is to be directed to Karen Manning, Chief Legal Counsel for the South Carolina Department of Commerce. We will be glad to provide assistance in requesting this review or completing the appeal form.

Sincerely,

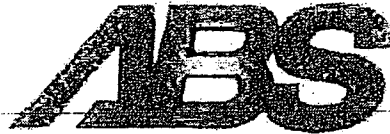


Oscar Rucker

Director of Rights of Way
700 Huger Street
Columbia, SC 29201

CC: Gene Connell
Keith Babcock

ELECTRONICALLY FILED - 2020 Jun 12 2:28 PM - CHARLESTON - COMMON PLEAS - CASE#2019CP1004387



APPLIED BUILDING SCIENCES INC.
ENGINEERS, ARCHITECTS AND
ENVIRONMENTAL CONSULTANTS
FEDERAL TAX #.

Invoice

EXHIBIT

A

Invoice No.	995.0501
Issue Date	12/31/2015
Due Date	12/31/2016

PENDING
(non-posting)

Please remit all payments to the Charleston office address below. Thank you.

Bill To
ABS

Reference Job
ABS Chs Office Bldg

Date	Service Rendered	Hours	Rate	Amount
9/21/2011	Misc (D.W. Butler, Architect Intern) office addition	1.5	115.00	172.50
9/22/2011	Misc (D.W. Butler, Architect Intern) as-built conditions; plans and sections	5	115.00	575.00
9/23/2011	Misc (D.W. Butler, Architect Intern) building sections and elevations	7	115.00	805.00
10/8/2011	Misc (P.W. Kennedy, Architect Intern) draw grid for AOC	1	145.00	145.00
11/30/2011	Travel from Clemson SC (L.S. Moore, PE) Travel to and from Charlotte to Clemson	6.3	195.00	1,228.50
1/27/2012	Office maintenance, repair or design potted plants staking	1	0.00	0.00
2/23/2012	Misc (D.W. Butler, Architect Intern) code research and requirements; existing conditions research	4.5	115.00	517.50
2/24/2012	Misc (D.W. Butler, Architect Intern) studio addition	7	115.00	805.00
2/27/2012	Misc (D.W. Butler, Architect Intern) addition drawings	7	115.00	805.00
6/4/2012	Misc (D.W. Butler, Architect Intern) re-reading code research analysis; drawings	4	115.00	460.00
6/5/2012	Misc (D.W. Butler, Architect Intern) updating existing conditions on drawings; building sections	3.5	115.00	402.50
6/7/2012	Misc (D.W. Butler, Architect Intern) final sketches for studio addition	1	115.00	115.00
6/19/2012	Misc (D.W. Butler, Architect Intern) updating existing conditions; ceiling height sketches for studio addition	4	115.00	460.00
6/16/2014	Office maintenance, repair or design Lisa's PTAC	1	0.00	0.00

TERMS: Due upon receipt.
After 30 days, a Delinquency Charge of 1.5% will be assessed per month thereafter.

Total

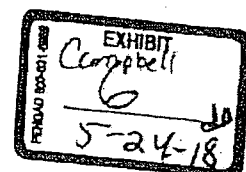
Balance Due

We accept Visa/MasterCard payments for your convenience.

1650 Milford Street * Charleston, SC 29405 * Tel 843.724.1456 * Fax 843.724.1458
1416 Chapin Road * Chapin, SC 29036 * Tel 803.345.3833 * Fax 803.345.2823

PLEASE REMIT ALL PAYMENTS TO THE CHARLESTON OFFICE.

Page 1



ABS
APPLIED BUILDING SCIENCES INC.
 ENGINEERS, ARCHITECTS AND
 ENVIRONMENTAL CONSULTANTS
 FEDERAL TAX #

Invoice

Invoice No.	995.0501
Issue Date	12/31/2016
Due Date	12/31/2016

PENDING
 (non-posting)

Please remit all payments to the Charleston office address below. Thank you.

Bill To
ABS

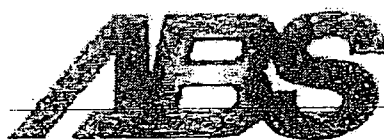
Reference Job
ABS Chs Office Bldg

Date	Service Rendered	Hours	Rate	Amount
7/8/2014	Office maintenance, repair or design Relrieved/discarded rat from over John's office	0.5	0.00	0.00
7/9/2014	Office maintenance, repair or design Purchase; install light fixture over Lisa's desk	0.5	0.00	0.00
7/10/2014	Office maintenance, repair or design Purchase; install light fixture over Lisa's desk	1	0.00	0.00
9/23/2014	Office maintenance, repair or design Purchase wire, etc and installed circuit for tv in conference room	0.5	0.00	0.00
8/26/2014	Office maintenance, repair or design Purchase wire, etc and installed circuit for tv in conference room	1.5	0.00	0.00
10/14/2014	Misc (D.W. Butler, Archited Intern) code review	2.5	120.00	300.00
10/15/2014	Misc (D.W. Butler, Archited Intern) code review with drawings	3.5	120.00	420.00
10/31/2014	Misc (L.E. Polk, RRC) Automatic gate	0.5	170.00	85.00
11/6/2014	Misc (L.E. Polk, RRC) Researched and met with Michael Dennis of Manor Fence Re: motorized gate	1	170.00	170.00
11/13/2014	Misc (D.W. Butler, Archited Intern) reviewing office spaces and layout	1	120.00	120.00
11/14/2014	Misc (D.W. Butler, Archited Intern) floor plan sketches and space planning with John; prior drawing review	3	120.00	360.00
11/17/2014	Misc (D.W. Butler, Archited Intern) existing office layout	1	120.00	120.00
11/14/2014	Misc (J.J. Greenan, PE) Meet and discuss with DWB and AOC.	2.5	170.00	425.00
11/14/2014	Misc (J.J. Greenan, PE) Meet with Wayne and discus with Alan (2nd floor addition and first floor renovation).	2.5	170.00	425.00
TERMS: Due upon receipt After 30 days, a Delinquency Charge of 1.5% will be assessed per month thereafter,		Total		
		Balance Due		

We accept Visa/MasterCard payments for your convenience.

1890 Milford Street * Charleston, SC 29405 * Tel 843.724.1456 * Fax 843.724.1458
 1416 Chapin Road * Chapin, SC 29036 * Tel 803.345.3833 * Fax 803.345.2823

PLEASE REMIT ALL PAYMENTS TO THE CHARLESTON OFFICE.



APPLIED BUILDING SCIENCES INC.
ENGINEERS, ARCHITECTS AND
ENVIRONMENTAL CONSULTANTS
FEDERAL TAX #

Invoice

Invoice No.	995.0501
Issue Date	12/31/2016
Due Date	12/31/2016

Please remit all payments to the Charleston office address below. Thank you.

Bill To
ABS

Reference Job
ABS Chs Office Bldg

Date	Service Rendered	Hours	Rate	Amount
1/5/2015	Misc (D.W. Butler, Architect Intern) floor plan layout	2	155.00	310.00
1/6/2015	Misc (D.W. Butler, Architect Intern) office layout	5	155.00	775.00
1/7/2015	Misc (D.W. Butler, Architect Intern) eplans; building sections; research	4	155.00	620.00
1/8/2015	Misc (D.W. Butler, Architect Intern) building sections and massing	2	155.00	310.00
1/5/2015	Misc (J.J. Greenan, PE) Meet with AOC and DWB.	0.5	175.00	87.50
1/5/2015	Misc (L.E. Polk, RRC) Water heater, research and order, contacted plumber.	1	175.00	175.00
1/9/2015	Misc (L.E. Polk, RRC) Water Heater, purchase supplies	1	175.00	175.00
1/15/2015	Misc (L.E. Polk, RRC) soap dispensers	1	175.00	175.00
1/14/2015	Miscellaneous (P.V. Dukes, EIT)	3.9	125.00	487.50
1/12/2015	Misc (D.W. Butler, Architect Intern) building sections	3	155.00	465.00
1/28/2015	Miscellaneous (P.V. Dukes, EIT) Layout plan / framing for JIG	2.9	125.00	362.50
1/21/2015	Misc (L.E. Polk, RRC) Meet with AAA Fence Company	1	175.00	175.00
1/23/2015	Misc (L.E. Polk, RRC) Meet with AAA Fence Company	0.5	175.00	87.50
3/19/2015	Office maintenance, repair or design reviewing office renovation with Chris	2	0.00	0.00

TERMS: Due upon receipt.
After 30 days, a Delinquency Charge of 1.5% will be assessed per month thereafter.

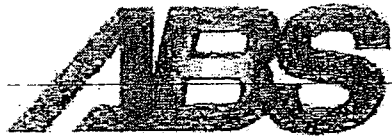
Total

Balance Due

We accept Visa/MasterCard payments for your convenience.

1890 Milford Street * Charleston, SC 29405 * Tel 843.724.1458 * Fax 843.724.1458
1415 Chapin Road * Chapin, SC 29036 * Tel 803.345.3833 * Fax 803.345.2823

PLEASE REMIT ALL PAYMENTS TO THE CHARLESTON OFFICE.



APPLIED BUILDING SCIENCES INC.

**ENGINEERS, ARCHITECTS AND
ENVIRONMENTAL CONSULTANTS**

FEDERAL TAX #:

Invoice

Invoice No.	995.0501
Issue Date	12/31/2016
Due Date	12/31/2016

**PENDING
(non-posting)**

Please remit all payments to the Charleston office address below. Thank you.

BHI To
ABS

Reference Job
ABS Chs Office Bldg

Date	Service Rendered	Hours	Rate	Amount
3/20/2015	Misc (D.W. Butler, Architect Intern) office renovation	1	155.00	155.00
3/23/2015	Misc (D.W. Butler, Architect Intern) drawing sketches	4	155.00	620.00
3/24/2015	Misc (D.W. Butler, Architect Intern) layout spaces	4	155.00	620.00
3/30/2015	Misc (D.W. Butler, Architect Intern) research	2	155.00	310.00
4/2/2015	Misc (D.W. Butler, Architect Intern) design sketches	4	155.00	620.00
3/31/2015	Misc (L.E. Polk, RRC) Locking mechanism for storage container	1	175.00	175.00
4/6/2015	Misc (D.W. Butler, Architect Intern) design sketches	2.5	155.00	387.50
4/6/2015	Misc (L.E. Polk, RRC) Remove/replace lock assembly on container	1	175.00	175.00
4/7/2015	Misc (D.W. Butler, Architect Intern) drawings/research	5	155.00	775.00
4/8/2015	Misc (D.W. Butler, Architect Intern) drawings/research	6.5	155.00	1,007.50
4/9/2015	Misc (D.W. Butler, Architect Intern) drawings/research	7	155.00	1,085.00
4/10/2015	Misc (D.W. Butler, Architect Intern) drawings/research	3.5	155.00	542.50
4/13/2015	Misc (D.W. Butler, Architect Intern) building sections; floor plans	9	155.00	1,395.00
4/14/2015	Misc (D.W. Butler, Architect Intern) building sections; floor plans	8	155.00	1,240.00

TERMS: Due upon receipt
After 30 days, a Delinquency Charge of 1.5% will be assessed per month thereafter.

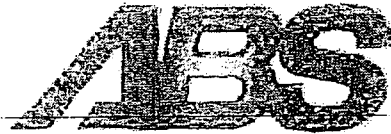
Total

Balance Due

We accept Visa/MasterCard payments for your convenience.

1990 Milford Street * Charleston, SC 29405 * Tel 843.724.1456 * Fax 843.724.1458
1416 Chapin Road * Chapin, SC 29036 * Tel 803.345.3833 * Fax 803.345.2823

PLEASE REMIT ALL PAYMENTS TO THE CHARLESTON OFFICE.



APPLIED BUILDING SCIENCES INC.
ENGINEERS, ARCHITECTS AND
ENVIRONMENTAL CONSULTANTS
FEDERAL TAX #

Invoice

Invoice No.	995.0501
Issued Date	12/31/2016
Due Date	12/31/2016

PENDING
(non-posting)

Please remit all payments to the Charleston office address below. Thank you.

Billed To
ABS

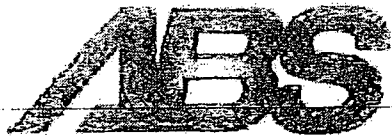
Reference Job
ABS Chs Office Bldg

Date	Service Rendered	Hours	Rate	Amount
4/15/2015	Misc (S.A. Harvey, Architect)	1	225.00	225.00
4/15/2015	Review design schemes with Wayne			
4/15/2015	Misc (D.W. Butler, Architect Intern)	8	155.00	1,240.00
4/16/2015	building sections; floor plans			
4/16/2015	Misc (D.W. Butler, Architect Intern)	8	155.00	1,240.00
4/17/2015	building sections; floor plans			
4/17/2015	Misc (S.A. Harvey, Architect)	1	225.00	225.00
4/17/2015	Review design schemes with Wayne			
4/17/2015	Misc (D.W. Butler, Architect Intern)	8	155.00	1,240.00
4/20/2015	building sections; floor plans			
4/20/2015	Misc (D.W. Butler, Architect Intern)	8	155.00	1,240.00
4/21/2015	floor plans/building sections/details			
4/21/2015	Misc (D.W. Butler, Architect Intern)	6.5	155.00	1,007.50
4/22/2015	floor plans/building sections/details			
4/22/2015	Misc (D.W. Butler, Architect Intern)	7	155.00	1,085.00
4/23/2015	floor plans/building sections/details			
4/23/2015	Misc (D.W. Butler, Architect Intern)	7	155.00	1,085.00
4/27/2015	floor plans/building sections/details			
4/27/2015	Office maintenance, repair or design	0.8	0.00	0.00
4/27/2015	Misc (D.W. Butler, Architect Intern)	8	155.00	1,240.00
4/28/2015	building sections/elevations			
4/28/2015	Misc (D.W. Butler, Architect Intern)	8	155.00	1,240.00
4/29/2015	building sections/elevations			
4/29/2015	Misc (D.W. Butler, Architect Intern)	8	155.00	1,240.00
4/30/2015	building sections/elevations			
4/30/2015	Misc (D.W. Butler, Architect Intern)	8	155.00	830.00
TERMS: Due upon receipt.		Total		
After 30 days, a Delinquency Charge of 1.5% will be assessed per month thereafter.		Balance Due		

We accept Visa/MasterCard payments for your convenience.

1890 Milford Street * Charleston, SC 29405 * Tel 843.724.1456 * Fax 843.724.1458
 1416 Chapin Road * Chapin, SC 29036 * Tel 803.345.3833 * Fax 803.345.2823

PLEASE REMIT ALL PAYMENTS TO THE CHARLESTON OFFICE.



APPLIED BUILDING SCIENCES INC.
ENGINEERS, ARCHITECTS AND
ENVIRONMENTAL CONSULTANTS
FEDERAL TAX #

Invoice

Invoice No.	995.0501
Issue Date	12/31/2016
Due Date	12/31/2016

PENDING
 (non-posting)

Please remit all payments to the Charleston office address below. Thank you.

Bill To
ABS

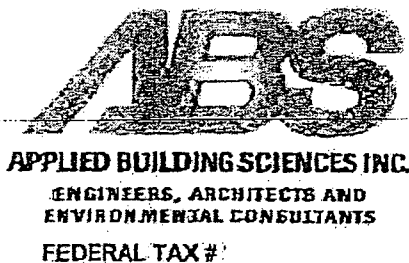
Reference Job
ABS Chs Office Bldg

Date	Service Rendered	Hours	Rate	Amount
5/1/2015	Misc (D.W. Butler, Architect Intern) building sections/elevations	8	155.00	1,240.00
5/4/2015	Misc (D.W. Butler, Architect Intern) building elevations; floor plans	6	155.00	930.00
5/4/2015	Office maintenance, repair or design Kitchen sink	0.8	0.00	0.00
5/5/2015	Misc (D.W. Butler, Architect Intern) building elevations; floor plans	3	155.00	465.00
5/8/2015	Misc (D.W. Butler, Architect Intern) building elevations; floor plans	6	155.00	930.00
5/7/2015	Misc (D.W. Butler, Architect Intern) building elevations; floor plans	6	155.00	930.00
5/8/2015	Misc (D.W. Butler, Architect Intern) building elevations; floor plans	8	155.00	1,240.00
5/11/2015	Misc (D.W. Butler, Architect Intern) elevations and building sections; floor plan; product research	6	155.00	930.00
5/12/2015	Misc (D.W. Butler, Architect Intern) elevations and building sections; floor plan; product research	4	155.00	620.00
5/13/2015	Misc (D.W. Butler, Architect Intern) elevations and building sections; floor plan; product research	7	155.00	1,085.00
5/14/2015	Misc (D.W. Butler, Architect Intern) elevations and building sections; floor plan; product research	4	155.00	620.00
5/15/2015	Misc (D.W. Butler, Architect Intern) elevations and building sections; floor plan; product research	1	155.00	155.00
6/20/2015	Misc (D.W. Butler, Architect Intern) product research; details/building sections	8	155.00	1,240.00
5/26/2015	Miscellaneous (Dawn B. Clayton, draftsman) site plan; product rep. meeting and selection	2	70.00	140.00
TERMS: Due upon receipt. After 30 days, a Delinquency Charge of 1.5% will be assessed per month thereafter.		Total		
		Balance Due		

We accept Visa/MasterCard payments for your convenience.

1899 Milford Street * Charleston, SC 29405 * Tel 843.724.1458 * Fax 843.724.1458
 1416 Chapin Road * Chapin, SC 29036 * Tel 803.345.3833 * Fax 803.345.2823

PLEASE REMIT ALL PAYMENTS TO THE CHARLESTON OFFICE.



Invoice

Invoice No.	995.0501
Term Date	Due Date
12/31/2016	12/31/2016

Please remit all payments to the Charleston office address below. Thank you.

Bill To
ABS

Reference Job
ABS Chs Office Bldg

Date	Service Rendered	Hours	Rate	Amount
5/28/2015	Misc (L.E. Polk, RRC)	0.3	175.00	52.50
5/29/2015	Correspondence with Mr. Dave Mehta Re: part for Preston's PTAC	2	70.00	140.00
5/11/2015	Miscellaneous (Dawn B. Clayton, draftsman)	0.3	175.00	52.50
8/17/2015	site plan; product rep. meeting and selection	1	175.00	175.00
7/27/2015	Misc (L.E. Polk, RRC)	1	155.00	155.00
9/1/2015	Follow-up for part for PTAC (Preston)	0.5	175.00	87.50
8/26/2015	Misc (L.E. Polk, RRC)	1.2	175.00	210.00
10/1/2015	Research portable HVACs; discuss with Smoaks	0.5	175.00	87.50
10/2/2015	Misc (D.W. Butler, Architect Intern)	1.8	175.00	315.00
11/8/2015	server room equipment research and contractor correspondence	2	175.00	350.00
12/22/2015	Misc (L.E. Polk, RRC)	2	175.00	350.00
12/22/2015	Lisa's desk	1.6	175.00	280.00
12/23/2015	Misc (L.E. Polk, RRC)	1.6	175.00	280.00
TERMS: Due upon receipt		Total	\$48,526.00	
After 30 days, a Delinquency Charge of 1.5% will be assessed per month thereafter.		Balance Due	\$48,526.00	

We accept Visa/MasterCard payments for your convenience.

1890 Milford Street * Charleston, SC 29405 * Tel 843.724.1456 * Fax 843.724.1458
1416 Chapin Road * Chapin, SC 29036 * Tel 803.345.3833 * Fax 803.345.2823

PLEASE REMIT ALL PAYMENTS TO THE CHARLESTON OFFICE.



APPLIED BUILDING SCIENCES

FEDERAL TAX #

Applied Building Sciences

Invoice

Invoice Number: * Draft *
 Invoice Date: 07/31/2018
 Due Date: 08/30/2018

EXHIBIT

B

Hibernian Heights Litigation
 1890 Milford Street
 Charleston, South Carolina
 ABS Ref: 900.17083

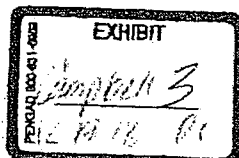
Professional Fees

		Hours	Rate	Amount
08/13/2017	Meet with tree and undergrowth removal contractor. (Alan Campbell, PE, RRC)	0.50	285.00	142.50
08/15/2017	Walk through building; observe demolition (Alan Campbell, PE, RRC)	1.50	285.00	427.50
08/18/2017	Call to Sustainability Warehouse related to debris removal and other discussions with contractors (Alan Campbell, PE, RRC)	0.50	285.00	142.50
08/31/2017	Meeting w/ contractor and Wayne (Alan Campbell, PE, RRC)	1.00	285.00	285.00
10/02/2017	Meet with architect and engineer (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/02/2017	Office design review/comment (Curt Berg, III, AIA)	0.60	155.00	93.00
11/03/2017	Review layout and moving logistics for new office (Alan Campbell, PE, RRC)	2.00	285.00	570.00
11/03/2017	Cosgrove Office Building Meeting (Alex Overeem, EIT)	2.00	125.00	250.00
11/03/2017	Meeting (Alex Robertson, CAD Tech)	1.75	70.00	122.50
11/03/2017	Meet w/ office to discuss and comment on new office design. (Bobby Fundik, PE)	1.90	175.00	332.50
11/03/2017	Office design review/comment (Curt Berg, III, AIA)	2.20	155.00	341.00
11/03/2017	Office Meeting (Dawn Clayton, Draftsman)	1.80	70.00	126.00
11/03/2017	Office Mtg. - review of new office design (Lauren Ulmer, AIA)	1.00	155.00	155.00
11/03/2017	Company meeting and drawing review. (Lisa Koehle, Admin Asst)	2.00	75.00	150.00
11/03/2017	Review office layout and moving logistics for new office. (Scott Harvey, AIA)	2.00	225.00	450.00
11/03/2017	Presentation to ABS and prep. work; graphics/photos/drawing diagrams (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/03/2017	Participate in new office design meeting (Whitney Schum, AIA)	2.00	175.00	350.00
11/15/2017	Went to see new office (Stephanie Borzendowski, PhD)	0.60	190.00	114.00
12/04/2017	Meeting w/ Gene Connell re: interrogatories and answers (Alan Campbell, PE, RRC)	1.00	285.00	285.00
05/24/2018	Communicate w/ Gene Connell, travel to deposition; deposition at 234 Seven Farms Drive (Alan Campbell, PE, RRC)	3.50	285.00	997.50
07/20/2018	Discuss and coordinate roof repairs for 1890 Milford Street (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/20/2018	Assessing water damage (Dawn Clayton, Draftsman)	1.00	70.00	70.00
07/20/2018	Water damage issues and cleaning. (Rich Dixon, CSP, CHMM, CIEC)	2.50	120.00	300.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
 We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1498
 5501 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 1 of 2



L-00002060

Applied Building Sciences
Project 960.17083 HIBERNIAN HEIGHTS LITIGATION

Invoice number
Date 07/31/2018

		Hours	Rate	Amount
Professional Fees		3.00	225.00	675.00
07/21/2018	Purchase roof repair materials at Lowes; roof patching work (Al Schweickhardt, PE)	2.50	125.00	312.50
07/21/2018	Roof repairs (Alex Overeem, EIT)	2.50	210.00	525.00
07/21/2018	Roof repair (Joe Shahid, PE)	2.00	120.00	240.00
07/21/2018	Roof repairs (Rich Dixon, CSP, CHMM, CIEC)	1.80	125.00	225.00
07/23/2018	Cleaned up water damage (Leah Hartman, PhD)			182.76
	Maintenance / Janitorial Tarps for office roof due to leak	16.00	0.55	8.72
	Mileage			191.49
Expenses Total				

Invoice Total **\$9,347.98**

TERMS: Due upon receipt.
After 30 days, a Delinquency Charge of 1.5% will be assessed per month thereafter.

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 960.219.7084

Page 2 of 2

L-00002061



APPLIED BUILDING SCIENCES

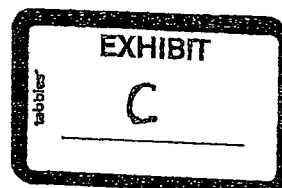
Invoice

Invoice Number: * Draft *
Invoice Date: 02/11/2019
Due Date: 03/13/2019

FEDERAL TAX #:

Applied Building Sciences

2308 Cosgrove Avenue
2308 Cosgrove Avenue
Charleston, South Carolina
ABS Ref: 995.17002



Professional Fees

		Hours	Rate	Amount
05/23/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
05/23/2017	On site observations, A&E CAD drawings (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
05/27/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
05/30/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
06/02/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.20	285.00	342.00
06/03/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.00	285.00	285.00
06/05/2017	Site Visit for Dim clarification (Alex Robertson, Technician)	4.00	70.00	280.00
06/05/2017	As-built logistics with Alex (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
06/06/2017	Dims into Cad (Alex Robertson, Technician)	2.75	70.00	192.50
06/07/2017	Site Visit and Dims into Cad (Alex Robertson, Technician)	7.25	70.00	507.50
06/07/2017	Took Interior building dimensions (Garrett Linderman, EIT)	4.00	70.00	280.00
06/07/2017	Existing conditions with Alex (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
06/08/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
06/08/2017	Exterior Photos and Dims (Alex Robertson, Technician)	2.00	70.00	140.00
06/08/2017	Existing conditions with Alex (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
06/09/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.00	285.00	285.00
06/09/2017	Site Visit clarification of Dimensions (Alex Robertson, Technician)	7.00	70.00	490.00
06/09/2017	Took interior building dimensions / uploaded photos to network (Garrett Linderman, EIT)	7.00	70.00	490.00
06/10/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
06/12/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
06/12/2017	cad and site visit (Alex Robertson, Technician)	8.00	70.00	560.00
06/13/2017	cad (Alex Robertson, Technician)	6.50	70.00	455.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5501 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page: 1 of 38

L-00002769

Applied Building Sciences
Project 885.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
06/14/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
06/14/2017	Cad (Alex Robertson, Technician)	6.00	70.00	420.00
06/14/2017	Drawing review (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
06/15/2017	cad and visit to office (Alex Robertson, Technician)	6.75	70.00	472.50
06/15/2017	Drawings (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
06/16/2017	cad (Alex Robertson, Technician)	2.50	70.00	175.00
06/17/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
06/26/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
06/30/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
06/30/2017	Existing conditions discussion with Alex O. and Alex R. (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
07/01/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/03/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/03/2017	Existing conditions (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
07/05/2017	Sketchup (Alex Robertson, Technician)	6.00	70.00	420.00
07/05/2017	Modeling assistance with CAR (Curt Berg, III, AIA)	1.00	155.00	155.00
07/05/2017	Drawing logistics (Wayne Butler, Architectural Staff III)	0.50	155.00	77.50
07/06/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/06/2017	As-built drawings (Wayne Butler, Architectural Staff III)	4.50	155.00	697.50
07/07/2017	Sketchup (Alex Robertson, Technician)	2.25	70.00	157.50
07/07/2017	Existing conditions and as-built drawings (Wayne Butler, Architectural Staff III)	6.50	155.00	1,007.50
07/08/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/10/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
07/10/2017	Calls, permit applications. (Alex Overeem, EIT)	0.80	125.00	100.00
07/10/2017	Review moving and relocation options in new building floorplan. Review schematic floor plan renovation options. (Scott Harvey, AIA)	2.50	225.00	562.50
07/10/2017	As-build drawings and existing conditions observations (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
07/11/2017	Preliminary determination of load bearing walls (Alex Overeem, EIT)	2.00	125.00	250.00
07/11/2017	Site visit to new office. Mapped out ceiling framing for first and second floors. (Jordan Seawright, Intern)	2.00	95.00	190.00
07/11/2017	Existing conditions and new design work (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
07/12/2017	Review of trusses, gutting and documentation of existing framing, CAD drawing (Alex Overeem, EIT)	3.40	125.00	425.00
07/12/2017	Assist J. Seawright and A. Overeem w/ determining floor framing layout and load-bearing wall locations. (Bobby Funcik, PE)	1.80	175.00	315.00
07/12/2017	Bathroom design consult with DWB (Curt Berg, III, AIA)	1.20	155.00	186.00
07/12/2017	Preparation for site visit. Site visit to office to continue investigation of roof framing. (Jordan Seawright, Intern)	3.00	95.00	285.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 2 of 38

L-00002770

Professional Fees

		Hours	Rate	Amount
07/12/2017	Code compliance research; new design work (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
07/13/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/13/2017	CAD Drawing (Alex Overeem, EIT)	1.40	125.00	175.00
07/13/2017	Bathroom design consult with DWB (Curt Berg, III, AIA)	0.20	155.00	31.00
07/13/2017	Analyzed 12" deep ceiling trusses for 16-ft and 24-ft spans. (Jordan Seawright, Intern)	2.00	95.00	190.00
07/13/2017	New floor plans (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
07/14/2017	Continued determination of existing structure (Alex Overeem, EIT)	3.30	125.00	412.50
07/14/2017	Site visit to office to determine span and support conditions of steel beam. Continued framing investigation. Calculated capacity of pipe columns. (Jordan Seawright, Intern)	3.00	95.00	285.00
07/14/2017	New floor plans (Wayne Butler, Architectural Staff III)	0.50	155.00	77.50
07/15/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/17/2017	Check water, evaluate existing framing (Alex Overeem, EIT)	1.50	125.00	187.50
07/17/2017	Building and wall sections (Wayne Butler, Architectural Staff III)	5.50	155.00	852.50
07/18/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/19/2017	CAD drawing and evaluating existing framing (Alex Overeem, EIT)	2.00	125.00	250.00
07/19/2017	New second floor plan (Wayne Butler, Architectural Staff III)	4.50	155.00	697.50
07/20/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/20/2017	Evaluating existing framing. Determination of load bearing walls (Alex Overeem, EIT)	1.10	125.00	137.50
07/20/2017	New building sections and floor plans (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
07/22/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/24/2017	Structural layout (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
07/27/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/28/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/29/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
08/01/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
08/04/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
08/05/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
08/07/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
08/08/2017	Space planning / layout (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
08/11/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
08/12/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7064

Applied Building Sciences
Project 895.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
08/14/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
08/15/2017	On site demo and floor plan review (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
08/16/2017	Jurisdictional research for AOC (Curt Berg, III, AIA)	0.30	155.00	46.50
08/17/2017	Jurisdictional research for AOC (Curt Berg, III, AIA)	1.00	155.00	155.00
08/17/2017	Second floor plan study (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
08/18/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.00	285.00	285.00
08/18/2017	Jurisdictional research for AOC (Curt Berg, III, AIA)	0.30	155.00	46.50
08/18/2017	Second floor plan study (Wayne Butler, Architectural Staff III)	1.50	155.00	232.50
08/19/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
08/21/2017	Floor plan and elevations (Wayne Butler, Architectural Staff III)	6.50	155.00	1,007.50
08/22/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
08/22/2017	New elevation designs (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
08/23/2017	New second floor plans, elevations, building sections (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
08/24/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
08/24/2017	On site walk through with Rall consultant, new building sections (Wayne Butler, Architectural Staff III)	3.50	155.00	542.50
08/25/2017	New floor plans, elevations, building sections, and material research (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
08/26/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
08/28/2017	3D Drafting (Dawn Clayton, Draftsman)	1.60	70.00	112.00
08/28/2017	New elevation details and floor plans (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
08/29/2017	3D Drafting (Dawn Clayton, Draftsman)	3.90	70.00	273.00
08/29/2017	New second floor plan diagrams (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
08/30/2017	3D Drafting (Dawn Clayton, Draftsman)	2.60	70.00	182.00
08/30/2017	New floor plan layouts (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
08/31/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
08/31/2017	On site observations of demo and exterior walls, new building sections (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
09/01/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
09/01/2017	New building sections and floor plan diagrams (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
09/02/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
09/05/2017	New first floor layout (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
09/06/2017	First floor plan review and building sections; structural components (Wayne Butler, Architectural Staff III)	6.50	155.00	1,007.50
09/07/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
09/07/2017	Met with Romy/ upload notes and photos to file (Alex Overeem, EIT)	3.00	125.00	375.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1456
5601 Seventy-Seven Center Drive, Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 4 of 38

L-00002772

Applied Building Sciences
Project 995.17002 2308 COSGROVE AVENUE

Invoice number
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
09/07/2017	On site observations and walk thru; first floor plan layout (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
09/08/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
09/08/2017	Discussion w/ Wayne. Design Calculations (Alex Overeem, EIT)	4.00	125.00	500.00
09/08/2017	Review and comment on preliminary floor plans. (Scott Harvey, AIA)	1.00	225.00	225.00
09/08/2017	Travel to and from Orangeburg to pick up generators for AOC (Stephanie Borzendowski, PhD)	2.40	190.00	456.00
09/08/2017	First floor plan (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
09/09/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
09/11/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
09/12/2017	Discuss structural issues with Alex O (Al Schweickhardt, PE)	0.20	225.00	45.00
09/12/2017	Designed new floor framing members required to remove load bearing walls (Alex Overeem, EIT)	9.00	125.00	1,125.00
09/12/2017	First floor plan core program elements (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
09/13/2017	Coordination W/ Wayne & Repair Designs (Alex Overeem, EIT)	7.00	125.00	875.00
09/13/2017	3D Drafting (Dawn Clayton, Draftsman)	7.30	70.00	511.00
09/13/2017	First floor / second floor redlines (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
09/14/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
09/14/2017	Repair Design, Discussion with Alan, Brief Site Visit to confirm layout (Alex Overeem, EIT)	4.00	125.00	500.00
09/14/2017	3D Drafting (Dawn Clayton, Draftsman)	4.00	70.00	280.00
09/14/2017	First floor / second floor plans; structural modifications (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
09/15/2017	Repair Design and Drafting Repair Details (Alex Overeem, EIT)	8.00	125.00	1,000.00
09/15/2017	3D Drafting (Dawn Clayton, Draftsman)	1.70	70.00	119.00
09/15/2017	Building sections (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
09/16/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
09/18/2017	Travel, site visit to meet with contractors, address and revise scope of work; discuss framing design w/ B. Funcik and A. Overeem (Alan Campbell, PE, RRC)	2.00	285.00	570.00
09/18/2017	Detailing structural repairs (Alex Overeem, EIT)	6.00	125.00	750.00
09/18/2017	Discuss framing design w/ A. Campbell and A. Overeem. (Bobby Funcik, PE)	0.50	175.00	87.50
09/18/2017	3D Drafting (Dawn Clayton, Draftsman)	2.90	70.00	203.00
09/18/2017	Meeting Window Supplier on-site. Review code analysis and schematic floor plans. (Scott Harvey, AIA)	2.00	225.00	450.00
09/18/2017	Code research and review (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
09/19/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
09/19/2017	Design and Detailing structural repair and modification details; Site Visit w/ AOC (includes travel time) (Alex Overeem, EIT)	7.10	125.00	887.50
09/19/2017	3D Drafting (Dawn Clayton, Draftsman)	1.50	70.00	105.00
09/19/2017	Code compliance and floor plans (Wayne Butler, Architectural Staff III)	1.50	155.00	232.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7064

Page 5 of 38

L-00002773

Applied Building Sciences
Project 895.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
09/20/2017	Discuss calcs w/ A. Overeem and B. Funk (Alan Campbell, PE, RRC)	0.70	285.00	199.50
09/20/2017	Site Visit (includes travel time); follow up calculations and discussion with BMF (Alex Overeem, EIT)	5.20	125.00	650.00
09/20/2017	Discuss calcs w/ A. Overeem and A. Campbell. (Bobby Funk, PE)	0.70	175.00	122.50
09/20/2017	Floor plans revisions (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
09/21/2017	Discussion w/ A. Overeem (Alan Campbell, PE, RRC)	0.50	285.00	142.50
09/21/2017	Site Visit w/ Romy; discussion with Alan; LVL analysis, revising construction drawings. (Alex Overeem, EIT)	5.60	125.00	700.00
09/21/2017	Metal stair design (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
09/22/2017	Site Visit (Alex Overeem, EIT)	0.50	125.00	62.50
09/22/2017	Demo and first floor layout; stair sections and framing (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
09/23/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
09/25/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
09/25/2017	Meet with Romy; Order materials (Alex Overeem, EIT)	3.20	125.00	400.00
09/25/2017	On site demo walk and floor plan layout revisions (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
09/26/2017	Met with Romy on furred wall; Coordination with DWB; phone calls coordinating material shipment. (Alex Overeem, EIT)	3.00	125.00	375.00
09/26/2017	Review stairs, framing and window items with Wayne. (Scott Harvey, AIA)	1.00	225.00	225.00
09/26/2017	Revisions (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
09/27/2017	Meet with Romy on block beam at top of stairs (Alex Overeem, EIT)	3.00	125.00	375.00
09/27/2017	Demo questions and layout modifications (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
09/28/2017	Stair coordination with DWB and Romy (Alex Overeem, EIT)	1.00	125.00	125.00
09/28/2017	3D Drafting (Dawn Clayton, Draftsman)	0.50	70.00	35.00
09/29/2017	Coordination w/ DWB and Romy (et. al) (Alex Overeem, EIT)	0.90	125.00	112.50
09/29/2017	3D Drafting (Dawn Clayton, Draftsman)	8.00	70.00	560.00
09/29/2017	Structural modifications during demo review (Wayne Butler, Architectural Staff III)	2.50	155.00	387.50
10/02/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/02/2017	Determine wind pressures for DP rating; Site Visit with AOC and DWB; follow up calculations. (Alex Overeem, EIT)	8.00	125.00	1,000.00
10/02/2017	3D Drafting (Dawn Clayton, Draftsman)	5.00	70.00	350.00
10/02/2017	Floor plans and sections (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
10/03/2017	Roof dry in details (Alex Overeem, EIT)	6.40	125.00	800.00
10/03/2017	3D Drafting (Dawn Clayton, Draftsman)	3.50	70.00	245.00
10/03/2017	Floor plans and sections (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
10/04/2017	To North Charleston City hall to submit permit authorization; site visit to measure opening; masonry beam analysis set up (Alex Overeem, EIT)	6.00	125.00	750.00
10/04/2017	Floor plans and sections (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
10/05/2017	Floor plans and sections (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 6 of 38

L-00002774

Applied Building Sciences
Project 885.17002 2308 COSGROVE AVENUE

Invoice number
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
10/06/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
10/06/2017	Coordination w/ AOC, WDB, and JDG with stair take off, coordination items, and roof framing, respectively (Alex Overeem, EIT)	5.50	125.00	687.50
10/06/2017	Office layout review and preliminary structural interation of Glulam vs bar joists. (Jason Gregorie, PE)	4.00	225.00	900.00
10/06/2017	Partner meeting; floor plan revisions (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
10/07/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/09/2017	Drafting and Detailing Glulam Design (Alex Overeem, EIT)	6.00	125.00	750.00
10/09/2017	Research (Alex Robertson, Technician)	1.00	70.00	70.00
10/09/2017	First floor plan mod. layouts (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
10/10/2017	Cost analysis; coordination with Jason Gregorie; second floor frame design; calls to buck lumber (Alex Overeem, EIT)	5.30	125.00	662.50
10/10/2017	Research (Alex Robertson, Technician)	1.25	70.00	87.50
10/10/2017	Demo mods. (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
10/11/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/11/2017	Site Visit with AOC (Alex Overeem, EIT)	1.00	125.00	125.00
10/11/2017	3D Drafting (Dawn Clayton, Draftsman)	1.80	70.00	126.00
10/11/2017	ADA requirements; vertical circulation (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
10/12/2017	Second floor layout (Wayne Butler, Architectural Staff III)	2.50	155.00	387.50
10/13/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
10/14/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/16/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/16/2017	On site meeting with demo contractor; floor plan revisions (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
10/17/2017	Floor plan revisions; window / door locations (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
10/18/2017	Partner review and discussion of floor plans (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
10/19/2017	Floor plan revisions based on layout org. (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
10/20/2017	Obtained Demo Permit; Site Visit (includes travel time) (Alex Overeem, EIT)	3.10	125.00	387.50
10/20/2017	Floor plan revisions and redlines; on site demo review; meeting with Admin. for review (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
10/21/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
10/21/2017	Structural Analysis; Structural Design of new members (Alex Overeem, EIT)	9.50	125.00	1,187.50
10/22/2017	Continued Analysis (Alex Overeem, EIT)	2.50	125.00	312.50
10/23/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/23/2017	LVL drop beam and column design (Alex Overeem, EIT)	1.00	125.00	125.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive, Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 7 of 38

L-00002775

Applied Building Sciences
Project 895.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
10/24/2017	Second floor plan and elevations (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
10/25/2017	Discuss steel column w/ B. Fundik (Alan Campbell, PE, RRC)	0.20	285.00	57.00
10/25/2017	Discuss steel column w/ A. Campbell. (Bobby Fundik, PE)	0.20	175.00	35.00
10/25/2017	First & Second floor plan mods. (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
10/26/2017	Discuss structural framing w/ B. Fundik and W. Butler (Alan Campbell, PE, RRC)	0.50	285.00	142.50
10/26/2017	Discuss structural framing w/ A. Campbell and W. Butler. (Bobby Fundik, PE)	0.50	175.00	87.50
10/26/2017	Second floor plan layout (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
10/27/2017	First & Second floor plan layouts (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
10/28/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/30/2017	Site visit w/ A. Overeem and W. Butler (Alan Campbell, PE, RRC)	2.00	285.00	570.00
10/30/2017	Site visit with AOC and DWB; drop beam and connection design. (Alex Overeem, EIT)	5.00	125.00	625.00
10/30/2017	Review calcs w/ A. Overeem. (Bobby Fundik, PE)	0.80	175.00	140.00
10/30/2017	First floor plan revisions (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
10/31/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/31/2017	Steel beam and connection design; coordination with Frazier Iron Works (Alex Overeem, EIT)	3.90	125.00	487.50
10/31/2017	3D Drafting (Dawn Clayton, Draftsman)	6.30	70.00	441.00
10/31/2017	First floor plan revisions (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
11/01/2017	3D Drafting (Dawn Clayton, Draftsman)	3.70	70.00	259.00
11/01/2017	Review office plans. (Parker Shields, PE)	0.30	155.00	46.50
11/01/2017	Floor plan revisions, elevations and building sections (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
11/02/2017	3D Drafting (Dawn Clayton, Draftsman)	8.50	70.00	595.00
11/03/2017	Review layout and moving logistics for new office (Alan Campbell, PE, RRC)	2.00	285.00	570.00
11/03/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
11/03/2017	Cosgrove Office Building Meeting (Alex Overeem, EIT)	2.00	125.00	250.00
11/03/2017	Site visit (includes travel time), coordination with AOC and RKD, ordering materials (Alex Overeem, EIT)	2.00	125.00	250.00
11/03/2017	Meeting (Alex Robertson, Technician)	1.75	70.00	122.50
11/03/2017	Meet w/ office to discuss and comment on new office design. (Bobby Fundik, PE)	1.90	175.00	332.50
11/03/2017	Office design review/comment (Curt Berg, III, AIA)	2.20	155.00	341.00
11/03/2017	3D Drafting (Dawn Clayton, Draftsman)	6.40	70.00	448.00
11/03/2017	Office Meeting (Dawn Clayton, Draftsman)	1.80	70.00	126.00
11/03/2017	Office Mtg. - review of new office design (Lauren Ulmer, AIA)	1.00	155.00	155.00
11/03/2017	Company meeting and drawing review. (Lisa Koehle, Admin Asst)	2.00	75.00	150.00
11/03/2017	Progress meeting and discussion of design concepts. (Parker Shields, PE)	2.00	155.00	310.00
11/03/2017	Review office layout and moving logistics for new office. (Scott Harvey, AIA)	2.00	225.00	450.00
11/03/2017	Presentation to ABS and prep. work; graphics/photos/drawing diagrams (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 8 of 38

L-00002776

Applied Building Sciences
Project 995.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2018

Professional Fees

		Hours	Rate	Amount
11/03/2017	Aesthetic photos/graphics; floor plan diagrams; elevations (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/03/2017	Participate in new office design meeting (Whitney Schrum, AIA)	2.00	175.00	350.00
11/04/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
11/06/2017	17.5 Foot LVL Beam Design; coordination with demo/construction team; coordination with AOC; site visit (Alex Overeem, EIT)	5.00	125.00	625.00
11/06/2017	Site visit; demo scope and extents; 2nd floor plan layouts (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
11/07/2017	Discuss beam sizing w/ B. Funcik (Alan Campbell, PE, RRC)	0.30	285.00	85.50
11/07/2017	Material allocation; site visit; framing inspection; coordination with AOC; coordination with Frazier (Frazier Ironworks); site visit; coordination with RKD (Alex Overeem, EIT)	6.00	125.00	750.00
11/07/2017	Discuss beam sizing w/ A. Campbell. (Bobby Funcik, PE)	0.30	175.00	52.50
11/07/2017	3D Drafting (Dawn Clayton, Draftsman)	6.50	70.00	455.00
11/07/2017	Demo review and 2nd floor layout mods. (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/08/2017	LVL Support Analysis (Alex Overeem, EIT)	1.20	125.00	150.00
11/08/2017	3D Drafting (Dawn Clayton, Draftsman)	3.80	70.00	266.00
11/09/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
11/09/2017	Coordination Site Visit with DWB and AOC; Stairs; Collor tie design (Alex Overeem, EIT)	6.00	125.00	750.00
11/09/2017	3D Drafting (Dawn Clayton, Draftsman)	1.00	70.00	70.00
11/09/2017	On site observations; 2nd floor plan mods. (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
11/10/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/10/2017	Rafter Tie Analysis; Coordination with AOC; site visit; coordination with DWB (Alex Overeem, EIT)	2.50	125.00	312.50
11/10/2017	On site observations; 2nd floor plan mods. (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/11/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/13/2017	Bay 2 Roof and Moment Frame Design; CLT & Glulam (Alex Overeem, EIT)	5.20	125.00	650.00
11/13/2017	On site meeting with Live Oak Consultants for MEP scope (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
11/14/2017	Bay 2 roof design and 1st floor beam analysis; site visits; coordination with AOC and DWB; Bay 4 retrofit design (Alex Overeem, EIT)	8.50	125.00	1,062.50
11/14/2017	3D Drafting (Dawn Clayton, Draftsman)	6.00	70.00	420.00
11/14/2017	Demo coordination with 2nd floor plan and structural layout (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
11/15/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/15/2017	Column and U-Bracket Design: (Alex Overeem, EIT)	3.80	125.00	475.00
11/16/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
11/16/2017	Site visit with DWB and AOC; coordination with Buck Lumber and Frazier Iron works (Alex Overeem, EIT)	1.00	125.00	125.00
11/16/2017	3D Drafting (Dawn Clayton, Draftsman)	0.60	70.00	42.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7064

Page 9 of 38

L-00002777

Applied Building Sciences
Project 895.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
11/16/2017	Went to see new office (Stephanie Borzendowski, PhD)	0.60	190.00	114.00
11/16/2017	On site observations of demo; structural load paths with first floor walls; second floor layout; MEP scope (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
11/17/2017	3D Drafting (Dawn Clayton, Draftsman)	3.90	70.00	273.00
11/17/2017	Second floor modifications based on existing conditions (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/20/2017	Balcony Design (Alex Overeem, EIT)	3.00	125.00	375.00
11/20/2017	3D Drafting (Dawn Clayton, Draftsman)	1.60	70.00	112.00
11/20/2017	Second floor plan demo and layout; MEP base drawings (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
11/21/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/21/2017	Base plate analysis; coordinatin with AOC (Alex Overeem, EIT)	2.00	125.00	250.00
11/21/2017	3D Drafting (Dawn Clayton, Draftsman)	8.60	70.00	602.00
11/21/2017	Second floor layout (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/22/2017	Discuss design of deck w/ B. Funcik, W. Butler and A. Overeem (Alan Campbell, PE, RRC)	0.70	285.00	199.50
11/22/2017	Baseplate/Epoxy Research (Alex Overeem, EIT)	2.00	125.00	250.00
11/22/2017	Discuss design of deck w/ ABS team. (Bobby Funcik, PE)	0.70	175.00	122.50
11/22/2017	On site review of second floor spaces; second floor sq.ft. take-offs; second floor layout design (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/25/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
11/27/2017	Moment Frame Design & Coordination With Sauter Lumber (Alex Overeem, EIT)	8.60	125.00	1,075.00
11/27/2017	Floor plans; structural layout review; product selections (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
11/28/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
11/28/2017	Moment Frame Design (Alex Overeem, EIT)	6.90	125.00	862.50
11/28/2017	plan review with DWB (Curt Berg, III, AIA)	0.30	155.00	46.50
11/28/2017	Second floor plan and structural design (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
11/29/2017	Moment Frame Design (Alex Overeem, EIT)	9.90	125.00	1,237.50
11/29/2017	3D Drafting (Dawn Clayton, Draftsman)	1.40	70.00	98.00
11/29/2017	Moment frame analysis spreadsheet (Preston Dukes, PE)	7.00	155.00	1,085.00
11/29/2017	3D building model review with Dawn, sub-consultants meetings, design and review of existing conditions (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
11/30/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/30/2017	Moment Frame Design Stress Calculations; Site Visit and Lunch with AOC and DWB (Alex Overeem, EIT)	6.70	125.00	837.50
11/30/2017	2D Drafting (Dawn Clayton, Draftsman)	7.90	70.00	553.00
11/30/2017	Moment frame analysis spreadsheet (Preston Dukes, PE)	8.60	155.00	1,333.00
11/30/2017	Revised floor plans for MEP consultants; discussions with MEP consultants (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
12/01/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/01/2017	Site Visit and Moment Frame Design (Alex Overeem, EIT)	2.00	125.00	250.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 10 of 38

L-00002778

Applied Building Sciences
Project 895.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
12/01/2017	office site visit, plan review (Curt Berg, III, AIA)	0.50	155.00	77.50
12/01/2017	2D Drafting (Dawn Clayton, Draftsman)	5.80	70.00	406.00
12/01/2017	Moment frame analysis spreadsheet (Preston Dukes, PE)	6.90	155.00	1,069.50
12/01/2017	MEP consultant follow up regarding existing conditions; product review for interior finishings; second floor layout (Wayne Butler, Architectural Staff III)	6.50	155.00	1,007.50
12/04/2017	Site Visit (Alex Overeem, EIT)	0.50	125.00	62.50
12/04/2017	On site meeting with subs to discuss existing conditions; elevations and floor plans (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
12/05/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
12/05/2017	Roof structure research; cost research; coordination with AOC and DWB; site visit (Alex Overeem, EIT)	6.00	125.00	750.00
12/05/2017	3D Drafting (Dawn Clayton, Draftsman)	1.40	70.00	98.00
12/05/2017	Exterior waterproofing products research; on site meeting with product reps.; floor plan layouts (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
12/06/2017	Roof structure and cost research (Alex Overeem, EIT)	0.50	125.00	62.50
12/06/2017	Exterior waterproofing products; details review (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
12/07/2017	Call CPW; transfered to 811; schedule utility marking (Alex Overeem, EIT)	0.50	125.00	62.50
12/07/2017	3D Drafting (Dawn Clayton, Draftsman)	3.20	70.00	224.00
12/07/2017	Renderings and elevation studies (Wayne Butler, Architectural Staff III)	1.50	155.00	232.50
12/08/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/08/2017	Meeting with AOC and DWB; hollowcore slab analysis; (Alex Overeem, EIT)	3.00	125.00	375.00
12/08/2017	3D Drafting (Dawn Clayton, Draftsman)	4.00	70.00	280.00
12/08/2017	Product research and product rep. correspondence; office furniture research (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
12/09/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
12/11/2017	Meeting w/ A. Overeem and W. Butler (Alan Campbell, PE, RRC)	1.00	285.00	285.00
12/11/2017	Cosgrove site visit; column location analysis; meeting with AOC and DWB; hollow core slab research; cantilever slab design (Alex Overeem, EIT)	9.00	125.00	1,125.00
12/11/2017	3D Drafting (Dawn Clayton, Draftsman)	6.50	70.00	455.00
12/11/2017	Waterproofing details; furniture layout review; interior office product research (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
12/12/2017	Met Roto-Rooter to locate water and waster plumbing line (Alex Overeem, EIT)	7.50	125.00	937.50
12/12/2017	office furniture vendor contacts with DWB (Curt Berg, III, AIA)	0.60	155.00	93.00
12/12/2017	3D Drafting (Dawn Clayton, Draftsman)	7.20	70.00	504.00
12/12/2017	Furniture layout product review; meeting with Wulbern-Koval (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
12/13/2017	Documenting drain locations; (Alex Overeem, EIT)	1.00	125.00	125.00
12/13/2017	3D Drafting (Dawn Clayton, Draftsman)	2.80	70.00	196.00
12/13/2017	Meetings with The Office People and McWaters for interior furniture consult; follow up floor plans (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
12/14/2017	3D Drafting (Dawn Clayton, Draftsman)	7.10	70.00	497.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 11 of 38

L-00002779

Applied Building Sciences
Project 095.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
12/14/2017	Furniture layout review; pricing components (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
12/15/2017	Meeting w/ Oscar and John at Cosgrove; Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
12/15/2017	Water and Waste Lines in CAD (Alex Overeem, EIT)	2.00	125.00	250.00
12/15/2017	3D Drafting (Dawn Clayton, Draftsman)	4.60	70.00	322.00
12/16/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/18/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/18/2017	Water and Waste in CAD; Obtaining Fasteners; Coordination with GPL (Alex Overeem, EIT)	2.00	125.00	250.00
12/18/2017	3D Drafting (Dawn Clayton, Draftsman)	6.90	70.00	483.00
12/18/2017	Analysis: reinforced concrete (Garrett Linderman, EIT)	3.00	70.00	210.00
12/18/2017	Mech./Plumbing/Elec. layout review; second floor plan layout; sub-contractors follow up (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
12/19/2017	Site visits; coordination with contractors; coordination with DWB (Alex Overeem, EIT)	4.00	125.00	500.00
12/19/2017	3D Drafting (Dawn Clayton, Draftsman)	3.00	70.00	210.00
12/19/2017	reinforced concrete analysis calculations (Garrett Linderman, EIT)	5.00	70.00	350.00
12/19/2017	Plumbing layout; phone conference with Live Oak Consultants; storage space layout (Wayne Butler, Architectural Staff III)	6.50	155.00	1,007.50
12/20/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
12/20/2017	Water and Wasteline drawings in CAD; site visits (includes travel time); coordination with GHL for cantilever concrete slab design; shop vac and drawings; coordination with DWB and AOC (Alex Overeem, EIT)	6.00	125.00	750.00
12/20/2017	reinforced concrete design analysis (Garrett Linderman, EIT)	5.00	70.00	350.00
12/20/2017	MEP consultants follow up and drawing layout review; MEP product review; floor plan layouts (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
12/21/2017	Splice repair design; site visit; coordination with GHL and AOC; steel beam and column location analysis (Alex Overeem, EIT)	7.00	125.00	875.00
12/21/2017	3D Drafting (Dawn Clayton, Draftsman)	5.20	70.00	364.00
12/21/2017	beam analysis and research (Garrett Linderman, EIT)	6.00	70.00	420.00
12/21/2017	Site observations; structural layout walk through; furniture layout and floor plan modifications (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
12/22/2017	Masonry Analysis (Alex Overeem, EIT)	5.00	125.00	625.00
12/22/2017	3D Drafting (Dawn Clayton, Draftsman)	0.70	70.00	49.00
12/22/2017	beam analysis (Garrett Linderman, EIT)	4.00	70.00	280.00
12/22/2017	On site floor plan walk through; structural layout review; furniture proposals review (Wayne Butler, Architectural Staff III)	7.50	155.00	1,162.50
12/27/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/27/2017	Masonry analysis and concrete column requirement determination. (Alex Overeem, EIT)	4.00	125.00	500.00
12/27/2017	3D Drafting (Dawn Clayton, Draftsman)	0.50	70.00	35.00
12/27/2017	Second floor plan layout for roofing dept. / EIT's (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 12 of 38

L-00002780

Applied Building Sciences
Project 995.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
12/28/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
12/28/2017	3D Drafting (Dawn Clayton, Draftsman)	3.20	70.00	224.00
01/02/2018	Moment frame design (Alex Overeem, EIT)	4.70	125.00	587.50
01/02/2018	Moment frame analysis for all load cases for ACO seismic detailing design. (Preston Dukes, PE)	8.20	155.00	1,271.00
01/03/2018	Moment frame design (Alex Overeem, EIT)	5.00	125.00	625.00
01/03/2018	3D Drafting (Dawn Clayton, Draftsman)	5.50	70.00	385.00
01/03/2018	Moment frame analysis for all load cases for ACO seismic detailing design. (Preston Dukes, PE)	4.30	155.00	666.50
01/04/2018	Moment frame design (Alex Overeem, EIT)	5.00	125.00	625.00
01/04/2018	3D Drafting (Dawn Clayton, Draftsman)	6.00	70.00	420.00
01/04/2018	Moment frame analysis for all load cases for ACO seismic detailing design. (Preston Dukes, PE)	4.70	155.00	728.50
01/05/2018	Moment frame design (Alex Overeem, EIT)	4.00	125.00	500.00
01/05/2018	3D Drafting (Dawn Clayton, Draftsman)	5.70	70.00	399.00
01/05/2018	Moment frame analysis for all load cases for ACO seismic detailing design. (Preston Dukes, PE)	2.30	155.00	356.50
01/06/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/06/2018	Moment frame design (Alex Overeem, EIT)	6.00	125.00	750.00
01/07/2018	Moment frame design (Alex Overeem, EIT)	10.00	125.00	1,250.00
01/08/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/08/2018	Moment Frame Design and Coordination with PVD (Alex Overeem, EIT)	4.50	125.00	562.50
01/08/2018	3D Drafting (Dawn Clayton, Draftsman)	8.00	70.00	560.00
01/09/2018	3D Drafting (Dawn Clayton, Draftsman)	8.40	70.00	588.00
01/09/2018	Moment frame analysis for all load cases for ACO seismic detailing design. (Preston Dukes, PE)	3.70	155.00	573.50
01/10/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
01/10/2018	3D Drafting (Dawn Clayton, Draftsman)	3.00	70.00	210.00
01/10/2018	Moment frame analysis for all load cases for ACO seismic detailing design. (Preston Dukes, PE)	7.60	155.00	1,178.00
01/11/2018	Site Visit, coordination with AOC, Beam analysis (Alex Overeem, EIT)	3.80	125.00	475.00
01/11/2018	Moment frame analysis for all load cases for ACO seismic detailing design. (Preston Dukes, PE)	5.00	155.00	775.00
01/12/2018	Site visit with AOC (Alex Overeem, EIT)	1.50	125.00	187.50
01/12/2018	Moment frame analysis for all load cases for ACO seismic detailing design. (Preston Dukes, PE)	7.10	155.00	1,100.50
01/13/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/15/2018	Site visits; calculations; coordination with AOC and DWB (Alex Overeem, EIT)	2.50	125.00	312.50
01/15/2018	Project update and construction detail review (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
01/16/2018	Site Visits; coordination with DWB, AOC, and CAR; Stair calculations; header calculations; steel beam calculations; lintel detail (Alex Overeem, EIT)	6.50	125.00	812.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 13 of 38

L-00002781

Professional Fees

		Hours	Rate	Amount
01/16/2018	CAD - Beam drawings for Alex Overeem (Alex Robertson, Technician)	2.00	70.00	140.00
01/16/2018	On site meeting with contractors; existing conditions assessments (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
01/17/2018	Travel; site visit to meet with contractors; address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/17/2018	3D Drafting (Dawn Clayton, Draftsman)	4.10	70.00	287.00
01/17/2018	Furniture layouts and product review (Wayne Butler, Architectural Staff III)	2.50	155.00	387.50
01/18/2018	Termite treatment and proposals review; second floor office layouts (Wayne Butler, Architectural Staff III)	4.50	155.00	697.50
01/19/2018	Travel; site visit to meet with contractors; address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
01/19/2018	Lintel Detail (Alex Overeem, EIT)	0.10	125.00	12.50
01/19/2018	3D Drafting (Dawn Clayton, Draftsman)	2.10	70.00	147.00
01/19/2018	McWaters meeting at ABS; furniture layout options based on feedback; termite scope of work based on existing conditions; contractor discussions (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
01/20/2018	Travel; site visit to meet with contractors; address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
01/22/2018	Travel; site visit to meet with contractors; address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
01/22/2018	2nd floor layout revisions (Wayne Butler, Architectural Staff III)	4.50	155.00	697.50
01/23/2018	Site visit; coordination with AOC; LVL design (Alex Overeem, EIT)	2.50	125.00	312.50
01/23/2018	2nd floor services layout; MEP consultants review (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
01/24/2018	Flitch beam and block beam calculations (Alex Overeem, EIT)	2.00	125.00	250.00
01/24/2018	Window/door schedule and unit design (Wayne Butler, Architectural Staff III)	1.50	155.00	232.50
01/25/2018	Travel; site visit to meet with contractors; address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/25/2018	Site visit; coordination with AOC; flitch beam repair design (Alex Overeem, EIT)	3.00	125.00	375.00
01/25/2018	Tagging Existing Window Locations (Alex Robertson, Technician)	0.25	70.00	17.50
01/25/2018	On site observations and existing conditions review; MEP layout review (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
01/26/2018	Travel; site visit to meet with contractors; address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/26/2018	Site visit (includes travel time); (Alex Overeem, EIT)	0.30	125.00	37.50
01/26/2018	Tagging Existing Window Locations (Alex Robertson, Technician)	0.50	70.00	35.00
01/26/2018	Electrical RCPs; Mech. layout review; / Plumbing layout review; window/door design (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
01/27/2018	Travel; site visit to meet with contractors; address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
01/27/2018	Cosgrove Social Moment Frame STAAD Modeling (Alex Overeem, EIT)	2.50	125.00	312.50
01/29/2018	Travel; site visit to meet with contractors; address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/29/2018	Site Visit; Roof beam and framing calculations; coordination with DWB; load path system design, collector strut design, rear exterior deck design (Alex Overeem, EIT)	8.50	125.00	1,062.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 14 of 38

L-00002782

Applied Building Sciences
Project 995.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
01/29/2018	Review of furniture layouts; window/door layouts; follow up with sub-contractors (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
01/30/2018	Coordination with AOC; B - side analysis; thickened slab edge calculations (Alex Overeem, EIT)	4.00	125.00	500.00
01/30/2018	2nd floor plan layout mods. (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
01/31/2018	Site visit; Contact and set up meeting with Summit Industrial; MF design (Alex Overeem, EIT)	3.50	125.00	437.50
02/01/2018	Site Visit to meet summit industrial; SMF design and spreadsheet calculations (Alex Overeem, EIT)	9.20	125.00	1,150.00
02/02/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
02/03/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
02/05/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
02/05/2018	Moment frame details and calculations (Alex Overeem, EIT)	7.10	125.00	887.50
02/06/2018	Moment frame calculations; coordination with RMF and PVD (Alex Overeem, EIT)	8.10	125.00	1,012.50
02/06/2018	CAD for AO (Alex Robertson, Technician)	4.00	70.00	280.00
02/07/2018	CAD for AO (Alex Robertson, Technician)	0.25	70.00	17.50
02/08/2018	Site Visit; SMF analysis; and coordination with Summit Industrial (Alex Overeem, EIT)	7.20	125.00	900.00
02/08/2018	CAD for AO (Alex Robertson, Technician)	0.50	70.00	35.00
02/09/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
02/09/2018	Site Visit; Coordination with AOC and DWB; Moment Frame Design and LVL repair design (Alex Overeem, EIT)	5.20	125.00	650.00
02/09/2018	On site observations; meeting at ABS with McWaters to review furniture layout (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
02/10/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
02/12/2018	Column Analysis; splice cantilever analysis; site visit; coordination with AOC; coordination with CAR; moment frame details and calculations (Alex Overeem, EIT)	10.00	125.00	1,250.00
02/12/2018	CAD for AO (Alex Robertson, Technician)	5.00	70.00	350.00
02/12/2018	On site observations; consultant follow up; window/door installer contacts; printing drawing sets (Wayne Butler, Architectural Staff III)	6.50	155.00	1,007.50
02/13/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
02/13/2018	Contact Charles Duffy (Division 5); coordination with AOC, WDB, and CAR; ; structural details (Alex Overeem, EIT)	3.20	125.00	400.00
02/13/2018	CAD for AO (Alex Robertson, Technician)	3.75	70.00	262.50
02/13/2018	Pest Control follow up; MEP consultant work review; (Wayne Butler, Architectural Staff III)	4.50	155.00	697.50
02/14/2018	Review of structural drawings; coordination with CAR (Alex Overeem, EIT)	0.50	125.00	62.50
02/14/2018	CAD for AO (Alex Robertson, Technician)	2.75	70.00	192.50
02/14/2018	Termite treatment logistics and contract review with Palmetto; furniture layout review with McWaters (Wayne Butler, Architectural Staff III)	3.50	155.00	542.50
02/15/2018	CAD for AO (Alex Robertson, Technician)	6.75	70.00	472.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7064

Page 15 of 38

L-00002783

Professional Fees

		Hours	Rate	Amount
02/15/2018	2nd floor layout review with contractors and on site walk through; MEP backgrounds (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
02/16/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.00	285.00	285.00
02/16/2018	Site Visit, Coordination w/ CAR; MF base calculations (Alex Overeem, EIT)	5.00	125.00	625.00
02/16/2018	CAD for AO (Alex Robertson, Technician)	1.25	70.00	87.50
02/16/2018	On site meeting with contractors; questions and consultant layout review of MEP (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
02/17/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
02/19/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
02/19/2018	Connection calculations and details (Alex Overeem, EIT)	3.00	125.00	375.00
02/20/2018	Site visit; CAD work (Alex Overeem, EIT)	4.50	125.00	562.50
02/21/2018	Site Visit (includes travel time) (Alex Overeem, EIT)	1.00	125.00	125.00
02/21/2018	On site questions with contractors; review of consultant drawings (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
02/22/2018	On site observations; lighting fixture layouts (Wayne Butler, Architectural Staff III)	2.50	155.00	387.50
02/23/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
02/23/2018	Site Visit; Coordination with DWB, AOC, and CAR. (Alex Overeem, EIT)	5.50	125.00	687.50
02/23/2018	CAD (Alex Robertson, Technician)	3.00	70.00	210.00
02/23/2018	Furniture layout for lighting plan; first floor conference area bathroom layout; on site observations (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
02/24/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
02/26/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
02/26/2018	Site Visit and Review of SMF Design Dwgs; Coordination with AOC, DWB, and CAR (Alex Overeem, EIT)	2.00	125.00	250.00
02/26/2018	CAD (Alex Robertson, Technician)	4.50	70.00	315.00
02/26/2018	Wall assembly product research; review of lighting plan; on site observations (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
02/27/2018	CAD (Alex Robertson, Technician)	3.50	70.00	245.00
02/27/2018	Consultant work review at Live Oak; on site observations; floor plan revisions (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
03/01/2018	Coordination with City of N. Charleston; Site Visit with DWB (Alex Overeem, EIT)	2.50	125.00	312.50
03/01/2018	Stair revisions; on site observations regarding framed walls; MEP systems on site review (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
03/02/2018	Logistics for business license and permit; wall assembly products review; product cost est. (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
03/03/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
03/05/2018	CAD (Alex Robertson, Technician)	1.25	70.00	87.50
03/05/2018	Stair details and floor plan modifications (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
03/06/2018	Site Visit; Coordination with CAR (Alex Overeem, EIT)	2.00	125.00	250.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 16 of 38

L-00002784

Applied Building Sciences
Project 895.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
03/06/2018	Stair details; on site observations; window framing details (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
03/07/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
03/07/2018	Drafting LVL bracket details for plan set; Coordination with WDB; Stair Design Calculations (Alex Overeem, EIT)	6.00	125.00	750.00
03/07/2018	CAD (Alex Robertson, Technician)	2.00	70.00	140.00
03/07/2018	Window/door sizes and details (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
03/08/2018	Site Visit (Alex Overeem, EIT)	0.20	125.00	25.00
03/08/2018	Window/door details; on site observations (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
03/09/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
03/09/2018	Coordination with AOC & DWB; Wind Pressure Calculations; Embedded Column Calculations (Alex Overeem, EIT)	6.50	125.00	812.50
03/09/2018	Structural connection details; window/door details (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
03/10/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
03/12/2018	Coordination with PLS; Coordination with DWB; Brainstorming GL bearing/ Moment Frame Connection modifications (Alex Overeem, EIT)	4.00	125.00	500.00
03/12/2018	Window/door details; product research; building component schedules (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
03/13/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
03/13/2018	Lighting plan; electrical plans; field logistics for HVAC / light layout (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
03/14/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
03/14/2018	Permit drawing details / schedules (Wayne Butler, Architectural Staff III)	5.50	155.00	852.50
03/15/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
03/15/2018	Prepare structural drawings for permit set; Review and revise GL drawings; coordination with Sauter Timber (Alex Overeem, EIT)	3.00	125.00	375.00
03/15/2018	Framing details review; permit drawings (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
03/16/2018	Moment frame foundation design (Alex Overeem, EIT)	3.00	125.00	375.00
03/16/2018	Permit drawings (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
03/17/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
03/19/2018	Foundation design; drafting foundation schematic; review of GL sealant (Alex Overeem, EIT)	4.00	125.00	500.00
03/20/2018	Structural Permit Set (Alex Overeem, EIT)	1.00	125.00	125.00
03/21/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
03/21/2018	Site Visit; Structural Permit Set (Alex Overeem, EIT)	2.00	125.00	250.00
03/22/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
03/22/2018	Structural Permit Set (Alex Overeem, EIT)	4.00	125.00	500.00
03/23/2018	Permit Set (Alex Overeem, EIT)	0.50	125.00	62.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 17 of 38

L-00002785

Applied Building Sciences
Project 885.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2018

Professional Fees

		Hours	Rate	Amount
03/24/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
03/24/2018	Permit Set (Alex Overeem, EIT)	2.00	125.00	250.00
03/25/2018	Permit Set Drawings (Alex Overeem, EIT)	1.00	125.00	125.00
03/26/2018	Permit Set and Coordination with DWB; Metal Deck Calculations (Alex Overeem, EIT)	6.00	125.00	750.00
03/26/2018	Permit drawings (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
03/27/2018	Permit drawings (Wayne Butler, Architectural Staff III)	10.00	155.00	1,550.00
03/28/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
03/28/2018	Permit docs. (Wayne Butler, Architectural Staff III)	11.00	155.00	1,705.00
03/29/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
03/29/2018	Review permit set; submit permit application (Alex Overeem, EIT)	0.50	125.00	62.50
03/29/2018	Review and comment on drawings. Sign and stamp for permitting. (Scott Harvey, AIA)	1.50	225.00	337.50
03/29/2018	Permit docs. (Wayne Butler, Architectural Staff III)	8.50	155.00	1,317.50
04/02/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
04/02/2018	Follow up with GL manufacturer; coordination with DWB; coordination with City of N. Charleston (Alex Overeem, EIT)	1.00	125.00	125.00
04/02/2018	On site questions/observations; window/door details (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
04/03/2018	Re-work beam saddle design for DWB (Alex Overeem, EIT)	2.00	125.00	250.00
04/03/2018	Window/door design/manuf. research (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
04/04/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
04/04/2018	Site visit (includes travel time); send out MF drawings to CDuffy (Alex Overeem, EIT)	1.00	125.00	125.00
04/04/2018	3D Drafting (Dawn Clayton, Draftsman)	4.00	70.00	280.00
04/04/2018	Final furniture layout; waterproofing sub-contractors references; window/door design (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
04/05/2018	In office coordination; and coordination with C. Duffy and GL manuf. (Alex Overeem, EIT)	1.00	125.00	125.00
04/05/2018	3D Drafting (Dawn Clayton, Draftsman)	6.70	70.00	469.00
04/05/2018	Sub-contractor logistics; project schedule; window/door design (Wayne Butler, Architectural Staff III)	3.50	155.00	542.50
04/06/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
04/06/2018	Column location calculations; site visit to meet with Mech. contractor (Alex Overeem, EIT)	2.50	125.00	312.50
04/06/2018	3D Drafting (Dawn Clayton, Draftsman)	5.80	70.00	406.00
04/06/2018	On site HVAC meetings/design with contractors; stair design (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
04/07/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
04/09/2018	3D Drafting (Dawn Clayton, Draftsman)	7.70	70.00	539.00
04/09/2018	Window/door installer phone calls and emails; exterior elevation revisions (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 18 of 38

L-00002786

Applied Building Sciences
Project 995.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2018

Professional Fees

		Hours	Rate	Amount
04/10/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
04/10/2018	Site Visit (Includes travel time) (Alex Overeem, EIT)	1.00	125.00	125.00
04/10/2018	3D Drafting (Dawn Clayton, Draftsman)	7.30	70.00	511.00
04/10/2018	Window/door details; elevations / schedules (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
04/10/2018	Conf. w/ DWB re: cladding + schedule meeting w/ Waters re: furniture (Whitney Schrum, AIA)	0.30	175.00	52.50
04/11/2018	Review of IBC Special Inspections - Coordination with AOC and DWB (Alex Overeem, EIT)	1.00	125.00	125.00
04/11/2018	3D Drafting (Dawn Clayton, Draftsman)	5.40	70.00	378.00
04/11/2018	Permit doc. revisions based on BO comments (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
04/12/2018	3D Drafting (Dawn Clayton, Draftsman)	2.20	70.00	154.00
04/12/2018	Permit doc. revisions based on BO comments; code review (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
04/13/2018	Discuss special inspections w/ B. Funcik and A. Overeem; Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
04/13/2018	Discuss special inspections w/ A. Campbell and A. Overeem. (Bobby Funcik, PE)	0.20	175.00	35.00
04/13/2018	3D Drafting (Dawn Clayton, Draftsman)	2.20	70.00	154.00
04/13/2018	On site meeting with contractors; final furniture review at McWaters (Wayne Butler, Architectural Staff III)	10.00	155.00	1,550.00
04/13/2018	Prep. for, travel to and participate in meeting w/ Waters re: furniture package (Whitney Schrum, AIA)	3.50	175.00	612.50
04/14/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
04/15/2018	Permit set revisions for AHJ approval (Wayne Butler, Architectural Staff III)	4.50	155.00	697.50
04/16/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
04/16/2018	Update Permit Set, Submit Permit Set (Alex Overeem, EIT)	6.00	125.00	750.00
04/16/2018	3D Drafting (Dawn Clayton, Draftsman)	3.40	70.00	238.00
04/17/2018	Conference call w/ Oscar and John (Alan Campbell, PE, RRC)	0.50	285.00	142.50
04/17/2018	Review GL Shop Drawings (Alex Overeem, EIT)	1.00	125.00	125.00
04/17/2018	3D Drafting (Dawn Clayton, Draftsman)	3.50	70.00	245.00
04/18/2018	3D Drafting (Dawn Clayton, Draftsman)	1.50	70.00	105.00
04/19/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
04/19/2018	3D Drafting (Dawn Clayton, Draftsman)	0.60	70.00	42.00
04/19/2018	On site observations; meeting with contractors; schedules and interior finishes (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
04/20/2018	Travel, site visit to meet with contractors, address and revise scope of work; on site tour of concrete floor finishes w/ Wayne (Alan Campbell, PE, RRC)	2.50	285.00	712.50
04/20/2018	3D Drafting (Dawn Clayton, Draftsman)	0.80	70.00	56.00
04/20/2018	On site tour of concrete floor finishes; interior finishes; final furniture layout components (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 18 of 38

L-00002787

Applied Building Sciences
Project 895.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
04/21/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
04/23/2018	Base Plate Calculations; Footing reinforcement detailing (Alex Overeem, EIT)	8.50	125.00	1,062.50
04/23/2018	3D Drafting (Dawn Clayton, Draftsman)	2.00	70.00	140.00
04/23/2018	Waterproofing products review (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
04/24/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
04/24/2018	Slab Reinforcement Detailing; Coordination with AOC (Alex Overeem, EIT)	2.00	125.00	250.00
04/24/2018	3D Drafting (Dawn Clayton, Draftsman)	1.30	70.00	91.00
04/24/2018	On site meetings with sub-contractors; concrete floor finishing; MEP meetings and logistics (Wayne Butler, Architectural Staff III)	7.50	155.00	1,162.50
04/25/2018	3D Drafting (Dawn Clayton, Draftsman)	1.10	70.00	77.00
04/25/2018	Window/door details for bids; Interior finish selections (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
04/26/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
04/26/2018	Coordination with DWB; in-office meeting; draft response to division 5 (Alex Overeem, EIT)	1.50	125.00	187.50
04/26/2018	2D Drafting (Dawn Clayton, Draftsman)	1.00	70.00	70.00
04/26/2018	On site observations; MEP logistics; interior finishes selections (Wayne Butler, Architectural Staff III)	6.50	155.00	1,007.50
04/27/2018	Discuss footing design w/ B. Funcik and A. Overeem (Alan Campbell, PE, RRC)	1.00	285.00	285.00
04/27/2018	Discuss footing design w/ A. Campbell and A. Overeem. (Bobby Funcik, PE)	1.00	175.00	175.00
04/27/2018	3D Drafting (Dawn Clayton, Draftsman)	2.20	70.00	154.00
04/27/2018	Window/door specs; interior finishes; MEP logistics; sub-contractor discussions (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
04/28/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
04/30/2018	3D Drafting (Dawn Clayton, Draftsman)	3.50	70.00	245.00
04/30/2018	Waterproofing details for bids; interior door details and framing (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
05/01/2018	Steel tube and footing analysis (Alex Overeem, EIT)	1.10	125.00	137.50
05/01/2018	3D Drafting (Dawn Clayton, Draftsman)	0.70	70.00	49.00
05/01/2018	Interior finishes; waterproofing details for bids; window/door bid review and sq.ft. calcs.; server room revision (Wayne Butler, Architectural Staff III)	9.50	155.00	1,472.50
05/02/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
05/02/2018	3D Drafting (Dawn Clayton, Draftsman)	1.00	70.00	70.00
05/02/2018	On site meeting with HVAC installers/duct rep.; layout review; interior finishes (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
05/03/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
05/03/2018	3D Drafting (Dawn Clayton, Draftsman)	0.40	70.00	28.00
05/03/2018	Interior layout mods based on existing conditions; kitchen layout revision; waterproofing bids; window/door bids (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive, Suite 225, Charlotte, NC 28217 - Tel 980.219.7064

Page 20 of 38

L-00002788

Applied Building Sciences
Project 995.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
05/04/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
05/04/2018	Kitchen layout and second floor furniture layout (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
05/05/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
05/07/2018	3D Drafting (Dawn Clayton, Draftsman)	1.00	70.00	70.00
05/07/2018	Furniture package mods. and review of bid; framing adjustments based on floor plan layouts (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
05/08/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
05/08/2018	3D Drafting (Dawn Clayton, Draftsman)	2.50	70.00	175.00
05/08/2018	Sub-contractor follow up for waterproofing and window / door bids; (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
05/09/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
05/09/2018	Revise Footing Calculations and Details (Alex Overeem, EIT)	1.50	125.00	187.50
05/09/2018	Perform roof LVL structural calcs. (Bobby Funcik, PE)	1.30	175.00	227.50
05/09/2018	Moment Frame calculation review. (Parker Shields, PE)	2.50	155.00	387.50
05/09/2018	On site review of current framing; review of second floor walls and logistics; window/door localtons with framing crew (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
05/10/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
05/10/2018	Foundation Details; Coordination with CAR (Alex Overeem, EIT)	1.00	125.00	125.00
05/10/2018	CAD, Moment Frame Footing (Alex Robertson, Technician)	1.25	70.00	87.50
05/10/2018	Moment frame calcs review. (Parker Shields, PE)	4.00	155.00	620.00
05/10/2018	Furniture package logistics; second floor framing; second floor office layout review (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
05/11/2018	3D Drafting (Dawn Clayton, Draftsman)	1.50	70.00	105.00
05/11/2018	Window / door proposal modifications request; on site observations; construction details (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
05/12/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
05/14/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
05/14/2018	Coordination with AOC and DWB; Ftg Design and detailing (Alex Overeem, EIT)	2.00	125.00	250.00
05/14/2018	3D Drafting (Dawn Clayton, Draftsman)	5.00	70.00	350.00
05/14/2018	Second floor framing mods.; on site observations (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
05/15/2018	Travel, site visit to meet with contractors, address and revlse scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
05/15/2018	CAD (Alex Robertson, Technician)	1.50	70.00	105.00
05/15/2018	3D Drafting (Dawn Clayton, Draftsman)	0.70	70.00	49.00
05/16/2018	Coordination with AOC and DWB; site visit (includes travel time) (Alex Overeem, EIT)	2.00	125.00	250.00
05/16/2018	Logistics for framing / waterproofing section D; existing conditions mods. (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 21 of 38

L-00002789

Applied Building Sciences
Project 885.17002 2308 COSGROVE AVENUE

Invoice number
Date * Draft *
02/11/2019

Professional Fees

		Hours	Rate	Amount
05/17/2018	Stair design; coordination with DWB; site visit to observe framing on D-side (Alex Overeem, EIT)	4.10	125.00	512.50
05/17/2018	3D Drafting (Dawn Clayton, Draftsman)	2.20	70.00	154.00
05/17/2018	Follow up on window/door packages; review of existing exterior walls with new walls and glazing openings (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
05/18/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
05/18/2018	3D Drafting (Dawn Clayton, Draftsman)	6.50	70.00	455.00
05/18/2018	MF Design check (Parker Shields, PE)	1.50	155.00	232.50
05/18/2018	On site observations/questions; furniture package review with partners; follow up emails with contractors (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
05/19/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
05/20/2018	Review SMF calcs by ACO. (Parker Shields, PE)	1.50	155.00	232.50
05/21/2018	Coordination with Romy (Alex Overeem, EIT)	0.30	125.00	37.50
05/21/2018	3D Drafting (Dawn Clayton, Draftsman)	4.60	70.00	322.00
05/21/2018	Moment frame calcs review. (Parker Shields, PE)	8.00	175.00	1,400.00
05/22/2018	follow-up call to Charles Duffy; site visit (Alex Overeem, EIT)	1.00	125.00	125.00
05/22/2018	3D Drafting (Dawn Clayton, Draftsman)	1.90	70.00	133.00
05/22/2018	Moment Frame calc review. (Parker Shields, PE)	2.00	175.00	350.00
05/23/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
05/23/2018	Coordination with Contractor (Alex Overeem, EIT)	0.50	125.00	62.50
05/23/2018	3D Drafting (Dawn Clayton, Draftsman)	3.20	70.00	224.00
05/24/2018	Coordination with DWB for glazing specs (Alex Overeem, EIT)	0.50	125.00	62.50
05/24/2018	Cabinet sample review (Curt Berg, III, AIA)	0.20	155.00	31.00
05/25/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
05/25/2018	Review of Structural Steel bid; coordination with DWB and AOC; Site visit (including travel time); Calculations (Alex Overeem, EIT)	2.50	125.00	312.50
05/25/2018	Drone - Office Progress Video (Alex Robertson, Technician)	1.00	70.00	70.00
05/25/2018	On site observations; furniture samples meeting; existing framing mods; glazing logistics (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
05/26/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
05/29/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
05/29/2018	Second story frame design (Alex Overeem, EIT)	3.50	125.00	437.50
05/29/2018	Furniture spec.; electrical layout; power layout (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
05/30/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
05/30/2018	Site visits (Includes travel time) (Alex Overeem, EIT)	1.50	125.00	187.50
05/30/2018	Power / lighting / data / logistics; on site observations; furniture layout options (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
05/31/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
05/31/2018	Footings details; coordination with AOC and DWB (Alex Overeem, EIT)	2.20	125.00	275.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 22 of 38

L-00002790

Applied Building Sciences
Project 895.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
05/31/2018	Review A. Overeem footing design. (Bobby Fundlk, PE)	0.60	175.00	105.00
05/31/2018	3D Drafting (Dawn Clayton, Draftsman)	2.80	70.00	196.00
05/31/2018	Existing conditions logistics; structural framing review; details (Wayne Butler, Architectural Staff III)	7.50	155.00	1,162.50
06/01/2018	Ftg. details; coordination with DWB and AOC; coordination with trades (Alex Overeem, EIT)	2.50	125.00	312.50
06/01/2018	3D Drafting (Dawn Clayton, Draftsman)	4.60	70.00	322.00
06/01/2018	Second floor finishes / layout / furniture distribution; plumbing fixture selections (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
06/02/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
06/04/2018	Submit reinforcing inspection request (Alex Overeem, EIT)	1.50	125.00	187.50
06/04/2018	3D Drafting (Dawn Clayton, Draftsman)	2.80	70.00	198.00
06/04/2018	Updating floor plans based on new furniture layouts; plumbing fixtures; power / data / lighting review (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
06/05/2018	Site visit; cancel footing inspection (Alex Overeem, EIT)	1.00	125.00	125.00
06/05/2018	3D Drafting (Dawn Clayton, Draftsman)	6.70	70.00	469.00
06/05/2018	On site meeting and walk through; power and lighting review; plumbing review (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
06/06/2018	Site visits (includes travel time); coordination with contractors; submit footing inspection request (Alex Overeem, EIT)	1.50	125.00	187.50
06/06/2018	3D Drafting (Dawn Clayton, Draftsman)	9.00	70.00	630.00
06/06/2018	Project logistics; site meeting with subs; interior finish product selections (Wayne Butler, Architectural Staff III)	8.50	155.00	1,317.50
06/07/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
06/07/2018	Site visit (includes travel time); revisions to ftg. details; coordination with contractor and building inspector (Alex Overeem, EIT)	2.50	125.00	312.50
06/07/2018	3D Drafting (Dawn Clayton, Draftsman)	6.60	70.00	462.00
06/07/2018	On site meeting with waterproofing installer; details review with contractors; power / plumbing / lighting review (Wayne Butler, Architectural Staff III)	4.50	155.00	697.50
06/08/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
06/08/2018	Site visit to observe/document ftg. pour; with DWB (Alex Overeem, EIT)	1.50	125.00	187.50
06/08/2018	Compressing Drone Video (Alex Robertson, Technician)	0.50	70.00	35.00
06/08/2018	3D Drafting (Dawn Clayton, Draftsman)	1.50	70.00	105.00
06/08/2018	Interior finishes; cabinetry, plumbing fixtures; appliances, research (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
06/09/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
06/11/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
06/11/2018	Site Visit (includes travel time); email to Division 5 (Alex Overeem, EIT)	1.00	125.00	125.00
06/11/2018	Revised furniture pricing and break-out; revised roof plan for roofing proposal; diagrams and drone footage review for progress (Wayne Butler, Architectural Staff III)	6.50	155.00	1,007.50
06/12/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive, Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 23 of 38

L-00002791

Applied Building Sciences
Project 995.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
06/12/2018	Coordination with DWB and AOC (Alex Overeem, EIT)	0.80	125.00	100.00
06/12/2018	Site visit checking window sizes/binder reduction (Alex Robertson, Technician)	5.00	70.00	350.00
06/12/2018	On site window / door measurements; revising floor plans and window / door schedule (Wayne Butler, Architectural Staff III)	3.50	155.00	542.50
06/13/2018	Site Visits (includes travel time); MF base plate design (Alex Overeem, EIT)	5.20	125.00	650.00
06/13/2018	Electrical layout review with fixture placement (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
06/14/2018	Slab and footing design for addition on B-Side; coordination with DWB; sketch details; follow up with Sauter Timber and D5 - no answer (Alex Overeem, EIT)	5.50	125.00	687.50
06/14/2018	Travel and review of work station electrical install at McWaters with Matt; single run stair layout and floor plan layout review; electrical fixture proposal review (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
06/15/2018	Coordination with Division 5; coordination with Sauter Timber (Alex Overeem, EIT)	1.50	125.00	187.50
06/15/2018	Single run stair layout and floor plan layout review (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
06/18/2018	Site visits (Includes travel time); coordination with DWB; coordination with Trades (Alex Overeem, EIT)	5.10	125.00	637.50
06/18/2018	CAD (Alex Robertson, Technician)	4.75	70.00	332.50
06/18/2018	On site plumbing / electrical logistics, meetings with sub-contractors (Wayne Butler, Architectural Staff III)	3.50	155.00	542.50
06/19/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
06/19/2018	Coordination with CAR; AOC; DWB; Trades; Site visit (includes travel time); Stair details (Alex Overeem, EIT)	8.80	125.00	1,100.00
06/19/2018	CAD (Alex Robertson, Technician)	5.50	70.00	385.00
06/19/2018	Waterproofing product cross reference for waterproofing installation; on site meetings with sub-contractors (Wayne Butler, Architectural Staff III)	3.50	155.00	542.50
06/20/2018	Site visits (includes travel time); Coordination with CAR; edits to drawings; coordination with Division 5 (Alex Overeem, EIT)	7.10	125.00	887.50
06/20/2018	CAD (Alex Robertson, Technician)	1.50	70.00	105.00
06/20/2018	Fortifiber tech. rep meeting at ABS and on site review of installation; on site services logistics (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
06/21/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
06/21/2018	Site visits (includes travel time); Coordination with CAR and DWB; edits to drawings; coordination with Division 5; revision to CAD file; email to Division 5 (Alex Overeem, EIT)	8.50	125.00	1,062.50
06/21/2018	CAD (Alex Robertson, Technician)	5.00	70.00	350.00
06/21/2018	On site meeting with Randy West regarding waterproofing, follow up with sub-contractors regarding scope of work; existing conditions vs. new construction mods. (Wayne Butler, Architectural Staff III)	6.50	155.00	1,007.50
06/22/2018	Site visit to observe existing footing (includes travel time); coordination with CAR and DWB (Alex Overeem, EIT)	0.90	125.00	112.50
06/22/2018	CAD (Alex Robertson, Technician)	1.25	70.00	87.50
06/22/2018	On site services review; plumbing / power / lighting / finishes (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 24 of 38

L-00002792

Applied Building Sciences		Invoice number	* Draft *	
Project 885.17002 2308 COSGROVE AVENUE		Date	02/11/2019	
Professional Fees		Hours	Rate	Amount
06/23/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
06/25/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
06/25/2018	CAD (Alex Robertson, Technician)	1.25	70.00	87.50
06/25/2018	On site systems follow up (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
06/26/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
06/26/2018	Waterproofing proposal logistics; review of alt. products; installation logistic questions (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
06/27/2018	Respond to RFI (Alex Overeem, EIT)	0.40	125.00	50.00
06/27/2018	Window / door R.O. review with existing / new structural components; shop drawing review (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
06/28/2018	Discussion with CAR; call to contractors; discussion with DWB (Alex Overeem, EIT)	0.80	125.00	100.00
06/28/2018	Window / door shop drawing review; Unit P redesign with structural frame; follow up with Installer (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
06/28/2018	Help DWB w/ flooring + tile options (Whitney Schrum, AIA)	1.00	175.00	175.00
06/29/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
06/29/2018	Post installed base plate calculations (Alex Overeem, EIT)	2.00	125.00	250.00
06/29/2018	A-side stair mods. discussion and layout; window / door shop drawing follow up (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
06/30/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/02/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/02/2018	Base plate anchor calculations (Alex Overeem, EIT)	3.00	125.00	375.00
07/02/2018	Interior finishes; stair design based on existing conditions; sub contractor follow up (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
07/03/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/03/2018	Coordination with Division 5; HDG bolt calculations (Alex Overeem, EIT)	5.20	125.00	650.00
07/03/2018	On site observations and fixture layout review; finish materials discussion; floor plan revisions / mods. (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
07/05/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/05/2018	Stair design; site visits (includes travel time). (Alex Overeem, EIT)	4.30	125.00	537.50
07/07/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/09/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/09/2018	Coordination with DWB (Alex Overeem, EIT)	0.50	125.00	62.50
07/09/2018	On site waterproofing details with existing conditions (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
07/10/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/10/2018	Stair attachment design; site visit (includes travel time); coordination with Trades and AOC; (Alex Overeem, EIT)	3.00	125.00	375.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 26 of 38

L-00002793

Applied Building Sciences
Project 995.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
07/10/2018	On site existing conditions/details; lighting fixture review (Wayne Butler, Architectural Staff III)	5.50	155.00	852.50
07/11/2018	Coordination; site visit (includes travel time) (Alex Overeem, EIT)	2.00	125.00	250.00
07/11/2018	Procuring materials / take-offs for claddings / coatings (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
07/12/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/12/2018	Respond to RFI; coordination with DWB and AOC (Alex Overeem, EIT)	4.00	125.00	500.00
07/12/2018	On site meetings with sub-contractors, cladding, waterproofing; roofing; details and drawing review vs. existing conditions (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
07/13/2018	Framing details/calculations; site visit (includes travel time) (Alex Overeem, EIT)	6.00	125.00	750.00
07/14/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/16/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/16/2018	Review Moment frame shop drawings; site visit; coordination with AOC and DWB; coordination with Division 5 (Alex Overeem, EIT)	8.00	125.00	1,000.00
07/16/2018	On site meetings with sub-contractors; scope review; material take-offs; roofing procurement (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
07/17/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/17/2018	MF Shop Drawings; site visit (includes travel time); framing calculations and detailing; coordination with DWB and AOC. (Alex Overeem, EIT)	7.50	125.00	937.50
07/17/2018	Material take-offs and calcs.; product coverage data; on site meeting with sub-contractors (Wayne Butler, Architectural Staff III)	4.50	155.00	697.50
07/18/2018	Coordination with AOC, RMF, CAR, and PLS; framing details, MF calculations (Alex Overeem, EIT)	6.10	125.00	762.50
07/18/2018	CAD (Alex Robertson, Technician)	5.25	70.00	367.50
07/18/2018	Moment frame calculations review (Parker Shields, PE)	4.50	175.00	787.50
07/18/2018	Waterproofing mock-up; roofing fluid membrane mock-up (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
07/19/2018	Coordination with CAR; CAD Drafting; Site Visit (includes travel time) (Alex Overeem, EIT)	8.00	125.00	1,000.00
07/19/2018	CAD (Alex Robertson, Technician)	1.00	70.00	70.00
07/19/2018	Exterior cladding quotes/details; on site observations/meetings with contractors (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
07/20/2018	MF calculations; review of shop drawings (Alex Overeem, EIT)	3.50	125.00	437.50
07/20/2018	Exterior elevations for pre-manufactured Equitone panels; dim. for fab. (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
07/23/2018	MF drawings with PLS; coordination with trades; C-D stair design (Alex Overeem, EIT)	7.40	125.00	925.00
07/23/2018	CAD (Alex Robertson, Technician)	6.00	70.00	420.00
07/23/2018	Moment frame calculations review. (Parker Shields, PE)	8.00	175.00	1,400.00
07/24/2018	Stair Design; Site visits (includes travel time); coordination with AOC; coordination with PLS (Alex Overeem, EIT)	8.80	125.00	1,100.00
07/24/2018	CAD (Alex Robertson, Technician)	1.00	70.00	70.00
07/24/2018	Review and edit moment frame shop drawings. (Parker Shields, PE)	2.50	175.00	437.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 28 of 38

L-00002794

Applied Building Sciences
Project 895.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
07/26/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/26/2018	Review shop-drawing comments; reply; coordination with AOC (Alex Overeem, EIT)	0.80	125.00	100.00
07/26/2018	Furniture package coordination (Whitney Schrum, AIA)	0.70	175.00	122.50
07/27/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/28/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/30/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/30/2018	Stair design; details to CAR (Alex Overeem, EIT)	7.10	125.00	887.50
07/30/2018	On site observations regarding roof details; exterior cladding details/dims.; sub-contractor meetings (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
07/31/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/31/2018	Stair Connections Design; coordination with CAR; Site visit to meet Josh Hund; coordination with AOC; coordination with trades (Alex Overeem, EIT)	6.60	125.00	825.00
07/31/2018	CAD (Alex Robertson, Technician)	3.25	70.00	227.50
07/31/2018	Waterproofing material spec. research, on site logistics (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
08/01/2018	Coordination with CAR and Sauter Timber; Stair calculations (Alex Overeem, EIT)	3.80	125.00	475.00
08/01/2018	CAD (Alex Robertson, Technician)	2.50	70.00	175.00
08/01/2018	On site observations; waterproofing questions (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
08/02/2018	Coordination with CAR (Alex Overeem, EIT)	2.50	125.00	312.50
08/02/2018	Scheduling logistics and contractor follow up (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
08/03/2018	Site Visit (includes travel time); coordination with AOC (Alex Overeem, EIT)	1.00	125.00	125.00
08/06/2018	Coordination with trades; OOP calculation review; site visit (Alex Overeem, EIT)	2.00	125.00	250.00
08/06/2018	On site observations; sub-contractor logistics / scheduling (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
08/07/2018	Coordination with DWB (Alex Overeem, EIT)	1.00	125.00	125.00
08/07/2018	Exterior Measurements with Wayne (Alex Robertson, Technician)	1.00	70.00	70.00
08/07/2018	On site observations; logistics for sub-contractors; interior finishes (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
08/08/2018	Equitone cladding fab. drawings (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
08/09/2018	Components and Cladding wind calculations for D-side; Respond to Division 5 RFI and Sauter Timber (Alex Overeem, EIT)	2.20	125.00	275.00
08/09/2018	Roof analysis; discuss with Alex Overeem (Eddie Polk, RRC)	1.30	175.00	227.50
08/09/2018	On site observations; window/door install schedule; roofing details and install schedule; exterior cladding details (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
08/10/2018	Travel to site to observe exterior color and floor finish. (Scott Harvey, AIA)	1.00	225.00	225.00
08/12/2018	Site visit (Alan Campbell, PE, RRC)	2.00	285.00	570.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7064

Page 27 of 38

L-00002795

Applied Building Sciences
Project 995.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
08/13/2018	Site visit (Alan Campbell, PE, RRC)	2.00	285.00	570.00
08/13/2018	Coordination with trades; discussion with AOC; flitch beam calculations (Alex Overeem, EIT)	3.50	125.00	437.50
~~08/14/2018~~	~~Coordination with trades; site visit (Alex Overeem, EIT)~~	~~9.00~~	~~125.00~~	~~1,125.00~~
08/14/2018	Review progress and discuss furniture, security and power deadlines with Alan, Whitney, Jason, Katherine. (Scott Harvey, AIA)	2.00	225.00	450.00
08/14/2018	On site logistics; sub-contractor follow up; product delivery schedules (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
08/15/2018	Site visit (Alan Campbell, PE, RRC)	2.00	285.00	570.00
08/15/2018	Meeting w/ Wayne, Alex and Romy to discuss construction issues and schedule (Alan Campbell, PE, RRC)	2.20	285.00	627.00
08/15/2018	Coordination with trades; site visits (includes travel time); in-office meeting; travel to Division 5 to procure fasteners; calls to manufacturers/erector; metal deck fasteners; review Code of Standard Practice for erection of steel buildings (Alex Overeem, EIT)	11.30	125.00	1,412.50
08/15/2018	Roofing details with sub-contractor; on site waterproofing observations; logistics / schedules (Wayne Butler, Architectural Staff III)	6.50	155.00	1,007.50
08/16/2018	Site visit (includes travel time); coordination with trades; calls; paint and metal panel specifications to contractors. (Alex Overeem, EIT)	5.00	125.00	625.00
08/16/2018	On site observations; meetings with contractors; details (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
08/17/2018	Coordination with trades, sauter timber, AOC, and DWB; calculations; procurement of GL beams; (Alex Overeem, EIT)	5.50	125.00	687.50
08/17/2018	Office meeting and on site logistics for materials delivery and schedule (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
08/20/2018	Material schedules / logistics; cladding details (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
08/21/2018	Site Visit to observe moment frame installation (includes travel time); coordination with trades; metal panel calculations (Alex Overeem, EIT)	9.50	125.00	1,187.50
08/21/2018	Drone Survey of Moment Frame/Glu-Lam Installation (Alex Robertson, Technician)	4.75	70.00	332.50
08/21/2018	Site visit for steel erection (Curt Berg, III, AIA)	0.70	155.00	108.50
08/21/2018	On site observations / details (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
08/22/2018	Site visit (includes travel time); coordination with trades; discussions with DWB (Alex Overeem, EIT)	2.50	125.00	312.50
08/22/2018	On site observations / details; documentation; finish material logistics (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
08/23/2018	Site visits (includes travel time); coordination with trades; coordination with AOC (Alex Overeem, EIT)	1.50	125.00	187.50
08/23/2018	On site meetings with sub-contractors; window / door R.O. meeting; waterproofing details (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
08/24/2018	Site visit (includes travel time); second site visit to inspect welds (includes travel time); coordination with AOC. (Alex Overeem, EIT)	2.80	125.00	350.00
08/24/2018	Finish material research; steel coatings / structural beam stain; on site observations and meetings with contractors (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
08/27/2018	Site visit (Alan Campbell, PE, RRC)	2.00	285.00	570.00
08/27/2018	On site meeting with window/door installation crew; on site logistics and scheduling; second floor plan review (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
08/28/2018	Site Visit to inspect metal roof deck (Alex Overeem, EIT)	0.50	125.00	62.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5501 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 28 of 38

L-00002796

Applied Building Sciences
Project 985.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
08/28/2018	Review of Interior finishes and products; interior plumbing fixture review; 1st & 2nd floor kitchen layout/appliance review (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
~~08/29/2018~~	~~Site visit (Alan Campbell, PE, RRC)~~	~~1.50~~	~~285.00~~	~~427.50~~
08/29/2018	Site visit (coordination with trade) (Alex Overeem, EIT)	1.00	125.00	125.00
08/29/2018	Furniture package review; sub-contractor logistics; material delivery schedule; roofing installation follow up (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
08/31/2018	Discuss with AOC and Peter Reeves; proposal (Eddie Polk, RRC)	0.50	175.00	87.50
08/31/2018	On site observations and interior finish discussions; stair design review; framing details review (Wayne Butler, Architectural Staff III)	4.50	155.00	697.50
09/04/2018	Draft letter (Alex Overeem, EIT)	1.00	125.00	125.00
09/04/2018	On site observations/meetings; meeting at McWaters to review furniture package (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
09/05/2018	Coordination with AOC; draft letter; calculations; site visit (Alex Overeem, EIT)	4.50	125.00	562.50
09/05/2018	Discuss stair stringer design w/ AOC and ACO. (Bobby Funcik, PE)	0.50	175.00	87.50
09/05/2018	Contractor questions / details review (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
09/06/2018	Conference call w/ Oscar and Wayne (Alan Campbell, PE, RRC)	0.30	285.00	85.50
09/06/2018	Site visit (includes travel time) (Alex Overeem, EIT)	0.80	125.00	100.00
09/06/2018	Contractor questions / review; on site meeting with window/door installers; furniture layout mods. (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
09/07/2018	ASCE 7-10 wind load calculations; coordination with trades; site visit (includes travel time); coordination with AOC (Alex Overeem, EIT)	5.00	125.00	625.00
09/07/2018	Final furniture components and hardware; thermal performance values for spray foam installation (whole building performance); roof connection details (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
09/08/2018	Site visit (includes travel time); coordination with trades and AOC (Alex Overeem, EIT)	2.00	125.00	250.00
09/10/2018	3D Drafting - 3D View (Dawn Clayton, Draftsman)	1.20	70.00	84.00
09/10/2018	Follow up with material providers and contractors regarding production; project logistics; interior finishes (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
09/11/2018	Site Visit (includes travel time); coordination with trades (Alex Overeem, EIT)	1.50	125.00	187.50
09/11/2018	Final furniture package review and cross reference; window / door unit install follow up; interior finish questions (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
09/12/2018	Site visit (includes travel time). (Alex Overeem, EIT)	1.00	125.00	125.00
09/17/2018	Site visit (includes travel time); coordination with DWB (Alex Overeem, EIT)	1.50	125.00	187.50
09/17/2018	final furniture quote review and emails; roofing details (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
09/18/2018	Site visit (Alan Campbell, PE, RRC)	1.00	285.00	285.00
09/18/2018	Flashing detail with trades and AOC and DWB (Alex Overeem, EIT)	0.50	125.00	62.50
09/18/2018	3D Drafting - 3D View (Dawn Clayton, Draftsman)	0.60	70.00	42.00
09/19/2018	Site visit (includes travel time); analysis of C-side stairs (Alex Overeem, EIT)	1.50	125.00	187.50
09/19/2018	correspondence with Feltmann (Eddie Polk, RRC)	0.50	175.00	87.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 29 of 38

L-00002797

Applied Building Sciences
Project 895.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
09/19/2018	On site observations; interior tile selections; interior stair details; lighting fixture plan review; SCE&G lighting incentives (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
09/20/2018	Site visit (includes travel time) (Alex Overeem, EIT)	0.50	125.00	62.50
09/20/2018	Finishing SCE&G lighting incentive submission with product information (Wayne Butler, Architectural Staff III)	3.50	155.00	542.50
09/21/2018	Site visit (includes travel time) (Alex Overeem, EIT)	0.80	125.00	100.00
09/21/2018	Interior finish selections; furniture package sign-off / schedule (Wayne Butler, Architectural Staff III)	2.50	155.00	387.50
09/24/2018	On site observations; roofing install; window install; siding delivery and install review (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
09/26/2018	3D Drafting - 3D View (Dawn Clayton, Draftsman)	0.50	70.00	35.00
09/27/2018	Cosgrove site visit (Alan Campbell, PE, RRC)	1.00	285.00	285.00
09/27/2018	Check column bending strength w/ A. Campbell (Bobby Funcik, PE)	0.40	175.00	70.00
09/27/2018	On site observations; sub-contractor questions; steel stair details (Wayne Butler, Architectural Staff III)	2.50	155.00	387.50
09/28/2018	Structural framing mods and logistics (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
10/01/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/01/2018	Coordination with trades; calculations (Alex Overeem, EIT)	3.00	125.00	375.00
10/01/2018	Structural details; scheduling labor/materials (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
10/02/2018	3D Drafting - 3D View (Dawn Clayton, Draftsman)	1.30	70.00	91.00
10/02/2018	On site observations and details review (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
10/03/2018	3D Drafting - 3D View (Dawn Clayton, Draftsman)	2.00	70.00	140.00
10/04/2018	Coordination with CAR and trades on steel stair details (Alex Overeem, EIT)	1.00	125.00	125.00
10/04/2018	CAD - D side stairs (Alex Robertson, Technician)	3.75	70.00	262.50
10/04/2018	3D Drafting - 3D View (Dawn Clayton, Draftsman)	0.60	70.00	42.00
10/04/2018	Structural details discussion with contractors; window/door install review (Wayne Butler, Architectural Staff III)	1.50	155.00	232.50
10/05/2018	Coordination with CAR (Alex Overeem, EIT)	0.50	125.00	62.50
10/08/2018	Coordination with Trades (Alex Overeem, EIT)	0.50	125.00	62.50
10/08/2018	On site observations and scheduling with sub-contractors; 2nd floor curtain wall details (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
10/09/2018	On site meeting with window / door installer; window installation details reviewed on site (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
10/10/2018	On site meetings with window installer; flashing product install with additional blocking; follow up phone calls with subs regarding scheduling (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
10/11/2018	Packed office (Stephanie Borzendowski, PhD)	1.00	190.00	190.00
10/11/2018	On site observations and questions; waterproofing / flashing for siding; sketch details (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
10/12/2018	Coordination with DWB (Alex Overeem, EIT)	0.50	125.00	62.50
10/12/2018	Packed office (Stephanie Borzendowski, PhD)	0.80	190.00	152.00
10/12/2018	On site questions regarding siding install and flashing; elevation drawings for siding fab. (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
10/15/2018	Site visit; coordination with trades (Alex Overeem, EIT)	0.50	125.00	62.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1456
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 30 of 38

L-00002798

Applied Building Sciences
Project 085.17D02 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
10/15/2018	On site observations and contractor logistics; Interior finishes/fixtures (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
10/16/2018	Coordination with trades and DWB (Alex Overeem, EIT)	0.50	125.00	62.50
10/16/2018	Correspondence for edge metal (Eddie Polk, RRC)	0.50	175.00	87.50
10/16/2018	On site observations; interior material selections; material procurement (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
10/18/2018	On site observations; interior finishes and questions; siding and deck waterproofing; flashing details (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
10/19/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/19/2018	Follow up on materials, schedules, answering on site questions (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
10/20/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/22/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/22/2018	Code research for fire-rated materials; interior finish selections (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
10/23/2018	Site visit (Alan Campbell, PE, RRC)	1.00	285.00	285.00
10/23/2018	On site observations regarding metal flashings, siding, windows R.O.'s (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
10/24/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/24/2018	Roof flashing details; material installation schedules (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
10/25/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/25/2018	Siding material procurement / cost / components; on site observations; window glazing schedule discussions (Wayne Butler, Architectural Staff III)	6.50	155.00	1,007.50
10/26/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/26/2018	On site observations; material procurement; contractor questions / schedule (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
10/27/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/29/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/29/2018	On site observations and meeting with subs; interior finish selections / coordination (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
10/30/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/30/2018	Siding material procurement (Wayne Butler, Architectural Staff III)	2.50	155.00	387.50
10/31/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/31/2018	Interior material finish selections; on site questions / meetings with subs (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/01/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/01/2018	On site questions / meetings with subs; metal flashing and siding (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/02/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/02/2018	Interior finish selections (plumbing fixtures, counters, flooring) (Wayne Butler, Architectural Staff III)	2.50	155.00	387.50
11/05/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/05/2018	Interior finish selections; counter top materials, sinks (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
11/06/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/07/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/07/2018	Security / alarm for new office. (Jason Gregorie, PE)	1.00	225.00	225.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 31 of 38

L-00002799

Applied Building Sciences
Project 895.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
11/07/2018	On site observations, sub-contractor questions; details (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
11/08/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/08/2018	Security / alarm for new office (Jason Gregorie, PE)	1.00	225.00	225.00
11/09/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/09/2018	Security / alarm. (Jason Gregorie, PE)	1.00	225.00	225.00
11/10/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/12/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/12/2018	On site meetings with sub-contractors; details (Wayne Butler, Architectural Staff III)	3.50	155.00	542.50
11/13/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/13/2018	On site meetings with subs; product / material scheduling; details (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
11/14/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/14/2018	On site logistics and scheduling; details (Wayne Butler, Architectural Staff III)	5.50	155.00	852.50
11/15/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/15/2018	On site meetings with subs and logistics for completion of work (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
11/16/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/16/2018	Scheduling and on site logistics for subs (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
11/17/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/19/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/19/2018	On site meetings with subs; siding / window / doors; project sequencing (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/20/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/20/2018	Store IT shipment (Alex Overeem, EIT)	0.50	125.00	62.50
11/20/2018	On site meetings with subs; scheduling (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
11/21/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/21/2018	Review B2 slab plans; coordination with AOC (Alex Overeem, EIT)	0.50	125.00	62.50
11/21/2018	Take-offs for materials (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
11/22/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/23/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/24/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/26/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/27/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/27/2018	Interior finishes selection; on site questions; sub-contractor schedules and material procurement (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
11/28/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/28/2018	On site meetings with subs; material schedules and installation details (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/29/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/29/2018	Interior finishes selection; on site questions; sub-contractor schedules and material procurement (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/30/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 32 of 38

L-00002800

Applied Building Sciences
Project 995.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
11/30/2018	Exterior finish selections; on site questions; sub-contractor schedules and material procurement (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
12/01/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/03/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/03/2018	Schedules / logistics; material procurement; guardrail details; on site meeting with sub-contractors (Wayne Butler, Architectural Staff III)	7.50	155.00	1,162.50
12/04/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/05/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/06/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/06/2018	Site visit and follow-up discussion with DWB (Curt Berg, III, AIA)	0.80	155.00	124.00
12/06/2018	On site meetings with subs; interior finishes; exterior stair layout; scheduling logistics (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
12/07/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/07/2018	On site observations; window panel details; roofing install; glazing sub meeting (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
12/08/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/10/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/10/2018	On site meeting with roofing sub; interior finish selections and details; scheduling and logistic with contractors (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
12/11/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/11/2018	On site observations; window/door installation details; roofing/cladding/flashing details review on site (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
12/12/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/12/2018	Exterior / Interior guardrail system logistics; procuring materials and proposals; on site observations and sequencing (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
12/13/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/13/2018	Furnishing inquiries (Curt Berg, III, AIA)	0.20	155.00	31.00
12/13/2018	On site meetings with subs; sequencing logistics (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
12/14/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/14/2018	Material procurement; on site logistics; interior finish selections (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
12/15/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/17/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/17/2018	On site observations and partner meeting; interior details and schedule / logistics (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
12/18/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/18/2018	On site meetings with subs; interior finish selections; material procurement; scheduling logistics (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
12/19/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/19/2018	On site meetings with subs; interior finish selections; material procurement; scheduling logistics (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
12/20/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/20/2018	On site meetings with subs; interior finish selections; material procurement; scheduling logistics (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
12/21/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 33 of 38

L-00002801

Applied Building Sciences
Project 985.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
12/21/2018	On site meetings with subs; finish details (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
12/22/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/26/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/27/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/27/2018	On site meetings with subs; interior fixture selections; interior finish details (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
12/28/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/28/2018	Interior plumbing/appliances selections; project scheduling and logistics (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
12/29/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/31/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/02/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/02/2019	On site sub meetings / questions; interior selections logistics and schedules; interior finish details (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
01/03/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/03/2019	On site meetings with sub-contractors; interior finish details; contractor schedules and logistics; product / component procurement (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
01/04/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/04/2019	On site meetings with sub-contractors; interior finish details; contractor schedules and logistics; product / component procurement (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
01/05/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/07/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/07/2019	On site meetings with sub-contractors; interior finish details; contractor schedules and logistics; product / component procurement (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
01/08/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/09/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/10/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/10/2019	On site meetings with sub-contractors; interior finish details; contractor schedules and logistics; product / component procurement (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
01/11/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/11/2019	Assist AOC and moving utilities; Review Drawings; reply to AOC (Alex Overeem, EIT)	1.00	125.00	125.00
01/11/2019	Help unload junk from trailer for AOC. (Bobby Fyncik, PE)	0.50	175.00	87.50
01/11/2019	On site meetings with sub-contractors; interior finish details; contractor schedules and logistics; product / component procurement (Wayne Butler, Architectural Staff III)	10.00	155.00	1,550.00
01/12/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/14/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/14/2019	Site Visits (includes travel time) (Alex Overeem, EIT)	2.50	125.00	312.50
01/14/2019	On site meetings with sub-contractors; interior finish details; contractor schedules and logistics; product / component procurement (Wayne Butler, Architectural Staff III)	11.00	155.00	1,705.00
01/15/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/15/2019	Coordination and site visit (Alex Overeem, EIT)	1.00	125.00	125.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 34 of 38

L-00002802

Applied Building Sciences
Project 895.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
01/15/2019	On site meetings with sub-contractors; interior finish details; contractor schedules and logistics; product / component procurement (Wayne Butler, Architectural Staff III)	11.00	155.00	1,705.00
01/16/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/16/2019	On site meetings with sub-contractors; interior finish details; contractor schedules and logistics; product / component procurement (Wayne Butler, Architectural Staff III)	11.00	155.00	1,705.00
01/17/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/17/2019	Stair design; coordination with DWB (Alex Overeem, EIT)	2.60	125.00	325.00
01/17/2019	On site meetings with sub-contractors; interior finish details; contractor schedules and logistics; product / component procurement (Wayne Butler, Architectural Staff III)	11.00	155.00	1,705.00
01/18/2019	Site visit (Alan Campbell, PE, RRC)	2.50	285.00	712.50
01/18/2019	Coordination with DWB; stair design to contractors (Alex Overeem, EIT)	1.00	125.00	125.00
01/18/2019	Unload trailer and reload w/ lights. (Bobby Fundik, PE)	0.80	175.00	140.00
01/18/2019	On site meetings with sub-contractors; interior finish details; contractor schedules and logistics; product / component procurement (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
01/19/2019	Site visit (Alan Campbell, PE, RRC)	2.50	285.00	712.50
01/21/2019	On site logistics for C.O. and move-in (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
01/22/2019	On site logistics for C.O. and move-in (Wayne Butler, Architectural Staff III)	11.00	155.00	1,705.00
01/23/2019	Phone con with DWB (Alex Overeem, EIT)	0.50	125.00	62.50
01/23/2019	On site logistics for C.O. and move-in (Wayne Butler, Architectural Staff III)	10.00	155.00	1,550.00
01/24/2019	Coordination with DWB; site visit (includes travel time); follow up (Alex Overeem, EIT)	1.00	125.00	125.00
01/24/2019	On site logistics for C.O. and move-in (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
01/25/2019	Site visit (Alan Campbell, PE, RRC)	2.50	285.00	712.50
01/25/2019	On site logistics for C.O. and move-in (Wayne Butler, Architectural Staff III)	11.00	155.00	1,705.00
01/26/2019	Site visit (Alan Campbell, PE, RRC)	2.50	285.00	712.50
01/27/2019	On site logistics for C.O. and move-in (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
01/28/2019	Site visit (Alan Campbell, PE, RRC)	2.50	285.00	712.50
01/28/2019	On site logistics for C.O. and move-in (Wayne Butler, Architectural Staff III)	11.00	155.00	1,705.00
01/29/2019	Site visit (Alan Campbell, PE, RRC)	2.50	285.00	712.50
01/29/2019	ABS moving into new office; logistics/contractor coord.; Temp CO logistics (Wayne Butler, Architectural Staff III)	12.00	155.00	1,860.00
01/30/2019	Site visit (Alan Campbell, PE, RRC)	8.00	285.00	2,280.00
01/30/2019	ABS moving into new office; logistics/contractor coord.; Temp CO logistics (Wayne Butler, Architectural Staff III)	12.00	155.00	1,860.00
01/31/2019	Site visit (Alan Campbell, PE, RRC)	2.50	285.00	712.50
01/31/2019	ABS moving into new office; logistics/contractor coord.; Temp CO logistics (Wayne Butler, Architectural Staff III)	12.00	155.00	1,860.00
02/01/2019	Site visit (Alan Campbell, PE, RRC)	2.50	285.00	712.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 35 of 38

L-00002803

Applied Building Sciences
Project 895.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Professional Fees

		Hours	Rate	Amount
02/01/2019	ABS moving into new office; logistics/contractor coord.; Temp CO logistics (Wayne Butler, Architectural Staff III)	11.00	155.00	1,705.00
02/02/2019	Site visit (Alan Campbell, PE, RRC)	2.50	285.00	712.50
02/03/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
02/04/2019	Site visit (Alan Campbell, PE, RRC)	1.00	285.00	285.00
02/04/2019	ABS moving into new office; logistics/contractor coord.; Temp CO logistics (Wayne Butler, Architectural Staff III)	11.00	155.00	1,705.00
02/05/2019	Site visit (Alan Campbell, PE, RRC)	2.50	285.00	712.50
02/05/2019	ABS moving into new office; logistics/contractor coord.; Temp CO logistics (Wayne Butler, Architectural Staff III)	10.00	155.00	1,550.00
02/06/2019	ABS moving into new office; logistics/contractor coord.; Temp CO logistics (Wayne Butler, Architectural Staff III)	12.00	155.00	1,860.00
02/07/2019	Granite cantilever counter support analysis (Alex Overeem, EIT)	0.40	125.00	50.00
02/07/2019	ABS moving into new office; logistics/contractor coord.; Temp CO logistics (Wayne Butler, Architectural Staff III)	10.00	155.00	1,550.00
02/08/2019	ABS moving into new office; logistics/contractor coord.; Temp CO logistics (Wayne Butler, Architectural Staff III)	10.00	155.00	1,550.00
	Dues/Permits/Regs/Subscriptions DBC REVIT - purchased this month for cosgrove drawings			322.00
	Field Supplies to be reimbursed by Hibernian			400.26
	Lab Services			347.88
	Meals Partner meeting			139.33
	Partner meeting			
	Furniture meeting with Whit & Jason			

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 38 of 38

L-00002804

Applied Building Sciences
Project 995.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

Mileage On site meetings	1,137.00	0.55	619.67
On site meetings			
On site meetings			
On site meetings			
On site meetings			
On site meetings			
On site meetings			
On site meetings			
On site meetings			
On site meetings			
On site meetings			
On site observations			
On site observations			
On site observations			
On site observations			
On site observations			
On site observations			
On site observations			
On site observations			
On site observations			
On site meetings			
On site observations			
On site meetings			
On site questions/observations			
On site observations/meetings			
On site observations/meetings			
On site observations/meetings			
On site observations/meetings			
On site observations/meetings			
On site logistics			
On site logistics			
On site logistics			
On site logistics			
5.6 miles / day @ 150 days from 01.01.2018 - 07.29.2018			
On site meetings			
On site meetings			
On site meetings			
On site meetings			
On site logistics			
On site logistics			
On site logistics			
On site logistics			
On site logistics			
On site logistics			
On site logistics			
On site logistics			
On site logistics			
On site logistics			
Mileage	148.62	0.54	79.51
Printing			125.22
Expenses Total			2,033.87

Invoice detail does not match invoice total. This rounding adjustment appears only on the draft and will be applied to the final invoice.

0.13

Invoice Total \$561,365.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1456
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 37 of 38

L-00002805

Applied Building Sciences
Project 995.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

***NOTE: Please note this is a summary as of today's date. ABS personnel continue to accrue time related to design and construction related services.

***NOTE: Also note, this is a summary of loss of income and also includes unreimbursed expenses in the amount of \$3,924 for invoice number 999.17007-01 dated 12/28/2018.

TERMS: Due upon receipt.
After 30 days, a Delinquency Charge of 1.5% will be assessed per month thereafter.

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 38 of 38

L-00002806

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

NINTH JUDICIAL CIRCUIT

C/A NO. 2019-CP-10-04387

Applied Building Sciences, Inc.,

Plaintiff,

vs.

South Carolina Department of Commerce, a
Division of Public Railways,

Defendant.

**PLAINTIFF'S RESPONSE TO
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

The Plaintiff, Applied Building Sciences, Inc., in response to Defendant's Motion for Summary Judgment offers additional authorities and arguments.

I. THE TAKINGS CLAUSE OF THE UNITED STATES AND SOUTH CAROLINA CONSTITUTIONS INCLUDES TAKINGS OF "PERSONAL PROPERTY."

The Defendant argues in its brief that moving and reestablishment expenses are limited to \$50,000.00 as per South Carolina law. The Defendant also argues that a United States Supreme Court case holds that expenses and relocation losses are not allowed in federal condemnation proceedings. See *United States v. Petty Motor Co.*, 327 U.S. 372 (1946). Plaintiff respectfully disagrees. The United States Supreme Court has significantly expanded the takings clause of the Fifth Amendment since 1946. In *Lucas v. Coastal Council*, 505 U.S. 1003, 120 L.Ed.2d 798 (1992), the Supreme Court held that even though one owns real property the plaintiff could sue for economic value of the property lost. In the case of *Lucas*, the plaintiff still owned the property but just could not build a residence on the beachfront property. The Court made clear that the state had "taken" plaintiff's property within the meaning of the Fifth Amendment.

In 2015, the Supreme Court was again squarely faced with a similar issue in the case of *Horne v. Dept. of Agriculture*, 569 U.S. 513, 237, 576 U.S. ___, 135 S.Ct. 2419 (2015). In *Horne I* and *Horne II*, the Supreme Court recognized that the takings clause of the Fifth Amendment applies to “personal property.” In the *Horne* cases, a government program required raisin growers to give raisins to the government to try to stabilize the prices. The Supreme Court held that this requirement implicated the takings clause and that thus a constitutional cause of action.

In *Horne II*, the Supreme Court made clear that the takings clause protects personal property just like real property. Chief Justice John Roberts, writing for the Court, held that the Fifth Amendment requires the government and its agencies to pay just compensation when it takes personal property from citizens. Chief Justice Roberts concluded that personal property had not been given any less protection than real property for at least 800 years and that the physical appropriation of a property gives rise to a *per se* taking. Applying this rule, Chief Justice Roberts held that the raisin reserve requirement constituted a physical taking.

A similar analysis applies in this case. Applied Building Sciences, Inc. was required under government compulsion to sell its property to the state. Applied Building Sciences, Inc. had to incur a significant moving cost and reestablishment cost which is “personal property.” Whether it be raisins or money, personal property may not be “taken” by the government without payment for just compensation.

This same principle was addressed and expounded upon in the other cases cited by Plaintiff from Oklahoma, Michigan and Florida. Adequate compensation or just compensation is required, and relocation expenses may only be limited to what a jury decides at a trial. Plaintiff also craves reference to the Affidavit of Alan Campbell attached hereto in regard to the relocation and reestablishment/moving expenses.

KELAHHER, CONNELL & CONNOR, P.C.

s/Gene M. Connell, Jr.

Gene M. Connell, Jr. (S.C. Bar No. 1358)

The Courtyard, Suite 209

1500 U. S. Highway 17 North

Post Office Drawer 14547

Surfside Beach, South Carolina 29587-4547

(843) 238-5648 (phone)

(843) 238-5050 (facsimile)

gconnell@classactlaw.net

Attorney for Plaintiff

June 17, 2020

Surfside Beach, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
C/A NO. 2019-CP-10-04387

Applied Building Sciences, Inc.,

Plaintiff,

vs.

South Carolina Department of Commerce, a
Division of Public Railways,

Defendant.

**AFFIDAVIT OF
ALAN O. CAMPBELL**

PERSONALLY APPEARED BEFORE ME, Alan O. Campbell, who first being duly sworn, deposes and states as follows:

1. My name is Alan Campbell and I was one of the shareholders of Applied Building Sciences, Inc. ("ABS") at the time of the taking/condemnation.

2. Applied Building Sciences, Inc. had a lease agreement with Hibernian Heights LLC at 1890 Milford Street, Charleston, SC.

3. Applied Building Sciences, Inc. is an engineering firm and as a result of the condemnation, ABS was required to move its offices which had been in the same location for many years to another location.

4. Applied Building Sciences, Inc. had great difficulty finding a suitable location within a mile or two of its current location and ABS had to pay top dollar for the real estate it purchased, which property was in need of complete renovation to be used for ABS's purposes.

5. Applied Building Sciences, Inc.'s renovation of its new location at 2308 Cosgrove Avenue included preparation of architectural drawings, renovation, reestablishment and moving expenses. Exhibit C to Defendant's Motion for Summary Judgment is a list of the 38 pages of costs incurred by ABS in moving, relocating and reestablishing its business. ABS's total charges for

moving, reestablishment and relocation are \$561,365.00. These costs would not have been incurred had the government not compelled ABS to move its offices.

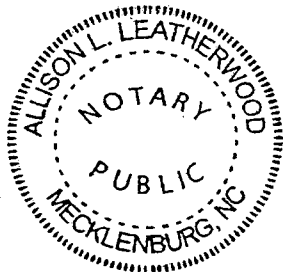
6. Applied Building Sciences, Inc. requests it be allowed to try its case to a jury on the amount of damages it is entitled to receive for the loss of monies paid for reestablishment, relocation and moving expenses.

FURTHER AFFIANT SAYETH NOT.

Alan O. Campbell
Alan O. Campbell

SWORN AND SUBSCRIBED before me,
this 17th day of June, 2020.

Allison L. Leatherwood
Notary Public for ~~South Carolina~~ North Carolina
My Commission Expires: 4-2-2023



STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN THE COURT OF COMMON PLEAS
) NINTH JUDICIAL CIRCUIT
) C/A NO. 2019-CP-10-4387
)

Applied Building Sciences, Inc.,

Plaintiff / Counterclaim Defendant,

v.

South Carolina Department of Commerce,
Division of Public Railways,

Defendant / Counterclaim Plaintiff.

**ANSWER AND COUNTERCLAIMS OF
DEFENDANT SOUTH CAROLINA
DEPARTMENT OF COMMERCE,
DIVISION OF PUBLIC RAILWAYS**

FILED
2019 SEP 20 PM 3:18
CLERK OF COURT

South Carolina Department of Commerce, Division of Public Railways (Public Railways”) responds to the Complaint filed against it. All allegations made by the Plaintiff that are not expressly admitted, qualified, or explained are denied.

AS A FIRST DEFENSE

1. The allegations of Paragraphs 1-3 are admitted.
2. Responding to Paragraph 4, Defendant Public Railways admits only so much of said paragraph as alleges or infers that at the time of condemnation of the property located at 1890 Milford Street Charleston, South Carolina (hereinafter, “Milford Property”) owned by Hibernian Heights, LLC, Plaintiff Applied Building Sciences, Inc. (hereinafter “ABS”) was a tenant of the Milford Property and remained a tenant until the property was vacated. The remaining allegations of Paragraph 4 are denied, and strict proof is demanded thereof.
3. Responding to Paragraph 5, Public Railways admits only so much of said paragraph as alleges or infers that ABS had a lease for the Milford Property at the time of its condemnation. The remaining allegations of Paragraph 5 are denied, and strict proof is demanded thereof.

4. Defendant Public Railways is without sufficient information to admit or deny the allegations of Paragraph 6 and placing its denial on these grounds, denies the same and demands strict proof thereof.

5. Responding to Paragraph 7, Public Railways admits that as part of its total acquisition of the Milford Property for the Navy Base Intermodal Facility project, all tenants were required to relocate.

6. Responding to the allegations in Paragraph 8, Public Railways admits that ABS was required to relocate its business because of the condemnation of the Milford Property. Responding to the remaining allegations in Paragraph 8, Public Railways is without sufficient information to admit or deny these allegations and placing its denial on these grounds, Public Railways denies the same and demands strict proof thereof.

7. Responding to Paragraph 9, Public Railways admits that ABS has identified its asserted moving costs in Exhibit A to the complaint in this action, but denies that all such costs qualify as reimbursable moving costs under applicable state or federal law or that Exhibit A provides sufficient information about such costs for reimbursement should any such costs so qualify.

8. Responding to Paragraph 10, Public Railways admits that the amount of reimbursable costs incurred by Plaintiff ABS in relocating its business from the Milford Property are limited by S.C. Code Ann. § 28-11-10, et seq.

9. Responding to Paragraph 11, Public Railways admits that reimbursable relocation expenses are limited by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. § 4601, et seq., and by the relocation assistance provisions of the South Carolina Code § 28-11-10, et seq., and craves reference to such statutes in response to the allegations of Paragraph 11 and denies any allegations inconsistent therewith.

10. Responding to Paragraph 12, Public Railways admits that on July 23, 2019, it denied ABS's appeal of the Relocation Manager's determination of eligibility of relocation assistance payments.

Public Railways craves reference to the July 23, 2019 letter in response to the remaining allegations of Paragraph 12 and denies any allegations inconsistent therewith.

11. Defendant Public Railways denies the allegations in Paragraphs 13, 14, 15, and 16, and demands strict proof thereof.

12. Responding to Paragraph 17, Defendant Public Railways admits that just compensation must be paid to the owner of private property acquired for public use, and further states that just compensation was agreed upon and paid to Hibernian Heights, LLC, as the owner of the Milford Property. Public Railways denies the remaining allegations of Paragraph 17 and craves reference to South Carolina Constitutions art. I § 13, and denies any allegations inconsistent therewith.

13. The allegations of Paragraphs 18, 19, 20, and 21 are denied.

AS A SECOND DEFENSE
(Failure to state a claim Rule 12(b)(6))

14. Defendant Public Railways incorporates all of the previous Paragraphs as if set forth verbatim herein.

15. Plaintiff has failed to state facts sufficient to state a cause of action pursuant to Rule 12(b)(6).

AS A THIRD DEFENSE
(Failure to Exhaust Administrative Remedies)

16. Defendant Public Railways incorporates all of the previous Paragraphs as if set forth verbatim herein.

17. Relocation assistance payments are governed by S.C. Code Ann. § 28-11-10, et seq., and administered through Public Railways' Relocation Assistance Procedures, which adopted in full

the South Carolina Department of Transportation Department of Right of Way Relocation Assistance Manual.

~~18. Public Railways' Relocation Assistance Procedures provide a right to appeal the~~
Relocation Manager's determination of relocation eligibility to the South Carolina Department of Commerce's Chief Legal Counsel.

19. ABS appealed such determination to the South Carolina Department of Commerce's Chief Legal Counsel.

20. South Carolina Department of Commerce's Chief Legal Counsel denied ABS's appeal of the Relocation Manager's determination of relocation eligibility.

21. Public Railways' Relocation Assistance Procedures require that any further appeal of the South Carolina Department of Commerce's Chief Legal Counsel's decision be filed within thirty days before the Administrative Law Judge Division.

22. ABS did not file a timely appeal before the Administrative Law Judge Division.

23. ABS has failed to exhaust administrative remedies and this action should be dismissed.

AS A FOURTH DEFENSE
AND BY WAY OF COUNTERCLAIMS

24. The South Carolina Department of Commerce, Division of Public Railways, is a public body corporate and political subdivision of the State of South Carolina, and it acquired real property located at 1890 Milford Street, Charleston, South Carolina as part of its Navy Base Intermodal Facility project.

25. Applied Building Sciences, Inc. is a corporation organized and existing under the laws of South Carolina and doing business in Charleston, South Carolina.

26. For the reasons set forth above and as alleged in more detail below, jurisdiction and venue are proper.

FACTUAL BACKGROUND

27. Public Railways acquired the property located at 1890 Milford Street Charleston, SC ("Milford Property") through condemnation filed on June 13, 2017.

28. Public Railways deposited its determination of just compensation with the Clerk of Court at the commencement of the condemnation action.

29. At the time of condemnation, 1890 Milford Street was owned by Hibernian Heights, LLC and leased to Applied Building Sciences, LLC.

30. Public Railways, through its Right of Way Agents, notified Hibernian Heights and ABS of the condemnation action and their eligibility for moving, relocation, and/or reestablishment expenses.

31. Hibernian Heights, LLC is wholly owned by Alan Campbell. Alan Campbell is also a part owner of ABS, the sole tenant of the Milford Property at the time of condemnation.

32. Alan Campbell executed the operable lease agreement between Hibernian Heights, LLC and ABS on behalf of both parties.

33. Public Railways named Hibernian Heights and ABS as parties to the condemnation action by virtue of their ownership and leasehold interest in the Milford Property.

34. Public Railways and Hibernian Heights settled on the amount of just compensation owed for the condemnation of the Milford Property and consented to a dismissal of the condemnation action. ABS acknowledged that the settlement amount was payment in full for the just compensation owed for the Milford Property and ABS also consented to a dismissal of the condemnation action. Hibernian Heights and ABS each reserved the right to contest matters involving relocation assistance.

35. ABS applied for and received payments for relocation and/or reestablishment expenses as provided under South Carolina Code Ann. § 28-11-10, et seq.

36. ABS applied for and received the statutory maximum amount of relocation and/or reestablishment expenses of fifty thousand dollars as provided by South Carolina Code Ann. § 28-11-30.

FOR A FIRST COUNTERCLAIM
(Declaratory Judgment as to Just Compensation)

37. Public Railways incorporates all of the previous Paragraphs as if set forth verbatim herein.

38. Public Railways acquired the Milford Property from Hibernian Heights, LLC through condemnation filed on June 13, 2017.

39. Public Railways was constitutionally required to pay Hibernian Heights, LLC just compensation for the total taking of the Milford Property.

40. Hibernian Heights and Public Railways settled on the amount of just compensation and consented to dismissal of the condemnation action. ABS also consented to the dismissal of the condemnation action. Hibernian Heights and ABS each reserved the right to contest matters involving relocation assistance.

41. Public Railways requests a declaration that the full amount of just compensation constitutionally owed for the taking of the Milford Property was as set forth in the Consent Order of Dismissal and Cancellation of Lis Pendens filed in civil action number 2017-CP-10-3029 on June 18, 2019, attached as **Exhibit 1**, and has been paid by Public Railways.

42. Public Railways requests a declaration that Hibernian Heights, LLC and ABS agreed to and acknowledged the amount of just compensation and consented to dismissal of the condemnation action, as set forth in Exhibit 1 and the Release, attached as **Exhibit 2**.

FOR A SECOND COUNTERCLAIM
(Declaratory Judgment as to Relocation Assistance)

43. Public Railways incorporates all of the previous Paragraphs as if set forth verbatim herein.

44. South Carolina Code Ann. § 28-11-10, et seq., provides for Relocation Assistance, including reestablishment expenses to displaced persons or other legal entities as the result of the acquisition of property for public uses.

45. South Carolina Code Ann. § 28-11-30 limits the amount of reestablishment expenses related to the relocation of a small business to fifty thousand dollars.

46. ABS has received fifty thousand dollars in reestablishment expenses.

47. Public Railways requests a declaration that the statutory maximum amount that may be paid to a business for reestablishment expenses is fifty thousand dollars and this amount has been paid to ABS.

WHEREFORE, having fully answered the Plaintiff's Complaint, Defendant Public Railways prays this Court to issue an Order granting the following relief:

- A. Dismissing Plaintiff's Complaint with prejudice.
- B. Awarding Defendant its attorney's fees and costs incurred in the defense of this action;
- C. Declaring that the amount of just compensation owed for the acquisition of the Milford Property through eminent domain is as set forth in the Consent Order of Dismissal and Cancellation of Lis Pendens filed in civil action number 2017-CP-10-3029 on June 18, 2019.
- D. Declaring that Public Railways has paid the full amount of just compensation for its acquisition of the Milford Property.

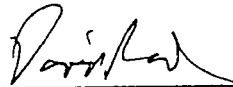
E. Declaring that the amount of reestablishment expenses for a displaced business is as set forth in S.C. Code Ann. § 28-11-10, et seq., and is limited to fifty thousand

dollars.

F. Declaring that ABS has received the statutory maximum amount of reestablishment expenses pursuant to S.C. Code Ann. § 28-11-10, et seq.

G. For all such other and further relief this Court deems just and proper.

Respectfully submitted,



Keith M. Babcock (Bar No. 456)
David L. Paavola (Bar No. 100714)
Lewis Babcock L.L.P.
1513 Hampton Street (29201)
Post Office Box 11208
Columbia, South Carolina 29211
Telephone: (803) 771-8000
Facsimile: (803) 733-3534
Email: kmb@lewisbabcock.com
dlp@lewisbabcock.com

Counsel for South Carolina Department of
Commerce, Division of Public Railways

Columbia, South Carolina
September 18, 2019

cc
Bennis

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

) IN THE COURT OF COMMON PLEAS
) C/A NO. 2017-CP-10-3029
)

Project: Navy Base Intermodal Facility

Tract: 30S

South Carolina Department of Commerce,
Division of Public Railways,

Condemnor,

v.

Hibernian Heights, LLC,

Landowner,

and

Applied Building Sciences, Inc.,

Other Condemnee.

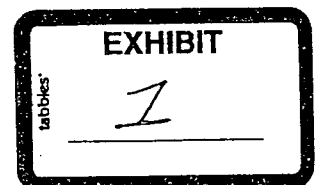
**CONSENT ORDER OF DISMISSAL AND
CANCELLATION OF LIS PENDENS**

FILED
2019 JUN 18 PM 12:18
JULIE J. ARISTON
CLERK OF COURT

This matter comes before the Court upon the motion of the Condemnor, South Carolina Department of Commerce, Division of Public Railways, and with the consent of the Landowner, pursuant to Rule 41(a)(2) of the South Carolina Rules of Civil Procedure, for an Order to end this case because the case has been settled pursuant to the Code of Laws South Carolina, S.C. Code Ann. § 28-2-40 (2007).

WHEREAS the Condemnor and Landowner have agreed that the aggregate sum of One Million Seven Hundred Thousand Dollars and 00/100 (\$1,700,000.00) is just compensation for the property more fully described in Condemnor's Condemnation Notice and Tender of Payment;

[Handwritten signature]



WHEREAS the Condemnor deposited its offer of just compensation of One Million One Hundred Thirty Thousand and 00/100 (\$1,130,000.00) with the Clerk of Court and the Landowner previously drew down 100% of this amount; and

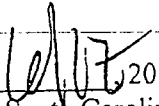
WHEREAS the Condemnor and the Landowner have agreed that this case has been settled and therefore should be ended and stricken from the calendar, the Landowner has received a check for the balance of just compensation from the Condemnor in the amount of Five Hundred Seventy Thousand Dollars and 00/100 (\$570,000.00), and the above-entitled action should be dismissed with prejudice;

It is hereby **ORDERED** that:

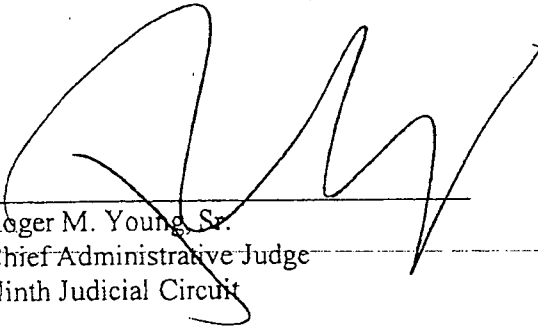
- (1) this case be ended and stricken, with prejudice, from the calendar;
- (2) the Clerk of Court annotate a copy of the Condemnation Notice and Tender of Payment with the date and amount of settlement as One Million Seven Hundred Thousand Dollars and 00/100 (\$1,700,000.00);
- (3) the Clerk of Court file the Annotated Condemnation Notice and Tender of Payment with the Office of Register of Mesne Conveyance for Charleston County, South Carolina in the same manner that deeds are recorded, showing the transfer of the property to the Condemnor, such filing being exempt from filing fees as provided under S.C. Code Ann. § 12-24-40; and
- (4) the Clerk of Court cancel the lis pendens filed by the Condemnor in this action; and
- (5) the Landowner provide Public Railways with completed/executed Request for Taxpayer Identification Number and Certification, and a Release.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to be a stylized 'R' or 'P' followed by a flourish.

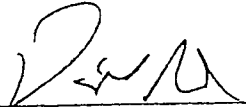


June 11, 2019
Charleston, South Carolina



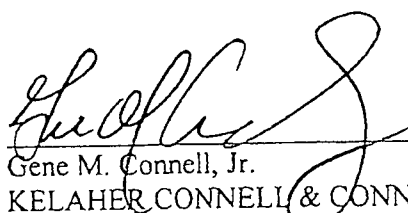
Roger M. Young, Sr.
Chief Administrative Judge
Ninth Judicial Circuit

WE SO MOVE AND CONSENT:



Keith M. Babcock
David L. Paavola
LEWIS BABCOCK L.L.P.
1513 Hampton Street
Post Office Box 11208
Columbia, South Carolina 29211
(803) 771-8000
Attorneys for the Condemnor

6-11, 2019



Gene M. Connell, Jr.
KELAHER CONNELL & CONNOR, PC
Post Office Drawer 14547
Surfside Beach, South Carolina 29587
(843) 238-5648
Attorney for Landowner Hibernian Heights, LLC, and Applied Building Sciences, Inc.

6-7, 2019

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

) IN THE COURT OF COMMON PLEAS
) C/A NO. 2017-CP-10-3029
)

Project: Navy Base Intermodal Facility

Tract: 30S

South Carolina Department of Commerce,
Division of Public Railways,

Condemnor,

v.

Hibernian Heights, LLC,

Landowner,

and

Applied Building Sciences, Inc.,

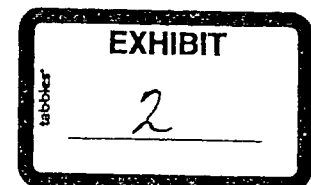
Other Condemnee.

RELEASE

WHEREAS, the South Carolina Department of Commerce, Division of Public Railways ("Public Railways") properly served a Condemnation Notice and Tender of Payment in Civil Action No. 2017-CP-10-3029, filed June 13, 2017, on Landowner for a certain portion of property necessary for the construction and operation of the Navy Base Intermodal Facility and associated railway lines in Charleston County, South Carolina; and

WHEREAS, Condemnor and Landowner have agreed to a settlement in the total amount of One Million Seven Hundred Thousand Dollars and 00/100 (\$1,700,000.00) as just compensation for the property being acquired by Public Railways;

WHEREAS, the Condemnor deposited its offer of just compensation of One Million



One Hundred Thirty Thousand and 00/100 (\$1,130,000.00) with the Clerk of Court and the Landowner previously drew down 100% of this amount; and

WHEREAS, the Landowner will receive the balance of just compensation of Five Hundred Seventy Thousand Dollars and 00/100 (\$570,000.00) within thirty days;

NOW, THEREFORE,

KNOW ALL MEN BY THESE PRESENTS that, for and in consideration of the sum of One Million Seven Hundred Thousand Dollars and 00/100 (\$1,700,000.00), the Landowner and Other Condemnee for themselves, their heirs, administrators, executors, successors, and assigns, do hereby acknowledge the aforesaid sum as payment in full for the just compensation as a result of the aforesaid condemnation and acquisition by Public Railways, and do hereby release, acquit and forever discharge the State of South Carolina, its agencies, departments, institutions, boards and commissions, and officials, agents and/or employees thereof and/or successors thereto, and particularly Public Railways, from any and all claims, demands, damages, actions, causes of action, and suits at law or in equity, of whatsoever kind or nature, arisen, arising, or to arise from or because of any matter relating to the condemnation and acquisition of the property except for any relocation items, if any, not specifically addressed herein.

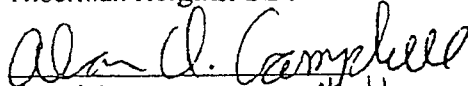
The Landowner and Other Condemnee understand and agree that the aforesaid compensation is being paid by Public Railways in full, final and complete settlement of the condemnation action captioned above and bearing Civil Action No. 2017-CP-10-3029, and that Public Railways is not otherwise obligated. All rights of Landowner and/or Other Condemnee to appeal or contest matters involving Relocation Assistance are preserved and

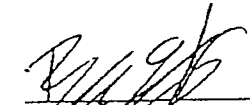
are not part of the settlement of this condemnation case.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 24 day
of April, 2019.


Witness

Hibernian Heights, LLC


By: Alan O. Campbell
Its: Sole Owner


Witness

Applied Building Sciences, Inc.


By: _____
Its: President

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
C/A NO. 2019-CP-10-4387

Applied Building Sciences, Inc.,)
)
Plaintiff,)
)
vs.)
)
South Carolina Department of Commerce, a)
Division of Public Railways,)
)
Defendant.)
)
)

COMPLAINT
(Inverse Condemnation)
Constitutional CP 3
JURY TRIAL G.S.

JULIE J. BRISTOL
CLERK CP 3 G.S.

AUG 21 2019

FILED

The Plaintiff, complaining of the Defendant, would respectfully show unto this Court as follows:

1. The Plaintiff, Applied Building Sciences, Inc. is a corporation organized and existing pursuant to the laws of the State of South Carolina and doing business as an engineering company located in Charleston, South Carolina.

2. The Defendant, South Carolina Department of Commerce, a Division of Public Railways, is a political entity of the State of South Carolina doing business as a railway located throughout the State of South Carolina, but in this case doing business in Charleston, South Carolina.

3. The Defendant, through powers granted under the South Carolina Constitution, did condemn real property owned by Hibernian Heights, LLC located on Milford Street in Charleston, South Carolina.

4. That at all times mentioned herein the Plaintiff Applied Building Sciences, Inc. was a tenant of Hibernian Heights, LLC located in Charleston County, South Carolina.

5. That as a tenant, Applied Building Sciences, Inc., had a lease for the premises condemned by the Defendant and owned by Hibernian Heights, LLC.

6. That at the time of the condemnation, the Plaintiff Applied Building Sciences, Inc. was a successful engineering company with no plans or intentions to move from its location on Milford Street in Charleston, South Carolina.

7. That the Defendant, through its condemnation powers, did force and require the Plaintiff to remove itself from the demised premises owned by Hibernian Heights, LLC.

8. That in moving its business operation from Milford Street to its new address on Cosgrove Avenue, the Plaintiff incurred certain costs, including the cost of moving, cost of restarting the business, cost of employees having to work on restarting the business, cost of employees having to meet contractors, perform site visits, renovate the new building, obtain architectural services, and rework and redesign the building that the Plaintiff was being required to move to as a result of the condemnation. Further, the Plaintiff hired people to move to the new building and set up its equipment, computers and other engineering equipment.

9. That a copy of Plaintiff's moving costs is attached hereto as Exhibit A and is a detailed explanation of all costs incurred by the Plaintiff.

10. That the Defendant has taken the position that Plaintiff's costs are limited pursuant to South Carolina law and that the exclusive remedy for costs is found in South Carolina Code 28-11-10 *et seq.*

11. That Defendant avers and alleges that moving costs and all costs incident with moving Plaintiff's business are limited to \$50,000.00 pursuant to the Uniform Relocation Assistance and Real Property Acquisition policies of 1970 (42 U.S.C. 4601) and S.C. Code § 28-11-10.

12. That Defendant by letter dated July 23, 2019 have denied Plaintiff's claim and further allege that the cost of moving and reestablishment of Plaintiff's business is not covered in excess of \$50,000.00 pursuant to South Carolina law.

13. That Plaintiff's claim for inverse condemnation arises from the South Carolina Constitution.

14. That the Defendant has physically appropriated Plaintiff's property and has caused it to expend monies for reestablishment and moving expenses far in excess of the Defendant's alleged limit for such costs.

15. That Defendant's conduct towards the Plaintiff has been hostile in that the Defendant physically appropriated Plaintiff's leasehold interest, thus requiring Plaintiff to incur the costs listed in this complaint.

16. The Defendant by physically appropriating Plaintiff's leasehold interest has forced the Plaintiff to incur these costs.

17. That the South Carolina Constitution, Section Article 1 provides private property shall not be taken for public use without the consent of the owner nor for public use without just compensation being paid.

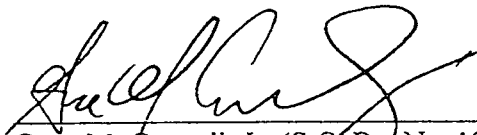
18. That the Defendant in this case has taken and/or appropriated Plaintiff's private property without Plaintiff's consent.

19. That S.C. Code § 28-11-10 is not the exclusive remedy for reestablishment and relocation costs and that the Defendant cannot limit such costs by statute as the Defendant's actions are from the taking of property.

20. That there is no monetary limit under South Carolina's Constitution for taking of private property by a governmental entity and that S.C. Code § 28-11-10 is a supplementary procedure and does not bind the Plaintiff or limit its constitutional claim for just compensation.

21. That Plaintiff brings this cause of action for inverse condemnation for actual damages, for punitive damages and for the costs of this action to include attorney's fees and costs.

KELAHER, CONNELL & CONNOR, P.C.



Gene M. Connell, Jr. (S.C. Bar No. 1358)
The Courtyard, Suite 209
1500 U. S. Highway 17 North
Post Office Drawer 14547
Surfside Beach, South Carolina 29587-4547
(843) 238-5648 (phone)
(843) 238-5050 (facsimile)
gconnell@classactlaw.net
Attorney for Plaintiff

August 21, 2019
Surfside Beach, South Carolina


**APPLIED
BUILDING
SCIENCES**
Invoice

Invoice Number: * Draft *
 Invoice Date: 02/11/2019
 Due Date: 03/13/2019

FEDERAL TAX #

Applied Building Sciences

2308 Cosgrove Avenue
 2308 Cosgrove Avenue
 Charleston, South Carolina
 ABS Ref: 995.17002

Professional Fees

		Hours	Rate	Amount
05/23/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
05/23/2017	On site observations; A&E CAD drawings (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
05/27/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
05/30/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
06/02/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.20	285.00	342.00
06/03/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.00	285.00	285.00
06/05/2017	Site Visit for Dim clarification (Alex Robertson, Technician)	4.00	70.00	280.00
06/05/2017	As-built logistics with Alex (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
06/06/2017	Dims into Cad (Alex Robertson, Technician)	2.75	70.00	192.50
06/07/2017	Site Visit and Dims into Cad (Alex Robertson, Technician)	7.25	70.00	507.50
06/07/2017	Took interior building dimensions (Garrett Linderman, EIT)	4.00	70.00	280.00
06/07/2017	Existing conditions with Alex (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
06/08/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
06/08/2017	Exterior Photos and Dims (Alex Robertson, Technician)	2.00	70.00	140.00
06/08/2017	Existing conditions with Alex (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
06/09/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.00	285.00	285.00
06/09/2017	Site Visit clarification of Dimensions (Alex Robertson, Technician)	7.00	70.00	490.00
06/09/2017	Took interior building dimensions / uploaded photos to network (Garrett Linderman, EIT)	7.00	70.00	490.00
06/10/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
06/12/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
06/12/2017	cad and site visit (Alex Robertson, Technician)	8.00	70.00	560.00
06/13/2017	cad (Alex Robertson, Technician)	6.50	70.00	455.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
 We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
 5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Professional Fees

		Hours	Rate	Amount
06/14/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
06/14/2017	Cad (Alex Robertson, Technician)	6.00	70.00	420.00
06/14/2017	Drawing review (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
06/15/2017	cad and visit to office (Alex Robertson, Technician)	6.75	70.00	472.50
06/15/2017	Drawings (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
06/16/2017	cad (Alex Robertson, Technician)	2.50	70.00	175.00
06/17/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
06/26/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
06/30/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
06/30/2017	Existing conditions discussion with Alex O. and Alex R. (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
07/01/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/03/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/03/2017	Existing conditions (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
07/05/2017	Sketchup (Alex Robertson, Technician)	6.00	70.00	420.00
07/05/2017	Modeling assistance with CAR (Curt Berg, III, AIA)	1.00	155.00	155.00
07/05/2017	Drawing logistics (Wayne Butler, Architectural Staff III)	0.50	155.00	77.50
07/06/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/06/2017	As-built drawings (Wayne Butler, Architectural Staff III)	4.50	155.00	697.50
07/07/2017	Sketchup (Alex Robertson, Technician)	2.25	70.00	157.50
07/07/2017	Existing conditions and as-built drawings (Wayne Butler, Architectural Staff III)	6.50	155.00	1,007.50
07/08/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/10/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
07/10/2017	Calls, permit applications. (Alex Overeem, EIT)	0.80	125.00	100.00
07/10/2017	Review moving and relocation options in new building floorplan. Review schematic floor plan renovation options. (Scott Harvey, AIA)	2.50	225.00	562.50
07/10/2017	As-build drawings and existing conditions observations (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
07/11/2017	Preliminary determination of load bearing walls (Alex Overeem, EIT)	2.00	125.00	250.00
07/11/2017	Site visit to new office. Mapped out ceiling framing for first and second floors. (Jordan Seawright, Intern)	2.00	95.00	190.00
07/11/2017	Existing conditions and new design work (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
07/12/2017	Review of trusses, gutting and documentation of existing framing, CAD drawing (Alex Overeem, EIT)	3.40	125.00	425.00
07/12/2017	Assist J. Seawright and A. Overeem w/ determining floor framing layout and load-bearing wall locations. (Bobby Funcik, PE)	1.80	175.00	315.00
07/12/2017	Bathroom design consult with DWB (Curt Berg, III, AIA)	1.20	155.00	186.00
07/12/2017	Preparation for site visit. Site visit to office to continue investigation of roof framing. (Jordan Seawright, Intern)	3.00	95.00	285.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
 We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
 5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 2 of 38

Professional Fees

		Hours	Rate	Amount
07/12/2017	Code compliance research; new design work (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
07/13/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/13/2017	CAD Drawing (Alex Overeem, EIT)	1.40	125.00	175.00
07/13/2017	Bathroom design consult with DWB (Curt Berg, III, AIA)	0.20	155.00	31.00
07/13/2017	Analyzed 12" deep ceiling trusses for 16-ft and 24-ft spans. (Jordan Seawright, Intern)	2.00	95.00	190.00
07/13/2017	New floor plans (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
07/14/2017	Continued determination of existing structure (Alex Overeem, EIT)	3.30	125.00	412.50
07/14/2017	Site visit to office to determine span and support conditions of steel beam. Continued framing investigation. Calculated capacity of pipe columns. (Jordan Seawright, Intern)	3.00	95.00	285.00
07/14/2017	New floor plans (Wayne Butler, Architectural Staff III)	0.50	155.00	77.50
07/15/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/17/2017	Check water, evaluate existing framing (Alex Overeem, EIT)	1.50	125.00	187.50
07/17/2017	Building and wall sections (Wayne Butler, Architectural Staff III)	5.50	155.00	852.50
07/18/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/19/2017	CAD drawing and evaluating existing framing (Alex Overeem, EIT)	2.00	125.00	250.00
07/19/2017	New second floor plan (Wayne Butler, Architectural Staff III)	4.50	155.00	697.50
07/20/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/20/2017	Evaluating existing framing. Determination of load bearing walls (Alex Overeem, EIT)	1.10	125.00	137.50
07/20/2017	New building sections and floor plans (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
07/22/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/24/2017	Structural layout (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
07/27/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/28/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/29/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
08/01/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
08/04/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
08/05/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
08/07/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
08/08/2017	Space planning / layout (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
08/11/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
08/12/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 3 of 38

Professional Fees

		Hours	Rate	Amount
08/14/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
08/15/2017	On site demo and floor plan review (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
08/16/2017	Jurisdictional research for AOC (Curt Berg, III, AIA)	0.30	155.00	46.50
08/17/2017	Jurisdictional research for AOC (Curt Berg, III, AIA)	1.00	155.00	155.00
08/17/2017	Second floor plan study (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
08/18/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.00	285.00	285.00
08/18/2017	Jurisdictional research for AOC (Curt Berg, III, AIA)	0.30	155.00	46.50
08/18/2017	Second floor plan study (Wayne Butler, Architectural Staff III)	1.50	155.00	232.50
08/19/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
08/21/2017	Floor plan and elevations (Wayne Butler, Architectural Staff III)	6.50	155.00	1,007.50
08/22/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
08/22/2017	New elevation designs (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
08/23/2017	New second floor plans, elevations, building sections (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
08/24/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
08/24/2017	On site walk through with Rail consultant; new building sections (Wayne Butler, Architectural Staff III)	3.50	155.00	542.50
08/25/2017	New floor plans, elevations, building sections, and material research (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
08/26/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
08/28/2017	3D Drafting (Dawn Clayton, Draftsman)	1.60	70.00	112.00
08/28/2017	New elevation details and floor plans (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
08/29/2017	3D Drafting (Dawn Clayton, Draftsman)	3.90	70.00	273.00
08/29/2017	New second floor plan diagrams (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
08/30/2017	3D Drafting (Dawn Clayton, Draftsman)	2.60	70.00	182.00
08/30/2017	New floor plan layouts (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
08/31/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
08/31/2017	On site observations of demo and exterior walls; new building sections (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
09/01/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
09/01/2017	New building sections and floor plan diagrams (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
09/02/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
09/05/2017	New first floor layout (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
09/06/2017	First floor plan review and building sections; structural components (Wayne Butler, Architectural Staff III)	6.50	155.00	1,007.50
09/07/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
09/07/2017	Met with Romy/ upload notes and photos to file (Alex Overeem, EIT)	3.00	125.00	375.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 4 of 38

Professional Fees

		Hours	Rate	Amount
09/07/2017	On site observations and walk thru; first floor plan layout (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
09/08/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
09/08/2017	Discussion w/ Wayne. Design Calculations (Alex Overeem, EIT)	4.00	125.00	500.00
09/08/2017	Review and comment on preliminary floor plans. (Scott Harvey, AIA)	1.00	225.00	225.00
09/08/2017	Travel to and from Orangeburg to pick up generators for AOC (Stephanie Borzendowski, PhD)	2.40	190.00	456.00
09/08/2017	First floor plan (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
09/09/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
09/11/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
09/12/2017	Discuss structural issues with Alex O (Al Schweickhardt, PE)	0.20	225.00	45.00
09/12/2017	Designed new floor framing members required to remove load bearing walls (Alex Overeem, EIT)	9.00	125.00	1,125.00
09/12/2017	First floor plan core program elements (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
09/13/2017	Coordination W/ Wayne & Repair Designs (Alex Overeem, EIT)	7.00	125.00	875.00
09/13/2017	3D Drafting (Dawn Clayton, Draftsman)	7.30	70.00	511.00
09/13/2017	First floor / second floor redlines (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
09/14/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
09/14/2017	Repair Design, Discussion with Alan, Brief Site Visit to confirm layout (Alex Overeem, EIT)	4.00	125.00	500.00
09/14/2017	3D Drafting (Dawn Clayton, Draftsman)	4.00	70.00	280.00
09/14/2017	First floor / second floor plans; structural modifications (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
09/15/2017	Repair Design and Drafting Repair Details (Alex Overeem, EIT)	8.00	125.00	1,000.00
09/15/2017	3D Drafting (Dawn Clayton, Draftsman)	1.70	70.00	119.00
09/15/2017	Building sections (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
09/16/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
09/18/2017	Travel, site visit to meet with contractors, address and revise scope of work; discuss framing design w/ B. Funcik and A. Overeem (Alan Campbell, PE, RRC)	2.00	285.00	570.00
09/18/2017	Detailing structural repairs (Alex Overeem, EIT)	6.00	125.00	750.00
09/18/2017	Discuss framing design w/ A. Campbell and A. Overeem. (Bobby Funcik, PE)	0.50	175.00	87.50
09/18/2017	3D Drafting (Dawn Clayton, Draftsman)	2.90	70.00	203.00
09/18/2017	Meeting Window Supplier on-site. Review code analysis and schematic floor plans. (Scott Harvey, AIA)	2.00	225.00	450.00
09/18/2017	Code research and review (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
09/19/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
09/19/2017	Design and Detailing structural repair and modification details; Site Visit w/ AOC (includes travel time) (Alex Overeem, EIT)	7.10	125.00	887.50
09/19/2017	3D Drafting (Dawn Clayton, Draftsman)	1.50	70.00	105.00
09/19/2017	Code compliance and floor plans (Wayne Butler, Architectural Staff III)	1.50	155.00	232.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 5 of 38

Professional Fees

		Hours	Rate	Amount
09/20/2017	Discuss calcs w/ A. Overeem and B. Funcik (Alan Campbell, PE, RRC)	0.70	285.00	199.50
09/20/2017	Site Visit (includes travel time); follow up calculations and discussion with BMF (Alex Overeem, EIT)	5.20	125.00	650.00
09/20/2017	Discuss calcs w/ A. Overeem and A. Campbell. (Bobby Funcik, PE)	0.70	175.00	122.50
09/20/2017	Floor plans revisions (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
09/21/2017	Discussion w/ A. Overeem (Alan Campbell, PE, RRC)	0.50	285.00	142.50
09/21/2017	Site Visit w/ Romy; discussion with Alan; LVL analysis, revising construction drawings. (Alex Overeem, EIT)	5.60	125.00	700.00
09/21/2017	Metal stair design (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
09/22/2017	Site Visit (Alex Overeem, EIT)	0.50	125.00	62.50
09/22/2017	Demo and first floor layout; stair sections and framing (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
09/23/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
09/25/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
09/25/2017	Meet with Romy; Order materials (Alex Overeem, EIT)	3.20	125.00	400.00
09/25/2017	On site demo walk and floor plan layout revisions (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
09/26/2017	Met with Romy on furred wall; Coordnation with DWB; phone calls coordinating material shipment (Alex Overeem, EIT)	3.00	125.00	375.00
09/26/2017	Review stairs, framing and window items with Wayne. (Scott Harvey, AIA)	1.00	225.00	225.00
09/26/2017	Revisions (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
09/27/2017	Meet with Romy on block beam at top of stairs (Alex Overeem, EIT)	3.00	125.00	375.00
09/27/2017	Demo questions and layout modifications (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
09/28/2017	Stair coordination with DWB and Romy (Alex Overeem, EIT)	1.00	125.00	125.00
09/28/2017	3D Drafting (Dawn Clayton, Draftsman)	0.50	70.00	35.00
09/29/2017	Coordination w/ DWB and Romy (et. all) (Alex Overeem, EIT)	0.90	125.00	112.50
09/29/2017	3D Drafting (Dawn Clayton, Draftsman)	8.00	70.00	560.00
09/29/2017	Structural modifications during demo review (Wayne Butler, Architectural Staff III)	2.50	155.00	387.50
10/02/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/02/2017	Determine wind pressures for DP rating; Site Visit with AOC and DWB; follow up calculations, (Alex Overeem, EIT)	8.00	125.00	1,000.00
10/02/2017	3D Drafting (Dawn Clayton, Draftsman)	5.00	70.00	350.00
10/02/2017	Floor plans and sections (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
10/03/2017	Roof dry in details (Alex Overeem, EIT)	6.40	125.00	800.00
10/03/2017	3D Drafting (Dawn Clayton, Draftsman)	3.50	70.00	245.00
10/03/2017	Floor plans and sections (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
10/04/2017	To North Charleston City hall to submit permit authorization; site vist to measure opening; masonry beam analysis set up (Alex Overeem, EIT)	6.00	125.00	750.00
10/04/2017	Floor plans and sections (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
10/05/2017	Floor plans and sections (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 6 of 38

Professional Fees

		Hours	Rate	Amount
10/06/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
10/06/2017	Coordination w/ AOC, WDB, and JDG with stair take off, coordination items, and roof framing, respectively (Alex Overeem, EIT)	5.50	125.00	687.50
10/06/2017	Office layout review and preliminary structural interaction of Glulam vs bar joists. (Jason Gregorie, PE)	4.00	225.00	900.00
10/06/2017	Partner meeting; floor plan revisions (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
10/07/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/09/2017	Drafting and Detailing Glulam Design (Alex Overeem, EIT)	6.00	125.00	750.00
10/09/2017	Research (Alex Robertson, Technician)	1.00	70.00	70.00
10/09/2017	First floor plan mod. layouts (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
10/10/2017	Cost analysis; coordination with Jason Gregorie; second floor frame design; calls to buck lumber (Alex Overeem, EIT)	5.30	125.00	662.50
10/10/2017	Research (Alex Robertson, Technician)	1.25	70.00	87.50
10/10/2017	Demo mod's. (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
10/11/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/11/2017	Site Visit with AOC (Alex Overeem, EIT)	1.00	125.00	125.00
10/11/2017	3D Drafting (Dawn Clayton, Draftsman)	1.80	70.00	126.00
10/11/2017	ADA requirements; vertical circulation (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
10/12/2017	Second floor layout (Wayne Butler, Architectural Staff III)	2.50	155.00	387.50
10/13/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
10/14/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/16/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/16/2017	On site meeting with demo contractor; floor plan revisions (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
10/17/2017	Floor plan revisions; window / door locations (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
10/18/2017	Partner review and discussion of floor plans (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
10/19/2017	Floor plan revisions based on layout org. (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
10/20/2017	Obtained Demo Permit; Site Visit (includes travel time) (Alex Overeem, EIT)	3.10	125.00	387.50
10/20/2017	Floor plan revisions and redlines; on site demo review; meeting with Admin. for review (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
10/21/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
10/21/2017	Structural Analysis; Structural Design of new members (Alex Overeem, EIT)	9.50	125.00	1,187.50
10/22/2017	Continued Analysis (Alex Overeem, EIT)	2.50	125.00	312.50
10/23/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/23/2017	LVL drop beam and column design (Alex Overeem, EIT)	1.00	125.00	125.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 7 of 38

Professional Fees

		Hours	Rate	Amount
10/24/2017	Second floor plan and elevations (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
10/25/2017	Discuss steel column w/ B. Funcik (Alan Campbell, PE, RRC)	0.20	285.00	57.00
10/25/2017	Discuss steel column w/ A. Campbell. (Bobby Funcik, PE)	0.20	175.00	35.00
10/25/2017	First & Second floor plan mods. (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
10/26/2017	Discuss structural framing w/ B. Funcik and W. Butler (Alan Campbell, PE, RRC)	0.50	285.00	142.50
10/26/2017	Discuss structural framing w/ A. Campbell and W. Butler. (Bobby Funcik, PE)	0.50	175.00	87.50
10/26/2017	Second floor plan layout (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
10/27/2017	First & Second floor plan layouts (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
10/28/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/30/2017	Site visit w/ A. Overeem and W. Butler (Alan Campbell, PE, RRC)	2.00	285.00	570.00
10/30/2017	Site visit with AOC and DWB; drop beam, and connection design. (Alex Overeem, EIT)	5.00	125.00	625.00
10/30/2017	Review calcs w/ A. Overeem. (Bobby Funcik, PE)	0.80	175.00	140.00
10/30/2017	First floor plan revisions (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
10/31/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/31/2017	Steel beam and connection design; coordination with Fraizier Iron Works (Alex Overeem, EIT)	3.90	125.00	487.50
10/31/2017	3D Drafting (Dawn Clayton, Draftsman)	6.30	70.00	441.00
10/31/2017	First floor plan revisions (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
11/01/2017	3D Drafting (Dawn Clayton, Draftsman)	3.70	70.00	259.00
11/01/2017	Review office plans. (Parker Shields, PE)	0.30	155.00	46.50
11/01/2017	Floor plan revisions, elevations and building sections (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
11/02/2017	3D Drafting (Dawn Clayton, Draftsman)	8.50	70.00	595.00
11/03/2017	Review layout and moving logistics for new office (Alan Campbell, PE, RRC)	2.00	285.00	570.00
11/03/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
11/03/2017	Cosgrove Office Building Meeting (Alex Overeem, EIT)	2.00	125.00	250.00
11/03/2017	Site visit (includes travel time), coordination with AOC and RKD, ordering materials (Alex Overeem, EIT)	2.00	125.00	250.00
11/03/2017	Meeting (Alex Robertson, Technician)	1.75	70.00	122.50
11/03/2017	Meet w/ office to discuss and comment on new office design. (Bobby Funcik, PE)	1.90	175.00	332.50
11/03/2017	Office design review/comment (Curt Berg, III, AIA)	2.20	155.00	341.00
11/03/2017	3D Drafting (Dawn Clayton, Draftsman)	6.40	70.00	448.00
11/03/2017	Office Meeting (Dawn Clayton, Draftsman)	1.80	70.00	126.00
11/03/2017	Office Mtg. - review of new office design (Lauren Ulmer, AIA)	1.00	155.00	155.00
11/03/2017	Company meeting and drawing review. (Lisa Koehle, Admin Asst)	2.00	75.00	150.00
11/03/2017	Progress meeting and discussion of design concepts. (Parker Shields, PE)	2.00	155.00	310.00
11/03/2017	Review office layout and moving logistics for new office. (Scott Harvey, AIA)	2.00	225.00	450.00
11/03/2017	Presentation to ABS and prep. work; graphics/photos/drawing diagrams (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 8 of 38

Professional Fees

		Hours	Rate	Amount
11/03/2017	Aesthetic photos/graphics; floor plan diagrams; elevations (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/03/2017	Participate in new office design meeting (Whitney Schrum, AIA)	2.00	175.00	350.00
11/04/2017	Travel; site visit to meet with contractors; address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
11/06/2017	17.5 Foot LVL Beam Design; coordination with demo/construction team; coordination with AOC; site visit (Alex Overeem, EIT)	5.00	125.00	625.00
11/06/2017	Site visit; demo scope and extents; 2nd floor plan layouts (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
11/07/2017	Discuss beam sizing w/ B. Funcik (Alan Campbell, PE, RRC)	0.30	285.00	85.50
11/07/2017	Material allocation; site visit; framing inspection; coordination with AOC; coordination with Frazier (Frazier Ironworks); site visit; coordination with RKD (Alex Overeem, EIT)	6.00	125.00	750.00
11/07/2017	Discuss beam sizing w/ A. Campbell. (Bobby Funcik, PE)	0.30	175.00	52.50
11/07/2017	3D Drafting (Dawn Clayton, Draftsman)	6.50	70.00	455.00
11/07/2017	Demo review and 2nd floor layout mods. (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/08/2017	LVL Support Analysis (Alex Overeem, EIT)	1.20	125.00	150.00
11/08/2017	3D Drafting (Dawn Clayton, Draftsman)	3.80	70.00	266.00
11/09/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
11/09/2017	Coordination Site Visit with DWB and AOC; Stairs; Collor tie design (Alex Overeem, EIT)	6.00	125.00	750.00
11/09/2017	3D Drafting (Dawn Clayton, Draftsman)	1.00	70.00	70.00
11/09/2017	On site observations; 2nd floor plan mods. (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
11/10/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/10/2017	Rafter Tie Analysis; Coordination with AOC; site visit; coordination with DWB (Alex Overeem, EIT)	2.50	125.00	312.50
11/10/2017	On site observations; 2nd floor plan mods. (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/11/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/13/2017	Bay 2 Roof and Moment Frame Design; CLT & Glulam (Alex Overeem, EIT)	5.20	125.00	650.00
11/13/2017	On site meeting with Live Oak Consultants for MEP scope (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
11/14/2017	Bay 2 roof design and 1st floor beam analysis; site visits; coordination with AOC and DWB; Bay 4 retrofit design (Alex Overeem, EIT)	8.50	125.00	1,062.50
11/14/2017	3D Drafting (Dawn Clayton, Draftsman)	6.00	70.00	420.00
11/14/2017	Demo coordination with 2nd floor plan and structural layout (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
11/15/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/15/2017	Column and U-Bracket Design: (Alex Overeem, EIT)	3.80	125.00	475.00
11/16/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
11/16/2017	Site visit with DWB and AOC; coordination with Buck Lumber and Frazier Iron works (Alex Overeem, EIT)	1.00	125.00	125.00
11/16/2017	3D Drafting (Dawn Clayton, Draftsman)	0.60	70.00	42.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 9 of 38

Professional Fees

		Hours	Rate	Amount
11/16/2017	Went to see new office (Stephanie Borzendowski, PhD)	0.60	190.00	114.00
11/16/2017	On site observations of demo; structural load paths with first floor walls; second floor layout; MEP scope (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
~~11/17/2017~~	~~3D Drafting (Dawn Clayton, Draftsman)~~	~~3.90~~	~~70.00~~	~~273.00~~
11/17/2017	Second floor modifications based on existing conditions (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/20/2017	Balcony Design (Alex Overeem, EIT)	3.00	125.00	375.00
11/20/2017	3D Drafting (Dawn Clayton, Draftsman)	1.60	70.00	112.00
11/20/2017	Second floor plan demo and layout; MEP base drawings (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
11/21/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/21/2017	Base plate analysis; coordinatin with AOC (Alex Overeem, EIT)	2.00	125.00	250.00
11/21/2017	3D Drafting (Dawn Clayton, Draftsman)	8.60	70.00	602.00
11/21/2017	Second floor layout (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/22/2017	Discuss design of deck w/ B. Funcik, W. Butler and A. Overeem (Alan Campbell, PE, RRC)	0.70	285.00	199.50
11/22/2017	Baseplate/Epoxy Research (Alex Overeem, EIT)	2.00	125.00	250.00
11/22/2017	Discuss design of deck w/ ABS team. (Bobby Funcik, PE)	0.70	175.00	122.50
11/22/2017	On site review of second floor spaces; second floor sq.ft. take-offs; second floor layout design (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/25/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
11/27/2017	Moment Frame Design & Coordination With Sauter Lumber (Alex Overeem, EIT)	8.60	125.00	1,075.00
11/27/2017	Floor plans; structural layout review; product selections (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
11/28/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
11/28/2017	Moment Frame Design (Alex Overeem, EIT)	6.90	125.00	862.50
11/28/2017	plan review with DWB (Curt Berg, III, AIA)	0.30	155.00	46.50
11/28/2017	Second floor plan and structural design (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
11/29/2017	Moment Frame Design (Alex Overeem, EIT)	9.90	125.00	1,237.50
11/29/2017	3D Drafting (Dawn Clayton, Draftsman)	1.40	70.00	98.00
11/29/2017	Moment frame analysis spreadsheet. (Preston Dukes, PE)	7.00	155.00	1,085.00
11/29/2017	3D building model review with Dawn, sub-consultants meetings, design and review of existing conditions (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
11/30/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/30/2017	Moment Frame Design Stress Calculations; Site Visit and Lunch with AOC and DWB (Alex Overeem, EIT)	6.70	125.00	837.50
11/30/2017	2D Drafting (Dawn Clayton, Draftsman)	7.90	70.00	553.00
11/30/2017	Moment frame analysis spreadsheet. (Preston Dukes, PE)	8.60	155.00	1,333.00
11/30/2017	Revised floor plans for MEP consultants; discussions with MEP consultants (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
12/01/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/01/2017	Site Visit and Moment Frame Design (Alex Overeem, EIT)	2.00	125.00	250.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 10 of 38

Professional Fees

		Hours	Rate	Amount
12/01/2017	office site visit, plan review (Curt Berg, III, AIA)	0.50	155.00	77.50
12/01/2017	2D Drafting (Dawn Clayton, Draftsman)	5.80	70.00	406.00
12/01/2017	Moment frame analysis spreadsheet. (Preston Dukes, PE)	6.90	155.00	1,069.50
12/01/2017	MEP consultant follow up regarding existing conditions; product review for interior finishings; second floor layout (Wayne Butler, Architectural Staff III)	6.50	155.00	1,007.50
12/04/2017	Site Visit (Alex Overeem, EIT)	0.50	125.00	62.50
12/04/2017	On site meeting with subs to discuss existing conditions; elevations and floor plans (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
12/05/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
12/05/2017	Roof structure research; cost research; coordination with AOC and DWB; site visit (Alex Overeem, EIT)	6.00	125.00	750.00
12/05/2017	3D Drafting (Dawn Clayton, Draftsman)	1.40	70.00	98.00
12/05/2017	Exterior waterproofing products research; on site meeting with product reps.; floor plan layouts (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
12/06/2017	Roof structure and cost research (Alex Overeem, EIT)	0.50	125.00	62.50
12/06/2017	Exterior waterproofing products; details review (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
12/07/2017	Call CPW; transfered to 811; schedule utility marking (Alex Overeem, EIT)	0.50	125.00	62.50
12/07/2017	3D Drafting (Dawn Clayton, Draftsman)	3.20	70.00	224.00
12/07/2017	Renderings and elevation studies (Wayne Butler, Architectural Staff III)	1.50	155.00	232.50
12/08/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/08/2017	Meeting with AOC and DWB; hollowcore slab analysis; (Alex Overeem, EIT)	3.00	125.00	375.00
12/08/2017	3D Drafting (Dawn Clayton, Draftsman)	4.00	70.00	280.00
12/08/2017	Product research and product rep. correspondence; office furniture research (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
12/09/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
12/11/2017	Meeting w/ A. Overeem and W. Butler (Alan Campbell, PE, RRC)	1.00	285.00	285.00
12/11/2017	Cosgrove site visit; column location analysis; meeting with AOC and DWB; hollow core slab research; cantilever slab design (Alex Overeem, EIT)	9.00	125.00	1,125.00
12/11/2017	3D Drafting (Dawn Clayton, Draftsman)	6.50	70.00	455.00
12/11/2017	Waterproofing details; furniture layout review; interior office product research (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
12/12/2017	Met Roto-Rooter to locate water and waster plumbing line (Alex Overeem, EIT)	7.50	125.00	937.50
12/12/2017	office furniture vendor contacts with DWB (Curt Berg, III, AIA)	0.60	155.00	93.00
12/12/2017	3D Drafting (Dawn Clayton, Draftsman)	7.20	70.00	504.00
12/12/2017	Furniture layout product review; meeting with Wulbern-Koval (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
12/13/2017	Documenting drain locations; (Alex Overeem, EIT)	1.00	125.00	125.00
12/13/2017	3D Drafting (Dawn Clayton, Draftsman)	2.80	70.00	196.00
12/13/2017	Meetings with The Office People and McWaters for interior furniture consult; follow up floor plans (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
12/14/2017	3D Drafting (Dawn Clayton, Draftsman)	7.10	70.00	497.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 11 of 38

Professional Fees

		Hours	Rate	Amount
12/14/2017	Furniture layout review; pricing components (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
12/15/2017	Meeting w/ Oscar and John at Cosgrove; Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
12/15/2017	Water and Waste Lines in CAD (Alex Overeem, EIT)	2.00	125.00	250.00
12/15/2017	3D Drafting (Dawn Clayton, Draftsman)	4.60	70.00	322.00
12/16/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/18/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/18/2017	Water and Waste in CAD; Obtaining Fasteners; Coordination with GPL (Alex Overeem, EIT)	2.00	125.00	250.00
12/18/2017	3D Drafting (Dawn Clayton, Draftsman)	6.90	70.00	483.00
12/18/2017	Analysis: reinforced concrete (Garrett Linderman, EIT)	3.00	70.00	210.00
12/18/2017	Mech./Plumbing/Elec. layout review; second floor plan layout; sub-contractors follow up (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
12/19/2017	Site visits; coordination with contractors; coordination with DWB (Alex Overeem, EIT)	4.00	125.00	500.00
12/19/2017	3D Drafting (Dawn Clayton, Draftsman)	3.00	70.00	210.00
12/19/2017	reinforced concrete analysis calculations (Garrett Linderman, EIT)	5.00	70.00	350.00
12/19/2017	Plumbing layout; phone conference with Live Oak Consultants; storage space layout (Wayne Butler, Architectural Staff III)	6.50	155.00	1,007.50
12/20/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
12/20/2017	Water and Wasteline drawings in CAD; site visits (includes travel time); coordination with GHL for cantilever concrete slab design; shop vac and drawings; coordination with DWB and AOC (Alex Overeem, EIT)	6.00	125.00	750.00
12/20/2017	reinforced concrete design analysis (Garrett Linderman, EIT)	5.00	70.00	350.00
12/20/2017	MEP consultants follow up and drawing layout review; MEP product review; floor plan layouts (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
12/21/2017	Splice repair design; site visit; coordination with GHL and AOC; steel beam and column location analysis (Alex Overeem, EIT)	7.00	125.00	875.00
12/21/2017	3D Drafting (Dawn Clayton, Draftsman)	5.20	70.00	364.00
12/21/2017	beam analysis and research (Garrett Linderman, EIT)	6.00	70.00	420.00
12/21/2017	Site observations; structural layout walk through; furniture layout and floor plan modifications (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
12/22/2017	Masonry Analysis (Alex Overeem, EIT)	5.00	125.00	625.00
12/22/2017	3D Drafting (Dawn Clayton, Draftsman)	0.70	70.00	49.00
12/22/2017	beam analysis (Garrett Linderman, EIT)	4.00	70.00	280.00
12/22/2017	On site floor plan walk through; structural layout review; furniture proposals review (Wayne Butler, Architectural Staff III)	7.50	155.00	1,162.50
12/27/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/27/2017	Masonry analysis and concrete column requirement determination. (Alex Overeem, EIT)	4.00	125.00	500.00
12/27/2017	3D Drafting (Dawn Clayton, Draftsman)	0.50	70.00	35.00
12/27/2017	Second floor plan layout for roofing dept. / EIT's (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 12 of 38

Professional Fees

		Hours	Rate	Amount
12/28/2017	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
12/28/2017	3D Drafting (Dawn Clayton, Draftsman)	3.20	70.00	224.00
~~01/02/2018~~	~~Moment frame design (Alex Overeem, EIT)~~	~~4.70~~	~~125.00~~	~~587.50~~
01/02/2018	Moment frame analysis for all load cases for ACO seismic detailing design. (Preston Dukes, PE)	8.20	155.00	1,271.00
01/03/2018	Moment frame design (Alex Overeem, EIT)	5.00	125.00	625.00
01/03/2018	3D Drafting (Dawn Clayton, Draftsman)	5.50	70.00	385.00
01/03/2018	Moment frame analysis for all load cases for ACO seismic detailing design. (Preston Dukes, PE)	4.30	155.00	666.50
01/04/2018	Moment frame design (Alex Overeem, EIT)	5.00	125.00	625.00
01/04/2018	3D Drafting (Dawn Clayton, Draftsman)	6.00	70.00	420.00
01/04/2018	Moment frame analysis for all load cases for ACO seismic detailing design. (Preston Dukes, PE)	4.70	155.00	728.50
01/05/2018	Moment frame design (Alex Overeem, EIT)	4.00	125.00	500.00
01/05/2018	3D Drafting (Dawn Clayton, Draftsman)	5.70	70.00	399.00
01/05/2018	Moment frame analysis for all load cases for ACO seismic detailing design. (Preston Dukes, PE)	2.30	155.00	356.50
01/06/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/06/2018	Moment frame design (Alex Overeem, EIT)	6.00	125.00	750.00
01/07/2018	Moment frame design (Alex Overeem, EIT)	10.00	125.00	1,250.00
01/08/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/08/2018	Moment Frame Design and Coordination with PVD (Alex Overeem, EIT)	4.50	125.00	562.50
01/08/2018	3D Drafting (Dawn Clayton, Draftsman)	8.00	70.00	560.00
01/09/2018	3D Drafting (Dawn Clayton, Draftsman)	8.40	70.00	588.00
01/09/2018	Moment frame analysis for all load cases for ACO seismic detailing design. (Preston Dukes, PE)	3.70	155.00	573.50
01/10/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
01/10/2018	3D Drafting (Dawn Clayton, Draftsman)	3.00	70.00	210.00
01/10/2018	Moment frame analysis for all load cases for ACO seismic detailing design. (Preston Dukes, PE)	7.60	155.00	1,178.00
01/11/2018	Site Visit; coordination with AOC; Beam analysis (Alex Overeem, EIT)	3.80	125.00	475.00
01/11/2018	Moment frame analysis for all load cases for ACO seismic detailing design. (Preston Dukes, PE)	5.00	155.00	775.00
01/12/2018	Site visit with AOC (Alex Overeem, EIT)	1.50	125.00	187.50
01/12/2018	Moment frame analysis for all load cases for ACO seismic detailing design. (Preston Dukes, PE)	7.10	155.00	1,100.50
01/13/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/15/2018	Site visits; calculations; coordination with AOC and DWB (Alex Overeem, EIT)	2.50	125.00	312.50
01/15/2018	Project update and construction detail review (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
01/16/2018	Site Visits; coordination with DWB, AOC, and CAR; Stair calculations; header calculations; steel beam calculations; lintel detail (Alex Overeem, EIT)	6.50	125.00	812.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 13 of 38

Professional Fees

		Hours	Rate	Amount
01/16/2018	CAD - Beam drawings for Alex Overeem (Alex Robertson, Technician)	2.00	70.00	140.00
01/16/2018	On site meeting with contractors; existing conditions assessments (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
01/17/2018	Travel, site visit to meet with contractors; address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/17/2018	3D Drafting (Dawn Clayton, Draftsman)	4.10	70.00	287.00
01/17/2018	Furniture layouts and product review (Wayne Butler, Architectural Staff III)	2.50	155.00	387.50
01/18/2018	Termite treatment and proposals review; second floor office layouts (Wayne Butler, Architectural Staff III)	4.50	155.00	697.50
01/19/2018	Travel, site visit to meet with contractors; address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
01/19/2018	Lintel Detail (Alex Overeem, EIT)	0.10	125.00	12.50
01/19/2018	3D Drafting (Dawn Clayton, Draftsman)	2.10	70.00	147.00
01/19/2018	McWaters meeting at ABS; furniture layout options based on feedback; termite scope of work based on existing conditions; contractor discussions (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
01/20/2018	Travel, site visit to meet with contractors; address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
01/22/2018	Travel, site visit to meet with contractors; address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
01/22/2018	2nd floor layout revisions (Wayne Butler, Architectural Staff III)	4.50	155.00	697.50
01/23/2018	Site visit; coordination with AOC; LVL design (Alex Overeem, EIT)	2.50	125.00	312.50
01/23/2018	2nd floor services layout; MEP consultants review (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
01/24/2018	Flitch beam and block beam calculations (Alex Overeem, EIT)	2.00	125.00	250.00
01/24/2018	Window/door schedule and unit design (Wayne Butler, Architectural Staff III)	1.50	155.00	232.50
01/25/2018	Travel, site visit to meet with contractors; address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/25/2018	Site visit; coordination with AOC; flitch beam repair design (Alex Overeem, EIT)	3.00	125.00	375.00
01/25/2018	Tagging Existing Window Locations (Alex Robertson, Technician)	0.25	70.00	17.50
01/25/2018	On site observations and existing conditions review; MEP layout review (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
01/26/2018	Travel, site visit to meet with contractors; address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/26/2018	Site visit (includes travel time); (Alex Overeem, EIT)	0.30	125.00	37.50
01/26/2018	Tagging Existing Window Locations (Alex Robertson, Technician)	0.50	70.00	35.00
01/26/2018	Electrial RCPs; Mech. layout review; / Plumbing layout review; window/door design (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
01/27/2018	Travel, site visit to meet with contractors; address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
01/27/2018	Cosgrove Social Moment Frame STAAD Modeling (Alex Overeem, EIT)	2.50	125.00	312.50
01/29/2018	Travel, site visit to meet with contractors; address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/29/2018	Site Visit; Roof beam and framing calculations; coordination with DWB; load path system design, collector strut design, rear exterior deck design (Alex Overeem, EIT)	8.50	125.00	1,062.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 14 of 38

Professional Fees

		Hours	Rate	Amount
01/29/2018	Review of furniture layouts; window/door layouts; follow up with sub-contractors (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
01/30/2018	Coordination with AOC; B - side analysis; thickened slab edge calculations (Alex Overeem, EIT)	4.00	125.00	500.00
01/30/2018	2nd floor plan layout mods. (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
01/31/2018	Site visit; Contact and set up meeting with Summit Industrial; MF design (Alex Overeem, EIT)	3.50	125.00	437.50
02/01/2018	Site Visit to meet summit industrial; SMF design and spreadsheet calculations (Alex Overeem, EIT)	9.20	125.00	1,150.00
02/02/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
02/03/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
02/05/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
02/05/2018	Moment frame details and calculations (Alex Overeem, EIT)	7.10	125.00	887.50
02/06/2018	Moment frame calculations; coordination with RMF and PVD (Alex Overeem, EIT)	8.10	125.00	1,012.50
02/06/2018	CAD for AO (Alex Robertson, Technician)	4.00	70.00	280.00
02/07/2018	CAD for AO (Alex Robertson, Technician)	0.25	70.00	17.50
02/08/2018	Site Visit; SMF analysis; and coordination with Summit Industrial (Alex Overeem, EIT)	7.20	125.00	900.00
02/08/2018	CAD for AO (Alex Robertson, Technician)	0.50	70.00	35.00
02/09/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
02/09/2018	Site Visit; Coordination with AOC and DWB; Moment Frame Design and LVL repair design (Alex Overeem, EIT)	5.20	125.00	650.00
02/09/2018	On site observations; meeting at ABS with McWaters to review furniture layout (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
02/10/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
02/12/2018	Column Analysis; splice cantilever analysis; site visit; coordination with AOC; coordination with CAR; moment frame details and calculations (Alex Overeem, EIT)	10.00	125.00	1,250.00
02/12/2018	CAD for AO (Alex Robertson, Technician)	5.00	70.00	350.00
02/12/2018	On site observations; consultant follow up; window/door installer contacts; printing drawing sets (Wayne Butler, Architectural Staff III)	6.50	155.00	1,007.50
02/13/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
02/13/2018	Contact Charles Duffy (Division 5); coordination with AOC, WDB, and CAR, ; structural details (Alex Overeem, EIT)	3.20	125.00	400.00
02/13/2018	CAD for AO (Alex Robertson, Technician)	3.75	70.00	262.50
02/13/2018	Pest Control follow up; MEP consultant work review; (Wayne Butler, Architectural Staff III)	4.50	155.00	697.50
02/14/2018	Review of structural drawings; coordination with CAR (Alex Overeem, EIT)	0.50	125.00	62.50
02/14/2018	CAD for AO (Alex Robertson, Technician)	2.75	70.00	192.50
02/14/2018	Termite treatment logistics and contract review with Palmetto; furniture layout review with McWaters (Wayne Butler, Architectural Staff III)	3.50	155.00	542.50
02/15/2018	CAD for AO (Alex Robertson, Technician)	6.75	70.00	472.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 15 of 38

Professional Fees

		Hours	Rate	Amount
02/15/2018	2nd floor layout review with contractors and on site walk through; MEP backgrounds (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
02/16/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.00	285.00	285.00
02/16/2018	Site Visit; Coordination w/ CAR; MF base calculations (Alex Overeem, EIT)	5.00	125.00	625.00
02/16/2018	CAD for AO (Alex Robertson, Technician)	1.25	70.00	87.50
02/16/2018	On site meeting with contractors; questions and consultant layout review of MEP (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
02/17/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
02/19/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
02/19/2018	Connection calculations and details (Alex Overeem, EIT)	3.00	125.00	375.00
02/20/2018	Site visit; CAD work (Alex Overeem, EIT)	4.50	125.00	562.50
02/21/2018	Site Visit (includes travel time) (Alex Overeem, EIT)	1.00	125.00	125.00
02/21/2018	On site questions with contractors; review of consultant drawings (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
02/22/2018	On site observations; lighting fixture layouts (Wayne Butler, Architectural Staff III)	2.50	155.00	387.50
02/23/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
02/23/2018	Site Visit; Coordination with DWB, AOC, and CAR. (Alex Overeem, EIT)	5.50	125.00	687.50
02/23/2018	CAD (Alex Robertson, Technician)	3.00	70.00	210.00
02/23/2018	Furniture layout for lighting plan; first floor conference area bathroom layout; on site observations (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
02/24/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
02/26/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
02/26/2018	Site Visit and Review of SMF Design Dwgs; Coordination with AOC, DWB, and CAR (Alex Overeem, EIT)	2.00	125.00	250.00
02/26/2018	CAD (Alex Robertson, Technician)	4.50	70.00	315.00
02/26/2018	Wall assembly product research; review of lighting plan; on site observations (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
02/27/2018	CAD (Alex Robertson, Technician)	3.50	70.00	245.00
02/27/2018	Consultant work review at Live Oak; on site observations; floor plan revisions (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
03/01/2018	Coordination with City of N. Charleston; Site Visit with DWB (Alex Overeem, EIT)	2.50	125.00	312.50
03/01/2018	Stair revisions; on site observations regarding framed walls; MEP systems on site review (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
03/02/2018	Logistics for business license and permit; wall assembly products review; product cost est. (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
03/03/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
03/05/2018	CAD (Alex Robertson, Technician)	1.25	70.00	87.50
03/05/2018	Stair details and floor plan modifications (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
03/06/2018	Site Visit; Coordination with CAR (Alex Overeem, EIT)	2.00	125.00	250.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 16 of 38

Professional Fees

		Hours	Rate	Amount
03/06/2018	Stair details; on site observations; window framing details (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
03/07/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
03/07/2018	Drafting LVL bracket details for plan set; Coordination with WDB; Stair Design Calculations (Alex Overeem, EIT)	6.00	125.00	750.00
03/07/2018	CAD (Alex Robertson, Technician)	2.00	70.00	140.00
03/07/2018	Window/door sizes and details (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
03/08/2018	Site Visit (Alex Overeem, EIT)	0.20	125.00	25.00
03/08/2018	Window/door details; on site observations (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
03/09/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
03/09/2018	Coordination with AOC & DWB; Wind Pressure Calculations: Embedded Column Calculations (Alex Overeem, EIT)	6.50	125.00	812.50
03/09/2018	Structural connection details; window/door details (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
03/10/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
03/12/2018	Coordination with PLS; Coordination with DWB; Brainstorming GL bearing/ Moment Frame Connection modifications (Alex Overeem, EIT)	4.00	125.00	500.00
03/12/2018	Window/door details; product research; building component schedules (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
03/13/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
03/13/2018	Lighting plan; electrical plans; field logistics for HVAC / light layout (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
03/14/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
03/14/2018	Permit drawing details / schedules (Wayne Butler, Architectural Staff III)	5.50	155.00	852.50
03/15/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
03/15/2018	Prepare structural drawings for permit set; Review and revise GL drawings; coordination with Sauter Timber (Alex Overeem, EIT)	3.00	125.00	375.00
03/15/2018	Framing details review; permit drawings (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
03/16/2018	Moment frame foundation design (Alex Overeem, EIT)	3.00	125.00	375.00
03/16/2018	Permit drawings (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
03/17/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
03/19/2018	Foundation design; drafting foundation schematic; review of GL sealant (Alex Overeem, EIT)	4.00	125.00	500.00
03/20/2018	Structural Permit Set (Alex Overeem, EIT)	1.00	125.00	125.00
03/21/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
03/21/2018	Site Visit; Structural Permit Set (Alex Overeem, EIT)	2.00	125.00	250.00
03/22/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
03/22/2018	Structural Permit Set (Alex Overeem, EIT)	4.00	125.00	500.00
03/23/2018	Permit Set (Alex Overeem, EIT)	0.50	125.00	62.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 17 of 38

Professional Fees

		Hours	Rate	Amount
03/24/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
03/24/2018	Permit Set (Alex Overeem, EIT)	2.00	125.00	250.00
~~03/25/2018~~	~~Permit Set Drawings (Alex Overeem, EIT)~~	~~1.00~~	~~125.00~~	~~125.00~~
03/26/2018	Permit Set and Coordination with DWB; Metal Deck Calculations (Alex Overeem, EIT)	6.00	125.00	750.00
03/26/2018	Permit drawings (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
03/27/2018	Permit drawings (Wayne Butler, Architectural Staff III)	10.00	155.00	1,550.00
03/28/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
03/28/2018	Permit docs. (Wayne Butler, Architectural Staff III)	11.00	155.00	1,705.00
03/29/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
03/29/2018	Review permit set; submit permit application (Alex Overeem, EIT)	0.50	125.00	62.50
03/29/2018	Review and comment on drawings. Sign and stamp for permitting. (Scott Harvey, AIA)	1.50	225.00	337.50
03/29/2018	Permit docs. (Wayne Butler, Architectural Staff III)	8.50	155.00	1,317.50
04/02/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
04/02/2018	Follow up with GL manufacturer; coordination with DWB; coordination with City of N. Charleston (Alex Overeem, EIT)	1.00	125.00	125.00
04/02/2018	On site questions/observations; window/door details (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
04/03/2018	Re-work beam saddle design for DWB (Alex Overeem, EIT)	2.00	125.00	250.00
04/03/2018	Window/door design/manuf. research (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
04/04/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
04/04/2018	Site visit (includes travel time); send out MF drawings to CDuffy (Alex Overeem, EIT)	1.00	125.00	125.00
04/04/2018	3D Drafting (Dawn Clayton, Draftsman)	4.00	70.00	280.00
04/04/2018	Final furniture layout; waterproofing sub-contractors references; window/door design (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
04/05/2018	In office coordination; and coordination with C. Duffy and GL manuf. (Alex Overeem, EIT)	1.00	125.00	125.00
04/05/2018	3D Drafting (Dawn Clayton, Draftsman)	6.70	70.00	469.00
04/05/2018	Sub-contractor logistics; project schedule; window/door design (Wayne Butler, Architectural Staff III)	3.50	155.00	542.50
04/06/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
04/06/2018	Column location calculations; site visit to meet with Mech. contractor (Alex Overeem, EIT)	2.50	125.00	312.50
04/06/2018	3D Drafting (Dawn Clayton, Draftsman)	5.80	70.00	406.00
04/06/2018	On site HVAC meetings/design with contractors; stair design (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
04/07/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
04/09/2018	3D Drafting (Dawn Clayton, Draftsman)	7.70	70.00	539.00
04/09/2018	Window/door installer phone calls and emails; exterior elevation revisions (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 18 of 38

Professional Fees

		Hours	Rate	Amount
04/10/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
04/10/2018	Site Visit (Includes travel time) (Alex Overeem, EIT)	1.00	125.00	125.00
~~04/10/2018~~	~~3D Drafting (Dawn Clayton, Draftsman)~~	~~7.30~~	~~70.00~~	~~511.00~~
04/10/2018	Window/door details; elevations / schedules (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
04/10/2018	Conf. w/ DWB re: cladding + schedule meeting w/ Waters re: furniture (Whitney Schrum, AIA)	0.30	175.00	52.50
04/11/2018	Review of IBC Special Inspections - Coordination with AOC and DWB (Alex Overeem, EIT)	1.00	125.00	125.00
04/11/2018	3D Drafting (Dawn Clayton, Draftsman)	5.40	70.00	378.00
04/11/2018	Permit doc. revisions based on BO comments (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
04/12/2018	3D Drafting (Dawn Clayton, Draftsman)	2.20	70.00	154.00
04/12/2018	Permit doc. revisions based on BO comments; code review (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
04/13/2018	Discuss special inspections w/ B. Funcik and A. Overeem; Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
04/13/2018	Discuss special inspections w/ A. Campbell and A. Overeem. (Bobby Funcik, PE)	0.20	175.00	35.00
04/13/2018	3D Drafting (Dawn Clayton, Draftsman)	2.20	70.00	154.00
04/13/2018	On site meeting with contractors; final furniture review at McWaters (Wayne Butler, Architectural Staff III)	10.00	155.00	1,550.00
04/13/2018	Prep. for, travel to and participate in meeting w/ Waters re: furniture package (Whitney Schrum, AIA)	3.50	175.00	612.50
04/14/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
04/15/2018	Permit set revisions for AHJ approval (Wayne Butler, Architectural Staff III)	4.50	155.00	697.50
04/16/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
04/16/2018	Update Permit Set; Submit Permit Set (Alex Overeem, EIT)	6.00	125.00	750.00
04/16/2018	3D Drafting (Dawn Clayton, Draftsman)	3.40	70.00	238.00
04/17/2018	Conference call w/ Oscar and John (Alan Campbell, PE, RRC)	0.50	285.00	142.50
04/17/2018	Review GL Shop Drawings (Alex Overeem, EIT)	1.00	125.00	125.00
04/17/2018	3D Drafting (Dawn Clayton, Draftsman)	3.50	70.00	245.00
04/18/2018	3D Drafting (Dawn Clayton, Draftsman)	1.50	70.00	105.00
04/19/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
04/19/2018	3D Drafting (Dawn Clayton, Draftsman)	0.60	70.00	42.00
04/19/2018	On site observations; meeting with contractors; schedules and interior finishes (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
04/20/2018	Travel, site visit to meet with contractors, address and revise scope of work; on site tour of concrete floor finishes w/ Wayne (Alan Campbell, PE, RRC)	2.50	285.00	712.50
04/20/2018	3D Drafting (Dawn Clayton, Draftsman)	0.80	70.00	56.00
04/20/2018	On site tour of concrete floor finishes; interior finishes; final furniture layout components (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 19 of 38

Professional Fees

		Hours	Rate	Amount
04/21/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
04/23/2018	Base Plate Calculations; Footing reinforcement detailing (Alex Overeem, EIT)	8.50	125.00	1,062.50
04/23/2018	3D Drafting (Dawn Clayton, Draftsman)	2.00	70.00	140.00
04/23/2018	Waterproofing products review (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
04/24/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
04/24/2018	Slab Reinforcement Detailing; Coordination with AOC (Alex Overeem, EIT)	2.00	125.00	250.00
04/24/2018	3D Drafting (Dawn Clayton, Draftsman)	1.30	70.00	91.00
04/24/2018	On site meetings with sub-contractors; concrete floor finishing; MEP meetings and logistics (Wayne Butler, Architectural Staff III)	7.50	155.00	1,162.50
04/25/2018	3D Drafting (Dawn Clayton, Draftsman)	1.10	70.00	77.00
04/25/2018	Window/door details for bids; interior finish selections (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
04/26/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
04/26/2018	Coordination with DWB; in-office meeting; draft response to division 5 (Alex Overeem, EIT)	1.50	125.00	187.50
04/26/2018	2D Drafting (Dawn Clayton, Draftsman)	1.00	70.00	70.00
04/26/2018	On site observations; MEP logistics; interior finishes selections (Wayne Butler, Architectural Staff III)	6.50	155.00	1,007.50
04/27/2018	Discuss footing design w/ B. Funcik and A. Overeem (Alan Campbell, PE, RRC)	1.00	285.00	285.00
04/27/2018	Discuss footing design w/ A. Campbell and A. Overeem. (Bobby Funcik, PE)	1.00	175.00	175.00
04/27/2018	3D Drafting (Dawn Clayton, Draftsman)	2.20	70.00	154.00
04/27/2018	Window/door specs; interior finishes; MEP logistics; sub-contractor discussions (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
04/28/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
04/30/2018	3D Drafting (Dawn Clayton, Draftsman)	3.50	70.00	245.00
04/30/2018	Waterproofing details for bids; interior door details and framing (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
05/01/2018	Steel tube and footing analysis (Alex Overeem, EIT)	1.10	125.00	137.50
05/01/2018	3D Drafting (Dawn Clayton, Draftsman)	0.70	70.00	49.00
05/01/2018	Interior finishes; waterproofing details for bids; window/door bid review and sq.ft. calcs.; server room revision (Wayne Butler, Architectural Staff III)	9.50	155.00	1,472.50
05/02/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
05/02/2018	3D Drafting (Dawn Clayton, Draftsman)	1.00	70.00	70.00
05/02/2018	On site meeting with HVAC installers/duct rep.; layout review; interior finishes (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
05/03/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
05/03/2018	3D Drafting (Dawn Clayton, Draftsman)	0.40	70.00	28.00
05/03/2018	Interior layout mods based on existing conditions; kitchen layout revision; waterproofing bids; window/door bids (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 20 of 38

Professional Fees

		Hours	Rate	Amount
05/04/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
05/04/2018	Kitchen layout and second floor furniture layout (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
05/05/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
05/07/2018	3D Drafting (Dawn Clayton, Draftsman)	1.00	70.00	70.00
05/07/2018	Furniture package mods. and review of bid; framing adjustments based on floor plan layouts (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
05/08/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
05/08/2018	3D Drafting (Dawn Clayton, Draftsman)	2.50	70.00	175.00
05/08/2018	Sub-contractor follow up for waterproofing and window / door bids; (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
05/09/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
05/09/2018	Revise Footing Calculations and Details (Alex Overeem, EIT)	1.50	125.00	187.50
05/09/2018	Perform roof LVL structural calcs. (Bobby Funcik, PE)	1.30	175.00	227.50
05/09/2018	Moment Frame calculation review. (Parker Shields, PE)	2.50	155.00	387.50
05/09/2018	On site review of current framing; review of second floor walls and logistics; window/door locations with framing crew (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
05/10/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
05/10/2018	Foundation Details; Coordination with CAR (Alex Overeem, EIT)	1.00	125.00	125.00
05/10/2018	CAD, Moment Frame Footing (Alex Robertson, Technician)	1.25	70.00	87.50
05/10/2018	Moment frame calcs review. (Parker Shields, PE)	4.00	155.00	620.00
05/10/2018	Furniture package logistics; second floor framing; second floor office layout review (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
05/11/2018	3D Drafting (Dawn Clayton, Draftsman)	1.50	70.00	105.00
05/11/2018	Window / door proposal modifications request; on site observations; construction details (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
05/12/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
05/14/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
05/14/2018	Coordination with AOC and DWB; Ftg Design and detailing (Alex Overeem, EIT)	2.00	125.00	250.00
05/14/2018	3D Drafting (Dawn Clayton, Draftsman)	5.00	70.00	350.00
05/14/2018	Second floor framing mods.; on site observations (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
05/15/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
05/15/2018	CAD (Alex Robertson, Technician)	1.50	70.00	105.00
05/15/2018	3D Drafting (Dawn Clayton, Draftsman)	0.70	70.00	49.00
05/16/2018	Coordination with AOC and DWB; site visit (includes travel time) (Alex Overeem, EIT)	2.00	125.00	250.00
05/16/2018	Logistics for framing / waterproofing section D; existing conditions mods. (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 21 of 38

Professional Fees

		Hours	Rate	Amount
05/17/2018	Stair design; coordination with DWB; site visit to observe framing on D-side (Alex Overeem, EIT)	4.10	125.00	512.50
05/17/2018	3D Drafting (Dawn Clayton, Draftsman)	2.20	70.00	154.00
~~05/17/2018~~	~~Follow-up on window/door packages; review of existing exterior walls with new walls and glazing openings (Wayne Butler, Architectural Staff III)~~	~~5.00~~	~~155.00~~	~~775.00~~
05/18/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
05/18/2018	3D Drafting (Dawn Clayton, Draftsman)	6.50	70.00	455.00
05/18/2018	MF Design check. (Parker Shields, PE)	1.50	155.00	232.50
05/18/2018	On site observations/questions; furniture package review with partners; follow up emails with contractors (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
05/19/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
05/20/2018	Review SMF calcs by ACO. (Parker Shields, PE)	1.50	155.00	232.50
05/21/2018	Coordination with Romy (Alex Overeem, EIT)	0.30	125.00	37.50
05/21/2018	3D Drafting (Dawn Clayton, Draftsman)	4.60	70.00	322.00
05/21/2018	Moment frame calcs review. (Parker Shields, PE)	8.00	175.00	1,400.00
05/22/2018	follow-up call to Charles Duffy; site visit (Alex Overeem, EIT)	1.00	125.00	125.00
05/22/2018	3D Drafting (Dawn Clayton, Draftsman)	1.90	70.00	133.00
05/22/2018	Moment Frame calc review. (Parker Shields, PE)	2.00	175.00	350.00
05/23/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
05/23/2018	Coordination with Contractor (Alex Overeem, EIT)	0.50	125.00	62.50
05/23/2018	3D Drafting (Dawn Clayton, Draftsman)	3.20	70.00	224.00
05/24/2018	Coordination with DWB for glazing specs (Alex Overeem, EIT)	0.50	125.00	62.50
05/24/2018	Cabinet sample review (Curt Berg, III, AIA)	0.20	155.00	31.00
05/25/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
05/25/2018	Review of Structural Steel bid; coordination with DWB and AOC; Site visit (including travel time); Calculations (Alex Overeem, EIT)	2.50	125.00	312.50
05/25/2018	Drone - Office Progress Video (Alex Robertson, Technician)	1.00	70.00	70.00
05/25/2018	On site observations; furniture samples meeting; existing framing mods; glazing logistics (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
05/26/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
05/29/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
05/29/2018	Second story frame design (Alex Overeem, EIT)	3.50	125.00	437.50
05/29/2018	Furniture spec.; electrical layout; power layout (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
05/30/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
05/30/2018	Site visits (includes travel time) (Alex Overeem, EIT)	1.50	125.00	187.50
05/30/2018	Power / lighting / data / logistics; on site observations; furniture layout options (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
05/31/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
05/31/2018	Footing details; coordination with AOC and DWB (Alex Overeem, EIT)	2.20	125.00	275.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 22 of 38

Professional Fees

		Hours	Rate	Amount
05/31/2018	Review A. Overeem footing design. (Bobby Funcik, PE)	0.60	175.00	105.00
05/31/2018	3D Drafting (Dawn Clayton, Draftsman)	2.80	70.00	196.00
05/31/2018	Existing conditions logistics; structural framing review; details (Wayne Butler, Architectural Staff III)	7.50	155.00	1,162.50
06/01/2018	Ftg. details; coordination with DWB and AOC; coordination with trades (Alex Overeem, EIT)	2.50	125.00	312.50
06/01/2018	3D Drafting (Dawn Clayton, Draftsman)	4.60	70.00	322.00
06/01/2018	Second floor finishes / layout / furniture distribution; plumbing fixture selections (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
06/02/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
06/04/2018	Submit reinforcing inspection request (Alex Overeem, EIT)	1.50	125.00	187.50
06/04/2018	3D Drafting (Dawn Clayton, Draftsman)	2.80	70.00	196.00
06/04/2018	Updating floor plans based on new furniture layouts; plumbing fixtures; power / data / lighting review (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
06/05/2018	Site visit; cancel footing inspection (Alex Overeem, EIT)	1.00	125.00	125.00
06/05/2018	3D Drafting (Dawn Clayton, Draftsman)	6.70	70.00	469.00
06/05/2018	On site meeting and walk through; power and lighting review; plumbing review (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
06/06/2018	Site visits (includes travel time); coordination with contractors; submit footing inspection request (Alex Overeem, EIT)	1.50	125.00	187.50
06/06/2018	3D Drafting (Dawn Clayton, Draftsman)	9.00	70.00	630.00
06/06/2018	Project logistics; site meeting with subs; interior finish product selections (Wayne Butler, Architectural Staff III)	8.50	155.00	1,317.50
06/07/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
06/07/2018	Site visit (includes travel time); revisions to ftg. details; coordination with contractor and building inspector (Alex Overeem, EIT)	2.50	125.00	312.50
06/07/2018	3D Drafting (Dawn Clayton, Draftsman)	6.60	70.00	462.00
06/07/2018	On site meeting with waterproofing installer; details review with contractors; power / plumbing / lighting review (Wayne Butler, Architectural Staff III)	4.50	155.00	697.50
06/08/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
06/08/2018	Site visit to observe/document ftg. pour; with DWB (Alex Overeem, EIT)	1.50	125.00	187.50
06/08/2018	Compressing Drone Video (Alex Robertson, Technician)	0.50	70.00	35.00
06/08/2018	3D Drafting (Dawn Clayton, Draftsman)	1.50	70.00	105.00
06/08/2018	Interior finishes; cabinetry, plumbing fixtures; appliances, research (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
06/09/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
06/11/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
06/11/2018	Site Visit (includes travel time); email to Division 5 (Alex Overeem, EIT)	1.00	125.00	125.00
06/11/2018	Revised furniture pricing and break-out; revised roof plan for roofing proposal; diagrams and drone footage review for progress (Wayne Butler, Architectural Staff III)	6.50	155.00	1,007.50
06/12/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 23 of 38

Professional Fees

		Hours	Rate	Amount
06/12/2018	Coordination with DWB and AOC (Alex Overeem, EIT)	0.80	125.00	100.00
06/12/2018	Site visit checking window sizes/binder reduction (Alex Robertson, Technician)	5.00	70.00	350.00
~~06/12/2018~~	~~On-site window / door measurements; revising floor plans and window / door schedule (Wayne Butler, Architectural Staff III)~~	~~3.50~~	~~155.00~~	~~542.50~~
06/13/2018	Site Visits (includes travel time); MF base plate design (Alex Overeem, EIT)	5.20	125.00	650.00
06/13/2018	Electrical layout review with fixture placement (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
06/14/2018	Slab and footing design for addition on B-Side; coordination with DWB; sketch details; follow up with Sauter Timber and D5 - no answer (Alex Overeem, EIT)	5.50	125.00	687.50
06/14/2018	Travel and review of work station electrical install at McWaters with Matt; single run stair layout and floor plan layout review; electrical fixture proposal review (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
06/15/2018	Coordination with Division 5; coordination with Sauter Timber (Alex Overeem, EIT)	1.50	125.00	187.50
06/15/2018	Single run stair layout and floor plan layout review (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
06/18/2018	Site visits (includes travel time); coordination with DWB; coordination with Trades (Alex Overeem, EIT)	5.10	125.00	637.50
06/18/2018	CAD (Alex Robertson, Technician)	4.75	70.00	332.50
06/18/2018	On site plumbing / electrical logistics, meetings with sub-contractors (Wayne Butler, Architectural Staff III)	3.50	155.00	542.50
06/19/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	2.00	285.00	570.00
06/19/2018	Coordination with CAR; AOC; DWB; Trades; Site visit (includes travel time); Stair details (Alex Overeem, EIT)	8.80	125.00	1,100.00
06/19/2018	CAD (Alex Robertson, Technician)	5.50	70.00	385.00
06/19/2018	Waterproofing product cross reference for waterproofing installation; on site meetings with sub-contractors (Wayne Butler, Architectural Staff III)	3.50	155.00	542.50
06/20/2018	Site visits (includes travel time); Coordination with CAR; edits to drawings; coordination with Division 5 (Alex Overeem, EIT)	7.10	125.00	887.50
06/20/2018	CAD (Alex Robertson, Technician)	1.50	70.00	105.00
06/20/2018	Fortifiber tech. rep meeting at ABS and on site review of installation; on site services logistics (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
06/21/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
06/21/2018	Site visits (includes travel time); Coordination with CAR and DWB; edits to drawings; coordination with Division 5; revision to CAD file; email to Division 5 (Alex Overeem, EIT)	8.50	125.00	1,062.50
06/21/2018	CAD (Alex Robertson, Technician)	5.00	70.00	350.00
06/21/2018	On site meeting with Randy West regarding waterproofing, follow up with sub-contractors regarding scope of work; existing conditions vs. new construction mods. (Wayne Butler, Architectural Staff III)	6.50	155.00	1,007.50
06/22/2018	Site visit to observe existing footing (includes travel time); coordination with CAR and DWB (Alex Overeem, EIT)	0.90	125.00	112.50
06/22/2018	CAD (Alex Robertson, Technician)	1.25	70.00	87.50
06/22/2018	On site services review; plumbing / power / lighting / finishes (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 24 of 38

Professional Fees

		Hours	Rate	Amount
06/23/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
06/25/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
06/25/2018	CAD (Alex Robertson, Technician)	1.25	70.00	87.50
06/25/2018	On site systems follow up (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
06/26/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
06/26/2018	Waterproofing proposal logistics; review of alt. products; installation logistic questions (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
06/27/2018	Respond to RFI (Alex Overeem, EIT)	0.40	125.00	50.00
06/27/2018	Window / door R.O. review with existing / new structural components; shop drawing review (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
06/28/2018	Discussion with CAR; call to contractors; discussion with DWB (Alex Overeem, EIT)	0.80	125.00	100.00
06/28/2018	Window / door shop drawing review; Unit P redesign with structural frame; follow up with installer (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
06/28/2018	Help DWB w/ flooring + tile options (Whitney Schrum, AIA)	1.00	175.00	175.00
06/29/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
06/29/2018	Post installed base plate calculations (Alex Overeem, EIT)	2.00	125.00	250.00
06/29/2018	A-side stair mods. discussion and layout; window / door shop drawing follow up (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
06/30/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/02/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/02/2018	Base plate anchor calculations (Alex Overeem, EIT)	3.00	125.00	375.00
07/02/2018	Interior finishes; stair design based on existing conditions; sub contractor follow up (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
07/03/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/03/2018	Coordination with Division 5; HDG bolt calculations (Alex Overeem, EIT)	5.20	125.00	650.00
07/03/2018	On site observations and fixture layout review; finish materials discussion; floor plan revisions / mods. (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
07/05/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/05/2018	Stair design; site visits (includes travel time) (Alex Overeem, EIT)	4.30	125.00	537.50
07/07/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/09/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/09/2018	Coordination with DWB (Alex Overeem, EIT)	0.50	125.00	62.50
07/09/2018	On site waterproofing details with existing conditions (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
07/10/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/10/2018	Stair attachment design; site visit (includes travel time); coordination with Trades and AOC; (Alex Overeem, EIT)	3.00	125.00	375.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 25 of 38

Professional Fees

		Hours	Rate	Amount
07/10/2018	On site existing conditions/details; lighting fixture review (Wayne Butler, Architectural Staff III)	5.50	155.00	852.50
07/11/2018	Coordination; site visit (includes travel time) (Alex Overeem, EIT)	2.00	125.00	250.00
~~07/11/2018~~	~~Procuring materials / take-offs for claddings / coatings (Wayne Butler, Architectural Staff III)~~	~~8.00~~	~~155.00~~	~~1,240.00~~
07/12/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/12/2018	Respond to RFI; coordination with DWB and AOC (Alex Overeem, EIT)	4.00	125.00	500.00
07/12/2018	On site meetings with sub-contractors, cladding, waterproofing; roofing; details and drawing review vs. existing conditions (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
07/13/2018	Framing details/calculations; site visit (includes travel time) (Alex Overeem, EIT)	6.00	125.00	750.00
07/14/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/16/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/16/2018	Review Moment frame shop drawings; site visit; coordination with AOC and DWB; coordination with Division 5 (Alex Overeem, EIT)	8.00	125.00	1,000.00
07/16/2018	On site meetings with sub-contractors; scope review; material take-offs; roofing procurement (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
07/17/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/17/2018	MF Shop Drawings; site visit (includes travel time); framing calculations and detailing; coordination with DWB and AOC. (Alex Overeem, EIT)	7.50	125.00	937.50
07/17/2018	Material take-offs and calcs.; product coverage data; on site meeting with sub-contractors (Wayne Butler, Architectural Staff III)	4.50	155.00	697.50
07/18/2018	Coordination with AOC, RMF, CAR, and PLS; framing details, MF calculations (Alex Overeem, EIT)	6.10	125.00	762.50
07/18/2018	CAD (Alex Robertson, Technician)	5.25	70.00	367.50
07/18/2018	Moment frame calculations review (Parker Shields, PE)	4.50	175.00	787.50
07/18/2018	Waterproofing mock-up; roofing fluid membrane mock-up (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
07/19/2018	Coordination with CAR; CAD Drafting; Site Visit (includes travel time) (Alex Overeem, EIT)	8.00	125.00	1,000.00
07/19/2018	CAD (Alex Robertson, Technician)	1.00	70.00	70.00
07/19/2018	Exterior cladding quotes/details; on site observations/meetings with contractors (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
07/20/2018	MF calculations; review of shop drawings (Alex Overeem, EIT)	3.50	125.00	437.50
07/20/2018	Exterior elevations for pre-manufactured Equitone panels; dim. for fab. (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
07/23/2018	MF drawings with PLS; coordination with trades; C-D stair design (Alex Overeem, EIT)	7.40	125.00	925.00
07/23/2018	CAD (Alex Robertson, Technician)	6.00	70.00	420.00
07/23/2018	Moment frame calculations review. (Parker Shields, PE)	8.00	175.00	1,400.00
07/24/2018	Stair Design; Site visits (includes travel time); coordination with AOC; coordination with PLS (Alex Overeem, EIT)	8.80	125.00	1,100.00
07/24/2018	CAD (Alex Robertson, Technician)	1.00	70.00	70.00
07/24/2018	Review and edit moment frame shop drawings. (Parker Shields, PE)	2.50	175.00	437.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 26 of 38

Professional Fees

		Hours	Rate	Amount
07/26/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/26/2018	Review shop-drawing comments; reply; coordination with AOC (Alex Overeem, EIT)	0.80	125.00	100.00
07/26/2018	Furniture package coordination (Whitney Schrum, AIA)	0.70	175.00	122.50
07/27/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/28/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/30/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.50	285.00	427.50
07/30/2018	Stair design; details to CAR (Alex Overeem, EIT)	7.10	125.00	887.50
07/30/2018	On site observations regarding roof details; exterior cladding details/dims.; sub-contractor meetings (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
07/31/2018	Travel, site visit to meet with contractors, address and revise scope of work (Alan Campbell, PE, RRC)	1.10	285.00	313.50
07/31/2018	Stair Connections Design; coordination with CAR; Site visit to meet Josh Hund; coordination with AOC; coordination with trades (Alex Overeem, EIT)	6.60	125.00	825.00
07/31/2018	CAD (Alex Robertson, Technician)	3.25	70.00	227.50
07/31/2018	Waterproofing material spec. research, on site logistics (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
08/01/2018	Coordination with CAR and Sauter Timber; Stair calculations (Alex Overeem, EIT)	3.80	125.00	475.00
08/01/2018	CAD (Alex Robertson, Technician)	2.50	70.00	175.00
08/01/2018	On site observations; waterproofing questions (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
08/02/2018	Coordination with CAR (Alex Overeem, EIT)	2.50	125.00	312.50
08/02/2018	Scheduling logistics and contractor follow up (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
08/03/2018	Site Visit (includes travel time); coordination with AOC (Alex Overeem, EIT)	1.00	125.00	125.00
08/06/2018	Coordination with trades; OOP calculation review; site visit (Alex Overeem, EIT)	2.00	125.00	250.00
08/06/2018	On site observations; sub-contractor logistics / scheduling (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
08/07/2018	Coordination with DWB (Alex Overeem, EIT)	1.00	125.00	125.00
08/07/2018	Exterior Measurements with Wayne (Alex Robertson, Technician)	1.00	70.00	70.00
08/07/2018	On site observations; logistics for sub-contractors; interior finishes (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
08/08/2018	Equitone cladding fab. drawings (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
08/09/2018	Components and Cladding wind calculations for D-side; Respond to Division 5 RFI and Sauter Timber (Alex Overeem, EIT)	2.20	125.00	275.00
08/09/2018	Roof analysis; discuss with Alex Overeem (Eddie Polk, RRC)	1.30	175.00	227.50
08/09/2018	On site observations; window/door install schedule; roofing details and install schedule; exterior cladding details (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
08/10/2018	Travel to site to observe exterior color and floor finish. (Scott Harvey, AIA)	1.00	225.00	225.00
08/12/2018	Site visit (Alan Campbell, PE, RRC)	2.00	285.00	570.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 27 of 38

Professional Fees

		Hours	Rate	Amount
08/13/2018	Site visit (Alan Campbell, PE, RRC)	2.00	285.00	570.00
08/13/2018	Coordination with trades; discussion with AOC; flitch beam calculations (Alex Overeem, EIT)	3.50	125.00	437.50
~~08/14/2018~~	~~Coordination with trades; site visit (Alex Overeem, EIT)~~	~~9.00~~	~~125.00~~	~~1,125.00~~
08/14/2018	Review progress and discuss furniture, security and power deadlines with Alan, Whitney, Jason, Katherine. (Scott Harvey, AIA)	2.00	225.00	450.00
08/14/2018	On site logistics; sub-contractor follow up; product delivery schedules (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
08/15/2018	Site visit (Alan Campbell, PE, RRC)	2.00	285.00	570.00
08/15/2018	Meeting w/ Wayne, Alex and Romy to discuss construction issues and schedule (Alan Campbell, PE, RRC)	2.20	285.00	627.00
08/15/2018	Coordination with trades; site visits (includes travel time); in-office meeting; travel to Division 5 to procure fasteners; calls to manufacturers/erector; metal deck fasteners; review Code of Standard Practice for erection of steel buildings (Alex Overeem, EIT)	11.30	125.00	1,412.50
08/15/2018	Roofing details with sub-contractor; on site waterproofing observations; logistics / schedules (Wayne Butler, Architectural Staff III)	6.50	155.00	1,007.50
08/16/2018	Site visit (includes travel time); coordination with trades; calls; paint and metal panel specifications to contractors (Alex Overeem, EIT)	5.00	125.00	625.00
08/16/2018	On site observations; meetings with contractors; details (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
08/17/2018	Coordination with trades, sauter timber, AOC, and DWB; calculations; procurement of GL beams; (Alex Overeem, EIT)	5.50	125.00	687.50
08/17/2018	Office meeting and on site logistics for materials delivery and schedule (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
08/20/2018	Material schedules / logistics; cladding details (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
08/21/2018	Site Visit to observe moment frame installation (includes travel time); coordination with trades; metal panel calculations (Alex Overeem, EIT)	9.50	125.00	1,187.50
08/21/2018	Drone Survey of Moment Frame/Glu-Lam Installation (Alex Robertson, Technician)	4.75	70.00	332.50
08/21/2018	Site visit for steel erection (Curt Berg, III, AIA)	0.70	155.00	108.50
08/21/2018	On site observations / details (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
08/22/2018	Site visit (includes travel time); coordination with trades; discussions with DWB (Alex Overeem, EIT)	2.50	125.00	312.50
08/22/2018	On site observations / details; documentation; finish material logistics (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
08/23/2018	Site visits (includes travel time); coordination with trades; coordination with AOC (Alex Overeem, EIT)	1.50	125.00	187.50
08/23/2018	On site meetings with sub-contractors; window / door R.O. meeting; waterproofing details (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
08/24/2018	Site visit (includes travel time); second site visit to inspect welds (includes travel time); coordination with AOC (Alex Overeem, EIT)	2.80	125.00	350.00
08/24/2018	Finish material research; steel coatings / structural beam stain; on site observations and meetings with contractors (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
08/27/2018	Site visit (Alan Campbell, PE, RRC)	2.00	285.00	570.00
08/27/2018	On site meeting with window/door installation crew; on site logistics and scheduling; second floor plan review (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
08/28/2018	Site Visit to inspect metal roof deck (Alex Overeem, EIT)	0.50	125.00	62.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 28 of 38

Professional Fees

		Hours	Rate	Amount
08/28/2018	Review of interior finishes and products; interior plumbing fixture review; 1st & 2nd floor kitchen layout/appliance review (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
08/29/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
08/29/2018	Site visit (coordination with trade) (Alex Overeem, EIT)	1.00	125.00	125.00
08/29/2018	Furniture package review; sub-contractor logistics; material delivery schedule; roofing installation follow up (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
08/31/2018	Discuss with AOC and Peter Reeves; proposal (Eddie Polk, RRC)	0.50	175.00	87.50
08/31/2018	On site observations and interior finish discussions; stair design review; framing details review (Wayne Butler, Architectural Staff III)	4.50	155.00	697.50
09/04/2018	Draft letter (Alex Overeem, EIT)	1.00	125.00	125.00
09/04/2018	On site observations/meetings; meeting at McWaters to review furniture package (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
09/05/2018	Coordination with AOC; draft letter; calculations; site visit (Alex Overeem, EIT)	4.50	125.00	562.50
09/05/2018	Discuss stair stringer design w/ AOC and ACO. (Bobby Funcik, PE)	0.50	175.00	87.50
09/05/2018	Contractor questions / details review (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
09/06/2018	Conference call w/ Oscar and Wayne (Alan Campbell, PE, RRC)	0.30	285.00	85.50
09/06/2018	Site visit (includes travel time) (Alex Overeem, EIT)	0.80	125.00	100.00
09/06/2018	Contractor questions / review; on site meeting with window/door installers; furniture layout mods. (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
09/07/2018	ASCE 7-10 wind load calculations; coordination with trades; site visit (includes travel time); coordination with AOC (Alex Overeem, EIT)	5.00	125.00	625.00
09/07/2018	Final furniture components and hardware; thermal performance values for spray foam installation (whole building performance); roof connection details (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
09/08/2018	Site visit (includes travel time); coordination with trades and AOC (Alex Overeem, EIT)	2.00	125.00	250.00
09/10/2018	3D Drafting - 3D View (Dawn Clayton, Draftsman)	1.20	70.00	84.00
09/10/2018	Follow up with material providers and contractors regarding production; project logistics; interior finishes (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
09/11/2018	Site Visit (includes travel time); coordination with trades (Alex Overeem, EIT)	1.50	125.00	187.50
09/11/2018	Final furniture package review and cross reference; window / door unit install follow up; interior finish questions (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
09/12/2018	Site visit (includes travel time). (Alex Overeem, EIT)	1.00	125.00	125.00
09/17/2018	Site visit (includes travel time); coordination with DWB (Alex Overeem, EIT)	1.50	125.00	187.50
09/17/2018	final furniture quote review and emails; roofing details (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
09/18/2018	Site visit (Alan Campbell, PE, RRC)	1.00	285.00	285.00
09/18/2018	Flashing detail with trades and AOC and DWB (Alex Overeem, EIT)	0.50	125.00	62.50
09/18/2018	3D Drafting - 3D View (Dawn Clayton, Draftsman)	0.60	70.00	42.00
09/19/2018	Site visit (includes travel time); analysis of C-side stairs (Alex Overeem, EIT)	1.50	125.00	187.50
09/19/2018	correspondence with Feltmann (Eddie Polk, RRC)	0.50	175.00	87.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 29 of 38

Professional Fees

		Hours	Rate	Amount
09/19/2018	On site observations; interior tile selections; interior stair details; lighting fixture plan review; SCE&G lighting incentives (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
09/20/2018	Site visit (includes travel time) (Alex Overeem, EIT)	0.50	125.00	62.50
09/20/2018	Finishing SCE&G lighting incentive submission with product information (Wayne Butler, Architectural Staff III)	3.50	155.00	542.50
09/21/2018	Site visit (includes travel time) (Alex Overeem, EIT)	0.80	125.00	100.00
09/21/2018	Interior finish selections; furniture package sign-off / schedule (Wayne Butler, Architectural Staff III)	2.50	155.00	387.50
09/24/2018	On site observations; roofing install; window install; siding delivery and install review (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
09/26/2018	3D Drafting - 3D View (Dawn Clayton, Draftsman)	0.50	70.00	35.00
09/27/2018	Cosgrove site visit (Alan Campbell, PE, RRC)	1.00	285.00	285.00
09/27/2018	Check column bending strength w/ A. Campbell. (Bobby Funcik, PE)	0.40	175.00	70.00
09/27/2018	On site observations; sub-contractor questions; steel stair details (Wayne Butler, Architectural Staff III)	2.50	155.00	387.50
09/28/2018	Structural framing mods and logistics (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
10/01/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/01/2018	Coordination with trades; calculations (Alex Overeem, EIT)	3.00	125.00	375.00
10/01/2018	Structural details; scheduling labor/materials (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
10/02/2018	3D Drafting - 3D View (Dawn Clayton, Draftsman)	1.30	70.00	91.00
10/02/2018	On site observations and details review (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
10/03/2018	3D Drafting - 3D View (Dawn Clayton, Draftsman)	2.00	70.00	140.00
10/04/2018	Coordination with CAR and trades on steel stair details (Alex Overeem, EIT)	1.00	125.00	125.00
10/04/2018	CAD - D side stairs (Alex Robertson, Technician)	3.75	70.00	262.50
10/04/2018	3D Drafting - 3D View (Dawn Clayton, Draftsman)	0.60	70.00	42.00
10/04/2018	Structural details discussion with contractors; window/door install review (Wayne Butler, Architectural Staff III)	1.50	155.00	232.50
10/05/2018	Coordination with CAR (Alex Overeem, EIT)	0.50	125.00	62.50
10/08/2018	Coordination with Trades (Alex Overeem, EIT)	0.50	125.00	62.50
10/08/2018	On site observations and scheduling with sub-contractors; 2nd floor curtain wall details (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
10/09/2018	On site meeting with window / door installer; window installation details reviewed on site (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
10/10/2018	On site meetings with window installer; flashing product install with additional blocking; follow up phone calls with subs regarding scheduling (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
10/11/2018	Packed office (Stephanie Borzendowski, PhD)	1.00	190.00	190.00
10/11/2018	On site observations and questions; waterproofing / flashing for siding; sketch details (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
10/12/2018	Coordination with DWB (Alex Overeem, EIT)	0.50	125.00	62.50
10/12/2018	Packed office (Stephanie Borzendowski, PhD)	0.80	190.00	152.00
10/12/2018	On site questions regarding siding install and flashing; elevation drawings for siding fab. (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
10/15/2018	Site visit; coordination with trades (Alex Overeem, EIT)	0.50	125.00	62.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 30 of 36

Professional Fees

		Hours	Rate	Amount
10/15/2018	On site observations and contractor logistics; interior finishes/fixtures (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
10/16/2018	Coordination with trades and DWB (Alex Overeem, EIT)	0.50	125.00	62.50
~~10/16/2018~~	~~Correspondence for edge metal (Eddie Polk, RRC)~~	~~0.50~~	~~175.00~~	~~87.50~~
10/16/2018	On site observations; interior material selections; material procurement (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
10/18/2018	On site observations; interior finishes and questions; siding and deck waterproofing; flashing details (Wayne Butler, Architectural Staff III)	7.00	155.00	1,085.00
10/19/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/19/2018	Follow up on materials, schedules, answering on site questions (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
10/20/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/22/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/22/2018	Code research for fire-rated materials; interior finish selections (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
10/23/2018	Site visit (Alan Campbell, PE, RRC)	1.00	285.00	285.00
10/23/2018	On site observations regarding metal flashings, siding, windows R.O.'s (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
10/24/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/24/2018	Roof flashing details; material installation schedules (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
10/25/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/25/2018	Siding material procurement / cost / components; on site observations; window glazing schedule discussions (Wayne Butler, Architectural Staff III)	6.50	155.00	1,007.50
10/26/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/26/2018	On site observations; material procurement; contractor questions / schedule (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
10/27/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/29/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/29/2018	On site observations and meeting with subs; interior finish selections / coordination (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
10/30/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/30/2018	Siding material procurement (Wayne Butler, Architectural Staff III)	2.50	155.00	387.50
10/31/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
10/31/2018	Interior material finish selections; on site questions / meetings with subs (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/01/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/01/2018	On site questions / meetings with subs; metal flashing and siding (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/02/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/02/2018	Interior finish selections (plumbing fixtures, counters, flooring) (Wayne Butler, Architectural Staff III)	2.50	155.00	387.50
11/05/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/05/2018	Interior finish selections; counter top materials, sinks (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
11/06/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/07/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/07/2018	Security / alarm for new office. (Jason Gregorie, PE)	1.00	225.00	225.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 31 of 38

Professional Fees

		Hours	Rate	Amount
11/07/2018	On site observations, sub-contractor questions; details (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
11/08/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/08/2018	Security / alarm for new office (Jason Gregorie, PE)	1.00	225.00	225.00
11/09/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/09/2018	Security / alarm. (Jason Gregorie, PE)	1.00	225.00	225.00
11/10/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/12/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/12/2018	On site meetings with sub-contractors; details (Wayne Butler, Architectural Staff III)	3.50	155.00	542.50
11/13/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/13/2018	On site meetings with subs; product / material scheduling; details (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
11/14/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/14/2018	On site logistics and scheduling; details (Wayne Butler, Architectural Staff III)	5.50	155.00	852.50
11/15/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/15/2018	On site meetings with subs and logistics for completion of work (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
11/16/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/16/2018	Scheduling and on site logistics for subs (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
11/17/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/19/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/19/2018	On site meetings with subs; siding / window / doors; project sequencing (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/20/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/20/2018	Store IT shipment (Alex Overeem, EIT)	0.50	125.00	62.50
11/20/2018	On site meetings with subs; scheduling (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
11/21/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/21/2018	Review B2 slab plans; coordination with AOC (Alex Overeem, EIT)	0.50	125.00	62.50
11/21/2018	Take-offs for materials (Wayne Butler, Architectural Staff III)	1.00	155.00	155.00
11/22/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/23/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/24/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/26/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/27/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/27/2018	Interior finishes selection; on site questions; sub-contractor schedules and material procurement (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
11/28/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/28/2018	On site meetings with subs; material schedules and installation details (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/29/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
11/29/2018	Interior finishes selection; on site questions; sub-contractor schedules and material procurement (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
11/30/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 32 of 38

Professional Fees

		Hours	Rate	Amount
11/30/2018	Exterior finish selections; on site questions; sub-contractor schedules and material procurement (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
12/01/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
~~12/03/2018~~	~~Site visit (Alan Campbell, PE, RRC)~~	~~1.50~~	~~285.00~~	~~427.50~~
12/03/2018	Schedules / logistics; material procurement; guardrail details; on site meeting with sub-contractors (Wayne Butler, Architectural Staff III)	7.50	155.00	1,162.50
12/04/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/05/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/06/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/06/2018	Site visit and follow-up discussion with DWB (Curt Berg, III, AIA)	0.80	155.00	124.00
12/06/2018	On site meetings with subs; interior finishes; exterior stair layout; scheduling logistics (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
12/07/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/07/2018	On site observations; window panel details; roofing install; glazing sub meeting (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
12/08/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/10/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/10/2018	On site meeting with roofing sub; interior finish selections and details; scheduling and logistic with contractors (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
12/11/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/11/2018	On site observations; window/door installation details; roofing/cladding/flashing details review on site (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
12/12/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/12/2018	Exterior / Interior guardrail system logistics; procuring materials and proposals; on site observations and sequencing (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
12/13/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/13/2018	Furnishing inquiries (Curt Berg, III, AIA)	0.20	155.00	31.00
12/13/2018	On site meetings with subs; sequencing logistics (Wayne Butler, Architectural Staff III)	2.00	155.00	310.00
12/14/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/14/2018	Material procurement; on site logistics; interior finish selections (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
12/15/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/17/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/17/2018	On site observations and partner meeting; interior details and schedule / logistics (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
12/18/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/18/2018	On site meetings with subs; interior finish selections; material procurement; scheduling logistics (Wayne Butler, Architectural Staff III)	5.00	155.00	775.00
12/19/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/19/2018	On site meetings with subs; interior finish selections; material procurement; scheduling logistics (Wayne Butler, Architectural Staff III)	3.00	155.00	465.00
12/20/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/20/2018	On site meetings with subs; interior finish selections; material procurement; scheduling logistics (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
12/21/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 33 of 38

Professional Fees

		Hours	Rate	Amount
12/21/2018	On site meetings with subs; finish details (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
12/22/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/26/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/27/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/27/2018	On site meetings with subs; interior fixture selections; interior finish details (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
12/28/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/28/2018	Interior plumbing/appliances selections; project scheduling and logistics (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
12/29/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
12/31/2018	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/02/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/02/2019	On site sub meetings / questions; interior selections logistics and schedules; interior finish details (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
01/03/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/03/2019	On site meetings with sub-contractors; interior finish details; contractor schedules and logistics; product / component procurement (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
01/04/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/04/2019	On site meetings with sub-contractors; interior finish details; contractor schedules and logistics; product / component procurement (Wayne Butler, Architectural Staff III)	8.00	155.00	1,240.00
01/05/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/07/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/07/2019	On site meetings with sub-contractors; interior finish details; contractor schedules and logistics; product / component procurement (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
01/08/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/09/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/10/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/10/2019	On site meetings with sub-contractors; interior finish details; contractor schedules and logistics; product / component procurement (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
01/11/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/11/2019	Assist AOC and moving utilities; Review Drawings; reply to AOC (Alex Overeem, EIT)	1.00	125.00	125.00
01/11/2019	Help unload junk from trailer for AOC. (Bobby Funcik, PE)	0.50	175.00	87.50
01/11/2019	On site meetings with sub-contractors; interior finish details; contractor schedules and logistics; product / component procurement (Wayne Butler, Architectural Staff III)	10.00	155.00	1,550.00
01/12/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/14/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/14/2019	Site Visits (includes travel time) (Alex Overeem, EIT)	2.50	125.00	312.50
01/14/2019	On site meetings with sub-contractors; interior finish details; contractor schedules and logistics; product / component procurement (Wayne Butler, Architectural Staff III)	11.00	155.00	1,705.00
01/15/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/15/2019	Coordination and site visit (Alex Overeem, EIT)	1.00	125.00	125.00

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 34 of 38

Professional Fees

		Hours	Rate	Amount
01/15/2019	On site meetings with sub-contractors; interior finish details; contractor schedules and logistics; product / component procurement (Wayne Butler, Architectural Staff III)	11.00	155.00	1,705.00
01/16/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/16/2019	On site meetings with sub-contractors; interior finish details; contractor schedules and logistics; product / component procurement (Wayne Butler, Architectural Staff III)	11.00	155.00	1,705.00
01/17/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
01/17/2019	Stair design; coordination with DWB (Alex Overeem, EIT)	2.60	125.00	325.00
01/17/2019	On site meetings with sub-contractors; interior finish details; contractor schedules and logistics; product / component procurement (Wayne Butler, Architectural Staff III)	11.00	155.00	1,705.00
01/18/2019	Site visit (Alan Campbell, PE, RRC)	2.50	285.00	712.50
01/18/2019	Coordination with DWB; stair design to contractors (Alex Overeem, EIT)	1.00	125.00	125.00
01/18/2019	Unload trailer and reload w/ lights. (Bobby Funcik, PE)	0.80	175.00	140.00
01/18/2019	On site meetings with sub-contractors; interior finish details; contractor schedules and logistics; product / component procurement (Wayne Butler, Architectural Staff III)	9.00	155.00	1,395.00
01/19/2019	Site visit (Alan Campbell, PE, RRC)	2.50	285.00	712.50
01/21/2019	On site logistics for C.O. and move-in (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
01/22/2019	On site logistics for C.O. and move-in (Wayne Butler, Architectural Staff III)	11.00	155.00	1,705.00
01/23/2019	Phone con with DWB (Alex Overeem, EIT)	0.50	125.00	62.50
01/23/2019	On site logistics for C.O. and move-in (Wayne Butler, Architectural Staff III)	10.00	155.00	1,550.00
01/24/2019	Coordination with DWB; site visit (includes travel time); follow up (Alex Overeem, EIT)	1.00	125.00	125.00
01/24/2019	On site logistics for C.O. and move-in (Wayne Butler, Architectural Staff III)	6.00	155.00	930.00
01/25/2019	Site visit (Alan Campbell, PE, RRC)	2.50	285.00	712.50
01/25/2019	On site logistics for C.O. and move-in (Wayne Butler, Architectural Staff III)	11.00	155.00	1,705.00
01/26/2019	Site visit (Alan Campbell, PE, RRC)	2.50	285.00	712.50
01/27/2019	On site logistics for C.O. and move-in (Wayne Butler, Architectural Staff III)	4.00	155.00	620.00
01/28/2019	Site visit (Alan Campbell, PE, RRC)	2.50	285.00	712.50
01/28/2019	On site logistics for C.O. and move-in (Wayne Butler, Architectural Staff III)	11.00	155.00	1,705.00
01/29/2019	Site visit (Alan Campbell, PE, RRC)	2.50	285.00	712.50
01/29/2019	ABS moving into new office; logistics/contractor coord.; Temp CO logistics (Wayne Butler, Architectural Staff III)	12.00	155.00	1,860.00
01/30/2019	Site visit (Alan Campbell, PE, RRC)	8.00	285.00	2,280.00
01/30/2019	ABS moving into new office; logistics/contractor coord.; Temp CO logistics (Wayne Butler, Architectural Staff III)	12.00	155.00	1,860.00
01/31/2019	Site visit (Alan Campbell, PE, RRC)	2.50	285.00	712.50
01/31/2019	ABS moving into new office; logistics/contractor coord.; Temp CO logistics (Wayne Butler, Architectural Staff III)	12.00	155.00	1,860.00
02/01/2019	Site visit (Alan Campbell, PE, RRC)	2.50	285.00	712.50

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 35 of 38

Professional Fees

		Hours	Rate	Amount
02/01/2019	ABS moving into new office; logistics/contractor coord.; Temp CO logistics (Wayne Butler, Architectural Staff III)	11.00	155.00	1,705.00
02/02/2019	Site visit (Alan Campbell, PE, RRC)	2.50	285.00	712.50
02/03/2019	Site visit (Alan Campbell, PE, RRC)	1.50	285.00	427.50
02/04/2019	Site visit (Alan Campbell, PE, RRC)	1.00	285.00	285.00
02/04/2019	ABS moving into new office; logistics/contractor coord.; Temp CO logistics (Wayne Butler, Architectural Staff III)	11.00	155.00	1,705.00
02/05/2019	Site visit (Alan Campbell, PE, RRC)	2.50	285.00	712.50
02/05/2019	ABS moving into new office; logistics/contractor coord.; Temp CO logistics (Wayne Butler, Architectural Staff III)	10.00	155.00	1,550.00
02/06/2019	ABS moving into new office; logistics/contractor coord.; Temp CO logistics (Wayne Butler, Architectural Staff III)	12.00	155.00	1,860.00
02/07/2019	Granite cantilever counter support analysis (Alex Overeem, EIT)	0.40	125.00	50.00
02/07/2019	ABS moving into new office; logistics/contractor coord.; Temp CO logistics (Wayne Butler, Architectural Staff III)	10.00	155.00	1,550.00
02/08/2019	ABS moving into new office; logistics/contractor coord.; Temp CO logistics (Wayne Butler, Architectural Staff III)	10.00	155.00	1,550.00
	Dues/Permits/Regis/Subscriptions DBC REVIT - purchased this month for cosgrove drawings			322.00
	Field Supplies to be reimbursed by Hibernian			400.26
	Lab Services			347.88
	Meals Partner meeting			139.33
	Partner meeting			
	Furniture meeting with Whit & Jason			

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 36 of 38

Mileage	On site meetings	1,137.00	0.55	619.67
On site meetings				
On site meetings				
On site meetings				
On site meetings				
On site meetings				
On site meetings				
On site meetings				
On site meetings				
On site meetings				
On site meetings				
On site meetings				
On site observations				
On site observations				
On site observations				
On site observations				
On site observations				
On site observations				
On site observations				
On site observations				
On site observations				
On site observations				
On site meetings				
On site observations				
On site meetings				
On site questions/observations				
On site observations/meetings				
On site observations/meetings				
On site observations/meetings				
On site observations/meetings				
On site observations/meetings				
On site logistics				
On site logistics				
On site logistics				
On site logistics				
5.6 miles / day @ 150 days from 01.01.2018 - 07.29.2018				
On site meetings				
On site meetings				
On site meetings				
On site meetings				
On site logistics				
On site logistics				
On site logistics				
On site logistics				
On site logistics				
On site logistics				
On site logistics				
On site logistics				
On site logistics				
On site logistics				
Mileage		148.62	0.54	79.51
Printing				125.22
Expenses Total				2,033.87

Invoice detail does not match invoice total. This rounding adjustment appears only on the draft and will be applied to the final invoice. -0.13

Invoice Total **\$561,365.00**

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
 We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
 5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Applied Building Sciences
Project 995.17002 2308 COSGROVE AVENUE

Invoice number * Draft *
Date 02/11/2019

****NOTE: Please note this is a summary as of today's date. ABS personnel continue to accrue time related to design and construction related services.*

****NOTE: Also note, this is a summary of loss of income and also includes unreimbursed expenses in the amount of \$3,924 for invoice number 999.17007-01 dated 12/28/2018.*

*TERMS: Due upon receipt.
After 30 days, a Delinquency Charge of 1.5% will be assessed per month thereafter.*

PLEASE REMIT ALL PAYMENTS TO THE NORTH CHARLESTON OFFICE ADDRESS BELOW. THANK YOU.
We accept Visa/MasterCard payments for your convenience.

PO Box 71127, North Charleston, SC 29415 - Tel 843.724.1456 - Fax 843.724.1458
5601 Seventy-Seven Center Drive Suite 225, Charlotte, NC 28217 - Tel 980.219.7084

Page 38 of 38

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
Applied Building Sciences, Inc.,	)	CASE NO. 2019-CP-10-04387
	)	
PLAINTIFF,	)	TRANSCRIPT OF RECORD
	)	
VS.	)	ORIGINAL
	)	
South Carolina Department of Commerce, a Division of Public Railways,	)	
	)	
DEFENDANT.	)	

June 18, 2020

Charleston, South Carolina, via Zoom

B E F O R E:

The Honorable Bentley D. Price

A P P E A R A N C E S:

Gene M. Connell, Jr. Esquire
For the Plaintiff

David L. Paavola, Esquire
For the Defense

Certified Transcript Provided For: Gene M. Connell, Jr.

Phyllis Norton, CVR-Master, Nationally Certified Verbatim Court Reporter
636 Long Point Road, Unit G, #74, Mt. Pleasant, South Carolina 29464
PNorton@sccourts.org

I N D E XHEARING

-- 03

EXHIBITS - None ProfferedCERTIFICATION OF TRANSCRIPT

-- 17

If you need an additional copy of this transcript or a sealed transcript or if opposing counsel requires a copy of the transcript, you should contact the court reporter.

Certification will satisfy Rule 80, Stenographic Report of Transcript as Evidence.

1 THE COURT: If you will just introduce yourself for the
2 record and the parties in which you represent, and whoever's
3 motion it is just tell me what it is. And we will start with
4 the plaintiff.

5 MR. CONNELL: Yes, sir. My name is Gene Connell, and I
6 am a lawyer in Surfside Beach; and I represent Applied
7 Building Sciences, Inc., which is the plaintiff.

8 MR. PAAVOLA: I am David Paavola; and I represent South
9 Carolina Department of Commerce, Division of Public Railways,
10 which I will refer to as Public Railways throughout for
11 short.

12 THE COURT: All right. Whose motion is it?

13 MR. CONNELL: Your Honor, I believe it is cross motions
14 for summary judgment on an issue of law.

15 MR. PAAVOLA: Either party can go first and it doesn't
16 matter who does?

17 THE COURT: It doesn't matter. Just save equal time for
18 both. So I will be happy to hear from whoever wants to
19 start.

20 MR. CONNELL: David, you filed your motion first. I
21 guess you will probably want to start. That would be fine
22 with me if you want.

23 MR. PAAVOLA: That is fine. I will try to give more
24 background so then when it is your turn we don't have to
25 rehash the background.

1 Thank you, Your Honor. Just briefly, the background for
2 the lawsuit, Applied Building Sciences, the plaintiff, was a
3 tenant in a building that was condemned by Public Railways in
4 2017. As part of that condemnation it was required to
5 relocate to a new location.

6 This lawsuit, Mr. Connell can explain more, but ABS is
7 claiming that it is entitled to receive more money to
8 reestablish at the new location than the statutory cap of
9 \$50,000 that Public Railways paid to it.

10 Public Railways our position and move for a summary
11 judgment is that the reestablish expenses are a matter of
12 statute, not constitutional, and as a matter of statute they
13 are capped at \$50,000, that what was paid to Applied Building
14 Sciences, so as a matter of law there is no additional monies
15 owed to ABS.

16 Briefly if I might step back and describe the
17 condemnation. Public Railways is constructing a container
18 transfer facility near the new Hugh Leatherman Terminal. It
19 will receive containers to and from rail lines for shipping.
20 And as part of that it needed to rebuild a northern rail
21 connection and a southern rail connection out from the
22 facility to facilitate container traffic to the railroads.
23 And the subject property was located on the southern route of
24 the new southern rail track. And that was 1890 Milford
25 Street. And we refer to that as the Milford property. And

1 that was condemned in June of 2017.

2 It was -- the property -- Milford Property is owned by

3 Hibernian Heights; and it was occupied, solely occupied, by
4 Applied Building Sciences, the plaintiff in this matter.

5 Both companies were named as poten- -- as condemnees in
6 the condemnation action. And Mr. Alan Campbell is 100
7 percent owner of Hibernian Heights, the landowner, and was a
8 part owner of Applied Building Sciences.

9 In the condemnation action federal and state
10 constitutions require that just compensation be paid for the
11 property that is acquired. And just compensation has been
12 characterized as the fair market value of what -- of the
13 property being acquired. So that was the question answered
14 in the condemnation actions.

15 The parties went through discovery and ultimately
16 settled the amount of just compensation due from Public
17 Railways to Hibernian Heights. And I have attached the
18 consent order of dismissal in that case that states the
19 parties, the landowner and the condemnor, agreed to the
20 amount of just compensation. That is Exhibit B to our motion
21 for summary judgment.

22 And why that's important is because another condemnee
23 like a tenant can have a property interest that is being
24 condemned; if the tenants or whoever the other condemnees
25 are, if the tenant and landlord don't agree on how the just

1 compensation should be divided among them they can ask the
2 Master-in-Equity for an apportionment hearing. In that case
3 the Master can divide the proceeds among them.

4 But to the extent that Applied Building Sciences had any
5 property right that was condemned in a condemnation that was
6 paid for with just compensation it had a right to request
7 that it be paid whatever value that was. Now it chose not to
8 do so. And that was its own choice, not Railways. And so
9 that really ends their request for property rights. There is
10 nothing in this action that they can request for that.

11 Separate from -- in a condemnation action separate from
12 the constitutional question of just compensation which was --
13 already been resolved, the process includes relocation of
14 displaced tenants. So a business is locating on a property
15 that is condemned, like this one, and had to find a new
16 location, and was typically you have right-of-way agents will
17 work with the tenants to find a suitable location and move
18 the personal property and provide some level of
19 reestablishment expenses up to the cap of \$50,000.

20 Reestablish expenses are typical like painting,
21 modifications, new carpet, that sort of thing. The South
22 Carolina Eminent Domain Procedure Act, the Code, Title 28,
23 includes a specific section on relocation assistance method
24 South Carolina Code 28-11-10.

25 And I believe there are just three aspects of the

1 relocation assistance that are important for our purposes.
2 First, the South Carolina Relocation Assistance follows the
3 federal Uniform Relocation Assistance Act. That means it
4 incorporates all of the provisions of the federal act, it
5 compensates the same, categories of expenses; and it really
6 mirrors that Act. For all projects that have federal
7 dollars, even state projects that don't have federal dollars,
8 the South Carolina act mirrors the federal act.

9 Second, in Section 20-11-70 it specifically states that
10 that chapter on relocation assistance does not create an
11 element of damages in eminent domain. So, in other words,
12 relocation assistance is not a matter of determining
13 constitutional just compensation.

14 And the third key aspect of the relocation assistance
15 chapter is that reestablishment expenses are capped at
16 \$50,000. That is what the General Assembly determined. That
17 is in SC Code 28-11-30, Subpart 4. Now that is twice -- the
18 federal act caps at \$25,000. The South Carolina act is
19 actually twice as generous as the federal act.

20 For additional background, Your Honor, Public Railways
21 is not a typical condemning authority. It is not out there
22 always building projects like the DOT. So for this project
23 it adopted the SCDOT's Relocations Assistance Manual which
24 sets forth the procedures and policies to carry out the
25 relocation assistance.

1 In that manual the DOT explains - and which matches the
2 federal statute - that there's four categories of eligible

3 expenses. That would be search cost for new location, loss
4 of the tangible property, and moving costs of personal
5 property; and then fourth, reestablishment expenses.

6 Now moving costs are not capped. And typically what you
7 have is you get bids from several moving companies, and the
8 parties agree who is going to move, and all the personal
9 property is moved.

10 This dispute only involved reestablishment expenses.
11 That would be modifications to the new location, not moving.
12 I think plaintiff's complaint and motion for summary judgment
13 used confusing language when it talks about it was not
14 reimbursed or paid for moving expenses. That is not the
15 case. There is no factual dispute that moving all personal
16 property from the old location to the new location was
17 completed, and that is not an issue. So it is not moving
18 costs. We are talking about reestablishment expenses.

19 And in this case what ABS was looking for is it chose to
20 make a number of leasehold improvements to a new location.
21 And, you know, it knew the cap on that from the state was
22 \$50,000 under the statute. It apparently went well beyond
23 that.

24 Now it has the right to do that. It can make that
25 choice. But it can't then force that decision on the State

1 and ask the State to pay for it.

2 I just want to point out while we are not talking about

3 the what the -- it asked for \$560,000 for additional
4 expenses. I will just point out that the owner Mr. Campbell
5 is attempting to charge for over 400 hours in site visits at
6 \$285 an hour, more than \$115,000. That is just some of the
7 types of expenses they are asking for for reimbursement.

8 In the relocation process for Applied Building Sciences,
9 Public Railways hired Oscar Rucker at Michael Baker
10 International to provide his services. I have provided an
11 affidavit from Mr. Rucker as Exhibit 8 of our motion for
12 summary judgment. And attached to his affidavit are -- is
13 the letter that he provided to Applied Building Sciences on
14 Hibernia about the categories of expenses that would be
15 recoverable, explained the \$50,000 cap on reestablishment
16 expenses, discussing moving quotes.

17 I have also attached his affidavit, the request for
18 reimbursement of reestablishment expenses from Applied
19 Building Sciences. There are two of them. They totaled
20 \$50,000 together. I have attached the request, the check
21 that what Railways paid, and the signature of acknowledgment
22 from Applied Building Sciences saying they received the money
23 and there's the cap on \$50,000.

24 So there is not a factual dispute about how much money
25 they got, when, and that they actually got the money up to

1 the statutory cap.

2 Now Applied Building Sciences has already -- they asked
3 for the four or five hundred thousand dollars from Public
4 Railways. It was denied. It went through the administrative
5 appeals process, through Railways, and again was denied.

6 Attached the denial as -- as along with our motion a
7 memorandum in support of our motion for summary judgment in
8 Exhibit 2 it has the full letter denying their request for
9 the additional reestablishment expenses.

10 Now the administrative process, Applied Building
11 Sciences could have applied -- appealed to the ALJ. They
12 chose not to do that. Instead it has brought this complaint
13 claiming -- it seems to be claiming that reestablishment
14 expenses -- any reestablishment expenses they have are a
15 constitutional right to have.

16 All of that background, Your Honor. I'll be brief. Our
17 legal argument is where there is no -- there is no
18 constitutional right to reestablishment expenses. We have
19 cited a number of cases, the United States Supreme Court
20 stating that expenses of relocation are not constitutionally
21 compensable. That is US v. Petty Motor Corp, 327 U.S. 372.

22 And I won't recite all of the other cases we recite in
23 our briefs, Your Honor; but we put forward that there is no
24 federal right to relocation expenses.

25 South Carolina follows federal condemnation law, and

1 there is no case in South Carolina challenging the
2 Relocations Assistance Act as unconstitutional or stated in

3 any manner that relocation -- reestablishment is a matter of
4 constitutional right. And there's no cases that the
5 plaintiff has cited in federal court challenging with federal
6 statute in the federal processes.

7 There are plenty of cases acknowledging that
8 reestablishment expenses and relocation expenses are not part
9 of the constitu- -- constitution of just compensation for
10 taking of property. And, you know, that is which is why the
11 federal government enacted the Relocation Act and why South
12 Carolina followed that as well, recognizing that there is
13 some expense with moving and then provided for that.

14 And I will conclude my argument, Your Honor. I realize
15 the time. But that is -- that is the basis; relocation is
16 statutory, not constitutional. There is no support to make
17 it constitutional as the plaintiff is trying to give you.

18 THE COURT: All right. Thank you very much.

19 Mr. Connell, I will be happy to hear from you. Just
20 make sure you speak up so the court reporter can hear you.

21 MR. CONNELL: Your Honor, as you know, we represent ABS
22 in this case. And our position is is that this is a
23 constitutional claim, and the statute that they speak of
24 cannot trump the Constitution.

25 And so what we would point out to Your Honor is first a

1 couple of South Carolina -- or US Supreme Court cases. There
2 is a US Supreme Court case from 2015 that says that personal
3 property is subject to the eminent domain claim. And we have
4 provided that to you in our brief. There also is that Lucas
5 case from Charleston, as Your Honor is aware, that talks
6 about a non-property claim in an economic loss. Those two
7 cases we think show a shift from the United States Supreme
8 Court from the 1946 case that has been cited to where the
9 court is now about eminent domain.

10 ABS had a longtime business at this address on Milford
11 Street. They had been there some 30 years. ABS did not want
12 to move their business, especially during a period of time in
13 which the Charleston real estate market was very hot.

14 ABS had to move down to where the Cosgrove exit was.
15 That was a very expensive reestablishment to move their
16 entire engineering firm there.

17 We cite a number of cases from other jurisdictions that
18 talk just about this very issue. And then I would certainly
19 agree with the defendant's argument there is no South
20 Carolina case on this. But there are cases in other
21 jurisdictions that have addressed this reestablishment issue.
22 A case from Michigan of Gilling versus DMT cited in our brief
23 where the Supreme Court of Michigan said that the
24 reestablishment statute is not a -- is not the exclusive
25 statute, it is a supplementary statute to the Constitution.

1 And the Gilling court goes on to say that when you are
2 talking about reestablishment costs the Constitution does --

3 applies; and our argument in this case is both the United
4 States Constitution and the South Carolina Constitution say
5 private property cannot be taken without just compensation.

6 Other cases that we cited, DMT versus Little, an
7 Oklahoma Supreme Court case, that again comes up with the
8 theory we just talked about in the Gilling case, and that is
9 relocation expenses under the statute are supplementary to
10 the Constitution, they are not the exclusive remedy. And
11 that seems to be the argument here.

12 And, Your Honor, we would make this argument to the
13 Court: If the Boeing plant in Charleston was going to be
14 moved because of a superhighway and they would have to spend
15 \$20 million to move their whole plant to some other location
16 the Constitution would not limit them to \$50,000; and as a
17 result, the reestablishment statute can't do that either.

18 Other cases that we have cited in our brief, Malone
19 versus Florida Department of Transportation, in which the
20 jury in that case awarded \$175,000 and a case called Systems
21 Components versus Florida DOT in which the reestablishment
22 costs are discussed in Florida.

23 There is also a case in Mississippi, Mississippi versus
24 Reeves, in which the court there again points out that these
25 statutes are supplementary and are not exclusive remedies.

1 And they couldn't rightly be exclusive remedies because that
2 would be a constitutional violation in and of itself.

3 So it is our argument pretty succinctly that they can
4 argue with us at a jury trial about what the reestablishment
5 costs are, they can argue with us about how much we think we
6 are entitled to, but the concept of us being able to present
7 to a jury that issue is something that the Constitution both
8 of South Carolina and the United States Supreme Court allow.

9 And we would ask the Court -- we are not asking for a
10 summary judgment as a -- you know, on their damage issues.
11 We are only asking the Court to recognize that that is what
12 the law is in this particular case.

13 We could try the case before a jury about
14 reestablishment costs. The defendants could certainly
15 question our damages and our damages model and they can
16 question how we got there, but they can't question the
17 concept because the Constitution trumps this reestablishment
18 statute.

19 And I will also point out something else about the
20 statute. The statute seems to indicate that you have got to
21 have federal funding to be under that statute to begin with.
22 It is pretty clear in this particular case that the
23 defendants did not have federal funding. They have not
24 argued that in the case. So that is another reason why the
25 statute is not applicable.

1 And then finally, Your Honor, I would say this. This
2 issue was -- we mediated this case. We were going to try
3 this case. It was up for trial sometime last year, I want to
4 say. And we agreed to present this issue, the parties agreed
5 that this issue of whether or not ABS was entitled to
6 reestablishment costs in a separate litigation, because we
7 could not agree among ourselves as to whether or not that was
8 the case. So the Hibernian, the landowner's case was settled
9 and that was settled for the property claim; but all parties
10 agreed that this is a claim in which we were going to
11 litigate it at a later date.

12 Thank you, Your Honor.

13 THE COURT: All right.

14 Mr. Paavola, will you give me the reestablishing statute
15 again. I was writing it down but I didn't catch the last
16 portion of it.

17 MR. PAAVOLA: Right. The 28-11-10 is the relocation
18 assistance chapter in South Carolina. Specifically the
19 reestablishment expenses is at 28-11 - I'm sorry - 30.
20 28-11-30, Subpart 4, is the cap on reestablishment expenses.

21 THE COURT: All right. Give me an opportunity to take a
22 look at that and your briefs, and I will have a decision for
23 you by the end of the day.

24 MR. PAAVOLA: Thank you, Your Honor. May I ask for a
25 brief reply to Mr. Connell on ---

1 THE COURT: Sure. Not a problem.

2 MR. PAAVOLA: Just that South Carolina does not require
3 federal funding to get the reestablishment -- relocation
4 assistance. Those are for all cases regardless of whether
5 there is federal funding or not.

6 The second thing, the Horne case he cited, US Supreme
7 Court, in that case that was a physical appropriation of
8 physical taking of raisins that -- there is no physical
9 taking of anything from Applied Building Sciences that was
10 taken. It doesn't apply.

11 And Lucas is a regulatory takings case that left the
12 owner with no economic remnant in his property. That also
13 does not apply.

14 So, again, we have each pled these in briefs to all of
15 these issues; but I wanted to respond to those because they
16 just filed a brief yesterday. Thank you, Your Honor.

17 THE COURT: All right. You are more than welcome.

18 Anything, Mr. Connell?

19 MR. CONNELL: No, Your Honor. I think you understand
20 what the issue is.

21 THE COURT: All right. I hope y'all have a wonderful
22 day. We will get to you as soon as we can.

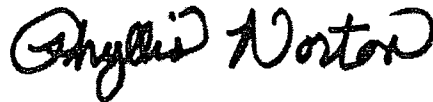
23 (WHEREUPON, the hearing concluded.)

(NOTE: Please contact the court reporter for additional copies or certified transcripts.)

CERTIFICATE

I, the undersigned Phyllis Norton, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all proceedings had and evidence introduced in the captioned case, relative to appeal, in the court for South Carolina, on June 18, 2020.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.



PHYLLIS NORTON, CVR

Date: January 15, 2021

Certified Transcript Provided For: Gene M. Connell, Jr.

Certification Reference #2021-0115 Original

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

) IN THE COURT OF COMMON PLEAS
) C/A NO. 2017-CP-10-3029
)

~~Project: Navy Base Intermodal Facility~~

Tract: 30S

South Carolina Department of Commerce,
Division of Public Railways,

Condemnor,

v.

Hibernian Heights, LLC,

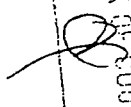
Landowner(s),

and

The Bank of South Carolina and Applied
Building Sciences, Inc.,

Other Condemnees.

AMENDED
CONDEMNATION NOTICE AND
TENDER OF PAYMENT
(JURY TRIAL DEMANDED)

2018 MAY 31 PM 1:08
JULIE J. ARMSTRONG
CLERK OF COURT
BY 

TO: HIBERNIAN HEIGHTS, LLC, LANDOWNER(S) AND OTHER CONDEMNEE(S)
NAMED ABOVE:

Pursuant to the South Carolina Eminent Domain Procedure Act, S.C. Code Ann. § 28-2-10, *et seq.*, South Carolina Code of Laws (1976, amended), you are hereby notified as follows:

1. The South Carolina Department of Commerce, Division of Public Railways, the Condemnor, is a public body corporate and political subdivision of the State of South Carolina, and seeks to acquire the real property described herein in fee simple for public purposes.

2. Hibernian Heights, LLC is named as the Landowner in this action by virtue of its claim of title as shown by the following Deed recorded in the RMC Office for Charleston

County, South Carolina:

Deed dated April 18, 2006, and recorded April 25, 2006, in Book V580, Page 243.

Grantor – Charleston Neck Partners, LLC.

3. The Bank of South Carolina is named as an Other Condemnee in this action by virtue of their claim to that mortgage given by the Landowner recorded in the RMC Office for Charleston County, South Carolina:

Mortgage dated and recorded January 30, 2017, in Book 0613, Page 362, and rerecorded in Book 0617, Page 688.

4. Applied Building Sciences, Inc. is named as an Other Condemnee in this action by virtue of the Lease Agreement dated November 30, 2015 and ending November 30, 2018, between Hibernian Heights, LLC and Applied Building Sciences, Inc. Upon information and belief, Applied Building Sciences, Inc. continues to be a tenant as of the date of this Condemnation.

5. The following is a description of the real property subject to this action and a description of the interest sought to be acquired in and to the property by the Condemnor:

All that parcel or strip of land, in fee simple, containing 0.69 acre of land (ENTIRE PROPERTY), more or less, and all improvements thereon, if any, owned by Hibernian Heights, LLC, shown on a plat prepared by CDM Smith dated May 19, 2017, attached hereto and made a part hereof.

Tax Map Parcel Number 464-02-00-020

6. The South Carolina Department of Commerce, Division of Public Railways is vested with the power of eminent domain pursuant to Section 13-1-1330(5) and Section 28-2-60, South Carolina Code of Laws (1976, as amended).

7. The real property sought herein is to be acquired for public purposes, more particularly in conjunction with the construction and operation of the Navy Base Intermodal Facility and associated railway lines, in Charleston County, South Carolina.

8. This action is brought pursuant to S.C. Code Ann. § 28-2-240, South Carolina Code of Laws (1976, as amended).

9. The South Carolina Department of Commerce, Division of Public Railways, has complied with the requirements set forth in S.C. Code Ann. § 28-2-70(A), South Carolina Code of Laws (1976, as amended), by having the subject property interests appraised and making the appraisal available to the Landowner where required by law, and certifies to the Court that a negotiated resolution has been attempted prior to the commencement of this action.

10. Project plans are available for inspection at 2120 Noisette Blvd., Suite 105, North Charleston, South Carolina 29405.

11. THE CONDEMNOR HAS DETERMINED JUST COMPENSATION FOR THE PROPERTY AND RIGHTS TO BE ACQUIRED HEREUNDER TO BE THE SUM OF ONE MILLION ONE HUNDRED THIRTY THOUSAND AND NO/100 DOLLARS (\$1,130,000.00) AND HEREBY TENDERS PAYMENT THEREOF TO THE LANDOWNER.

12. Payment of this amount will be made to the Landowner if within thirty (30) days of service of this Condemnation Notice, the Landowner in writing requests payment, ~~and agrees to execute any instruments necessary to convey to the Condemnor the property~~ interests and rights described herein above. The Agreement and Request for Payment must be sent first class certified mail with return receipt requested or delivered in person to the Condemnor, care of Keith M. Babcock, Esquire, Post Office Box 11208, Columbia, South Carolina 29211. If no Agreement and Request for Payment is received by the Condemnor within the thirty (30) day period, the tender is considered rejected.

13. If the tender is rejected, the Condemnor has the right to file this Condemnation Notice with the Clerk of Court of the County where the property is situated and deposit the tender amount with the Clerk. The Condemnor shall give the Landowner notice that it has done so and may proceed to take possession of the property interests and exercise the rights described in this Condemnation Notice.

14. AN ACTION CHALLENGING THE CONDEMNOR'S RIGHT TO ACQUIRE THE PROPERTY AND RIGHTS DESCRIBED HEREIN MUST BE COMMENCED IN A SEPARATE PROCEEDING IN THE COURT OF COMMON PLEAS WITHIN THIRTY (30) DAYS OF THE SERVICE OF THIS CONDEMNATION NOTICE, OR THE LANDOWNER WILL BE CONSIDERED TO HAVE WAIVED THE CHALLENGE.

15. THE CONDEMNOR HAS ELECTED NOT TO UTILIZE THE APPRAISAL PANEL PROCEDURE. Therefore, if the tender herein is rejected, the Condemnor shall notify the Clerk of Court and shall demand a trial to determine the amount of just compensation to be paid. A copy of that notice must be served on the Landowner. That

notice shall state whether the Condemnor demands a trial by jury or by the Court without a jury. The Landowner has a right to demand a trial by jury. The case may not be called for trial before sixty (60) days after the service of that notice, but it may thereafter be given priority for trial over other civil cases. The Clerk of Court shall give the Landowner written notice by mail of the call of the case for trial.

16. THEREFORE, IF THE TENDER HEREIN IS REJECTED, THE LANDOWNER IS ADVISED TO OBTAIN LEGAL COUNSEL AT ONCE, IF NOT ALREADY OBTAINED.

17. In the event the Landowner accepts the amount tendered in this Amended Notice, the attached Agreement and Request for Payment form should be signed and returned to the undersigned attorney for the Condemnor within thirty (30) days of your receipt of this Amended Notice.

[Signature on Next Page]

Devin

Keith M. Babcock
Ariail E. King
Badge Humphries
David L. Paavola
LEWIS BABCOCK L.L.P.
1513 Hampton Street
Post Office Box 11208
Columbia, South Carolina 29211
(803) 771-8000

Karen Blair Manning
South Carolina Department of Commerce
Division of Public Railways
1201 Main Street, Suite 1600
Columbia, South Carolina 29201
(803) 737-1603

Derek F. Dean
SIMONS & DEAN
147 Wappoo Creek Drive, Suite 604
Charleston, South Carolina 29412
(843) 762-9132

ATTORNEYS FOR THE CONDEMNOR

May 29, 2018
Columbia, South Carolina

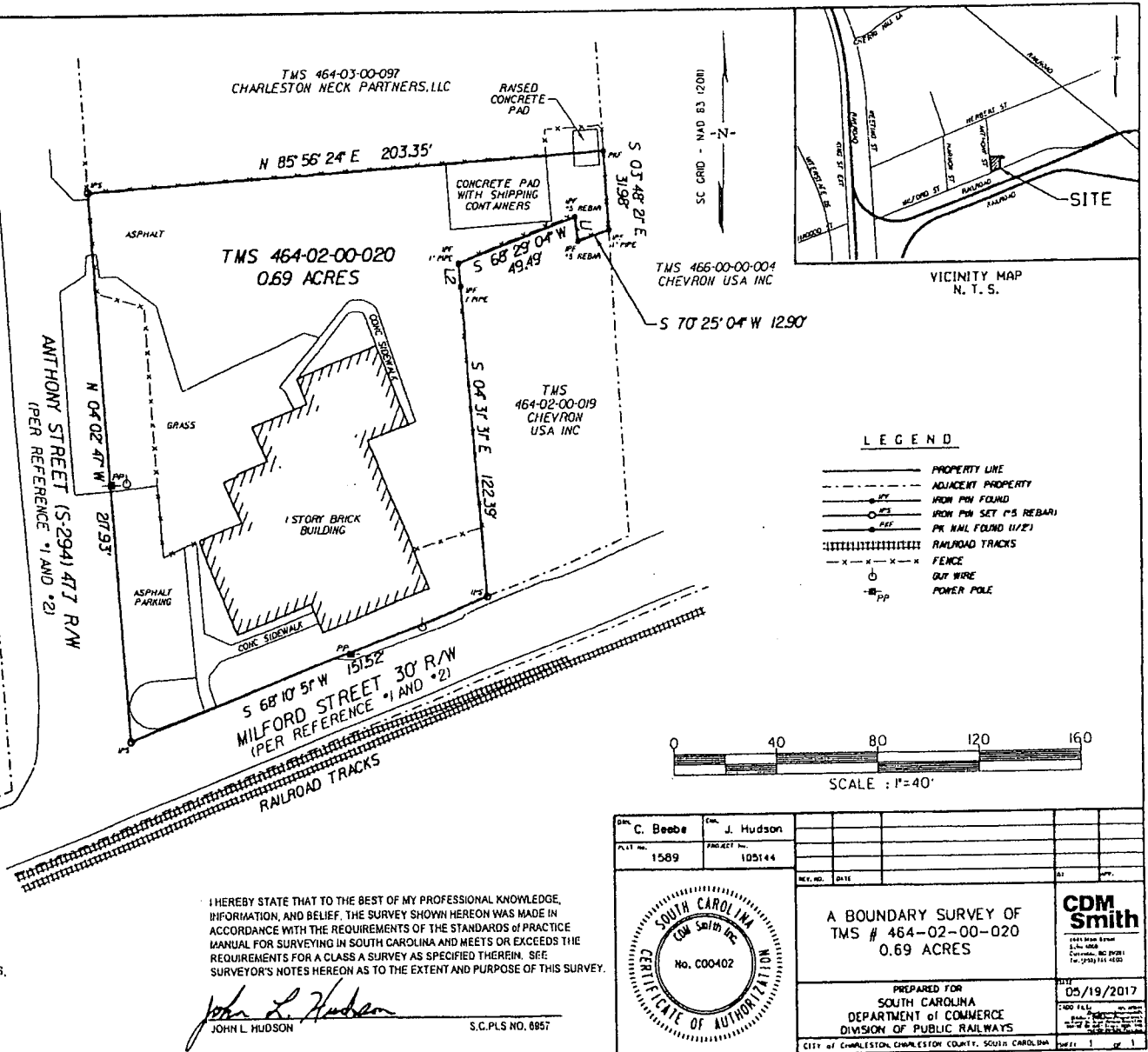
LINE	BEARING	DISTANCE
L1	N 07° 33' 27" W	10.00'
L2	S 05° 57' 23" E	9.03'

SURVEYOR'S NOTES:

1. THE PURPOSE OF THIS SURVEY IS TO SHOW THE PROPERTY BOUNDARIES OF TMS PARCEL 464-02-00-020 FOR USE AS A PROPERTY DESCRIPTION. THERE MAYBE OTHER IMPROVEMENTS SUCH AS BUILDINGS, FENCES, DRIVEWAYS AND OTHER FEATURES THAT WERE NOT SURVEYED NOR SHOWN HEREON. THERE MAY BE EASEMENTS OR OTHER MATTERS OF RECORD AFFECTING THE PROPERTY THAT ARE NOT SHOWN HEREON. UTILITIES THAT MAY EXIST ON THIS PARCEL WERE NOT LOCATED BY THIS SURVEY.
2. I HAVE CONSULTED THE FLOOD INSURANCE RATE MAP WITH COMMUNITY PANEL NUMBER 45019C0504J HAVING AN EFFECTIVE DATE OF NOVEMBER 17, 2004 AND FIND THE SUBJECT PROPERTY SHOWN HEREON AS BEING DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN.
3. THE SUBJECT PARCEL IS ZONED GENERAL BUSINESS PER THE CITY OF CHARLESTON INTERACTIVE ZONING MAP.

REFERENCES:

1. PLAT PREPARED BY E.M. SEABROOK ENGINEERS & SURVEYORS DATED MAY 16, 2011, TITLED "HIBERNIAN HEIGHTS CITY OF CHARLESTON CHARLESTON COUNTY, S.C. PLAT OF A SUBDIVISION OF EXISTING TRACT C CONTAINING 3.44 ACRES INTO TRACT NEW C CONTAINING 1.23 ACRES, TRACT E CONTAINING 0.55 ACRE TRACT F CONTAINING 0.41 AC. ACRES AND TRACT G CONTAINING 1.25 ACRES OWNED BY CHARLESTON NECK PARTNERS, LLC," RECORDED IN PLAT BOOK S11 PAGE 0201.
2. PLAT PREPARED BY E.M. SEABROOK ENGINEERS & SURVEYORS DATED SEPT. 14, 2005, TITLED "HIBERNIAN HEIGHTS CITY OF CHARLESTON CHARLESTON COUNTY, S.C. SUBDIVISION PLAT OF A 2.09 ACRE TRACT INTO A OWNED BY CHARLESTON NECK PARTNERS, LLC ABOUT TO BE CONVEYED TO MUSC AND A 0.69 ACRE TRACT B OWNED BY CHARLESTON NECK PARTNERS, LLC ABOUT TO BE CONVEYED TO HIBERNIAN HEIGHTS, LLC," RECORDED IN PLAT BOOK DF PAGE 045.



STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

) IN THE COURT OF COMMON PLEAS
) C/A NO. 2017-CP-10-3029
)

Project: Navy Base Intermodal Facility

Tract: 30S

South Carolina Department of Commerce,
Division of Public Railways,

Condemnor,

v.

Hibernian Heights, LLC,

Landowner,

and

Applied Building Sciences, Inc.,

Other Condemnee.

RELEASE

WHEREAS, the South Carolina Department of Commerce, Division of Public Railways ("Public Railways") properly served a Condemnation Notice and Tender of Payment in Civil Action No. 2017-CP-10-3029, filed June 13, 2017, on Landowner for a certain portion of property necessary for the construction and operation of the Navy Base Intermodal Facility and associated railway lines in Charleston County, South Carolina; and

WHEREAS, Condemnor and Landowner have agreed to a settlement in the total amount of One Million Seven Hundred Thousand Dollars and 00/100 (\$1,700,000.00) as just compensation for the property being acquired by Public Railways;

WHEREAS, the Condemnor deposited its offer of just compensation of One Million

One Hundred Thirty Thousand and 00/100 (\$1,130,000.00) with the Clerk of Court and the Landowner previously drew down 100% of this amount; and

WHEREAS, the Landowner will receive the balance of just compensation of Five Hundred Seventy Thousand Dollars and 00/100 (\$570,000.00) within thirty days;

NOW, THEREFORE,

KNOW ALL MEN BY THESE PRESENTS that, for and in consideration of the sum of One Million Seven Hundred Thousand Dollars and 00/100 (\$1,700,000.00), the Landowner and Other Condemnee for themselves, their heirs, administrators, executors, successors, and assigns, do hereby acknowledge the aforesaid sum as payment in full for the just compensation as a result of the aforesaid condemnation and acquisition by Public Railways, and do hereby release, acquit and forever discharge the State of South Carolina, its agencies, departments, institutions, boards and commissions, and officials, agents and/or employees thereof and/or successors thereto, and particularly Public Railways, from any and all claims, demands, damages, actions, causes of action, and suits at law or in equity, of whatsoever kind or nature, arisen, arising, or to arise from or because of any matter relating to the condemnation and acquisition of the property except for any relocation items, if any, not specifically addressed herein.

The Landowner and Other Condemnee understand and agree that the aforesaid compensation is being paid by Public Railways in full, final and complete settlement of the condemnation action captioned above and bearing Civil Action No. 2017-CP-10-3029, and that Public Railways is not otherwise obligated. All rights of Landowner and/or Other Condemnee to appeal or contest matters involving Relocation Assistance are preserved and

are not part of the settlement of this condemnation case.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 4TH day
of June, 2019.

Katherine Haupt
Witness

Hibernian Heights, LLC

Alan O. Campbell
By: Alan O. Campbell
Its: Sole Owner

Katherine Haupt
Witness

Applied Building Sciences, Inc.

Alan O. Campbell
By: Alan O. Campbell
Its: President



Henry McMaster
Governor

SOUTH CAROLINA
DEPARTMENT OF COMMERCE

Robert M. Hitt III
Secretary

July 23, 2019

VIA US MAIL

Gene M. Connell, Jr.
Kelaher, Connell & Connor, P.C.
Post Office Drawer 14547
Surfside Beach, SC 29587

Re: *South Carolina Department of Commerce, Division of Public Railways v. Hibernian Heights, LLC, et. al.*
C/A No. 2017-CP-10-3029

Dear Mr. Connell:

By letter dated June 12, 2019 and received on June 18, 2019, you made a timely appeal of the "Relocation Manager's determination of eligibility or of the amount of any relocation assistance payment" pursuant to our agency's relocation assistance procedures. For the reasons stated herein, I find that the Relocation Manager's determination was correct because the relocation and reestablishment assistance provided by Palmetto Railways to Applied Science and Engineering (fka Applied Building Sciences, Inc.) (hereinafter, "ABS") met the requirements of state and federal law and complied with applicable procedures. For these reasons, I deny your appeal of the Relocation Manager's determination.

APPLICABLE LAW & PROCEDURES

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (the "Act"), established for the first time authorization to compensate individuals and businesses displaced by the acquisition of private property for public purposes. 42 U.S.C. § 4601, et seq. The compensation for relocation authorized by the Act is in addition to compensation required constitutionally as "just compensation" for property acquired through eminent domain procedures. Specifically, the Act authorizes compensation in four (4) categories, which in pertinent part include:

- (1) actual reasonable expenses in moving . . . [a] business . . . ;
- (2) actual direct losses of tangible personal property as a result of moving or discontinuing a business . . . , but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the head of the [displacing] agency;
- (3) actual reasonable expenses in searching for a replacement business . . . ; and
- (4) actual reasonable expenses necessary to reestablish a displaced . . . small business at its new site, but not to exceed \$25,000

42 U.S.C. §4622(a).

7-26-19

Based on the federal authorization to provide relocation assistance, South Carolina law also provides that displaced businesses are entitled to relocation expenses to include reestablishment expenses but increases the authorized limit for reestablishment expenses up to \$50,000:

To the extent that Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646) makes certain requirements pertaining to the acquisition of real property by states prerequisites to federal aid to such states in . . . projects involving the acquisition of real property for public uses, state agencies . . . involved in these . . . projects may expend available public funds as provided by this section, whether or not the . . . project is federally aided.

(4) Reestablishment expenses related to the moving of a small business . . . payable for transportation projects pursuant to federal guidelines and regulations *may be paid in an amount up to fifty thousand dollars, notwithstanding the lower limitation imposed by federal regulations.*

S.C. Code § 28-11-30(4) (emphasis added). Accordingly, in South Carolina, displaced businesses are eligible for more compensation for business reestablishment than is provided for in federal law.

The procedures in our state applicable to public acquisitions of private property for transportation projects were developed by the South Carolina Department of Transportation (SCDOT) within the framework established by state and federal law. Unlike SCDOT, Palmetto Railways does not routinely undertake large public transportation projects. For that reason, Palmetto Railways' Relocation Assistance Procedures adopt (and incorporate by reference) the procedures set forth in the SCDOT Department of Right of Way Relocation Assistance Manual for implementation of its Navy Base Intermodal Facility (NBIF) project. *See* Relocation Assistance Procedures attached as *Exhibit 1*. The SCDOT Relocation Assistance Manual is available on the South Carolina Department of Transportation's website by using the following link: <https://www.scdot.org/business/pdf/rightofway/Relocation.pdf>. A copy of the Relocation Assistance Manual, in pertinent part, is also attached hereto as *Exhibit 2*.

The provision of business moving expenses as outlined in the SCDOT Relocation Assistance Manual, mirrors the federal guidelines and provides for the increased compensation for business reestablishment expenses authorized by S.C. Code Section 28-11-30(4). *See Exhibit 2* at p. XIII-14 (stating that an eligible displaced business is entitled to receive payments for moving and related expenses which include moving costs, losses of tangible personal property, search costs, and reestablishment expenses). Details concerning eligible expenses, including monetary limits -- \$50,000 for reestablishment expenses -- are set forth in the SCDOT manual. *See Exhibit 2* at pp. XIII-14-26.¹

FINDINGS OF FACT

After reviewing the May 1, 2019 report prepared by Oscar Rucker, Palmetto Railways' right-of-way acquisition consultant, and other information provided by Mr. Rucker with his report, all of which is attached hereto as *Exhibit 3*, I find as follows:

- (1) A Notice of Availability of Payments letter, dated January 17, 2017, was provided to Alan Campbell, owner of the property acquired by Palmetto Railways for just compensation pursuant to eminent domain procedures for a public rail project. *See Exhibit 3* at pp. 4-7. The notice met all legal and procedural requirements and outlined compensation for a displaced business in each of the four (4) required categories (i.e., moving expenses, direct losses of

¹Non-exclusive lists of eligible and ineligible reestablishment expenses are located on pp. XIII 25-26.

tangible personal property, search expenses (not to exceed \$2,500), and reestablishment expenses (not to exceed \$50,000)). The letter also notified Mr. Campbell of the right to request a review of the compensation amounts identified. *See Exhibit 3* at p. 6.

-
- (2) By or before May 4, 2017, Mr. Campbell notified Palmetto Railways' right-of-way agent that he had located a replacement property. After an on-site walk through of the replacement property on August 24, 2017, Mr. Campbell reviewed and approved a list of reestablishment expenses eligible for reimbursement in accordance with the Relocation Assistance Procedures. Mr. Campbell also requested, and Palmetto Railways approved, reimbursement of the reestablishment expenses in phases. *See Exhibit 3* at pp. 2, 8-9.
- (3) On or about October 3, 2017, Mr. Campbell requested reimbursement of expenses totaling approximately two-thirds of the allowable reestablishment expense amount. After confirmation that additional reimbursements could be made up to \$50,000, Mr. Campbell submitted supporting invoices for the expenditures, and Palmetto Railways reimbursed the claimed expenditures in the amount of \$34,393.94. *See Exhibit 3* at p. 2 and *Exhibit 4*.
- (4) On or about November 13, 2017, Mr. Campbell made a second request for reimbursement of reestablishment expenses. The claim was prepared, approved, and paid in the amount of \$15,601.06. The claim form noted that the "remaining amount . . . eligible for repayment for . . . re-establishment is \$0.00." Mr. Campbell raised no issues or concerns with the full payment by Palmetto Railways of the \$50,000 in reestablishment expenses he submitted for reimbursement. *See Exhibit 5* and *Exhibit 3* at p. 2.
- (5) In early 2019, Mr. Campbell raised additional relocation and/or reestablishment expenses that he believed should have been paid. On March 19, 2019, Mr. Rucker reviewed invoices for these additional expenses and determined that the expenses were not eligible for reimbursement because the \$50,000 cap on reestablishment expenses had been reached and/or the expenses were not eligible for repayment as set forth in the Relocation Assistance Manual. *See Exhibit 6*. While Mr. Rucker notes in his May 1, 2019 report that there is a \$7,154.16 eligible loss of tangible personal property expense related to moving two containers to the replacement site, Mr. Campbell had not submitted a claim for this expense, and the containers had not been moved as of the date of Mr. Rucker's report. *Exhibit 3* at p. 3.

FINAL DETERMINATION

As set forth above, Mr. Campbell received full and fair compensation to relocate and reestablish ABS at an alternate location after receiving just compensation for acquisition by Palmetto Railways pursuant to eminent domain procedures of the property required for the construction and implementation of the NBIF. My review confirms that (1) Mr. Campbell received adequate notice of his rights and obligations; (2) Mr. Campbell participated in reviewing and approving the expenditures to be reimbursed; and (3) the actions by Palmetto Railways' right-of-way consultant on its behalf met the requirements of state and federal law as well as applicable guidelines and procedures. I further find that, by the end of November 2017, Mr. Campbell made claims for and received the maximum amount of compensation available for reestablishment of ABS pursuant to state and federal guidelines; that he expressed no dissatisfaction with the compensation during the relevant time period; and that the subsequent claims for reimbursement exceeded the \$50,000 cap for reestablishment expenses and/or were ineligible for repayment.

If you wish to appeal this final determination, you may file an appeal with the Administrative Law Judge Division within thirty (30) days of receipt of same.

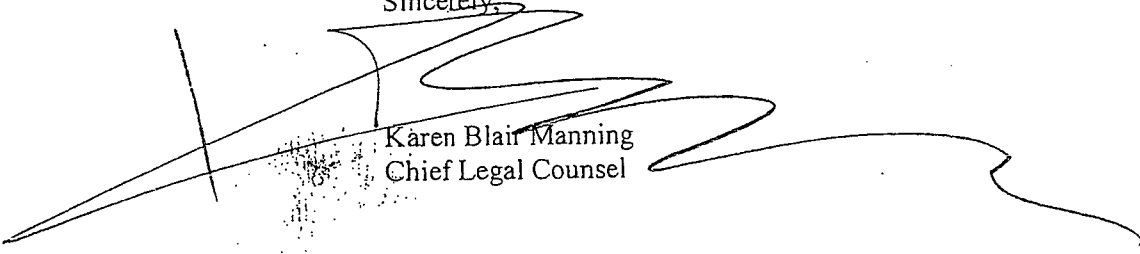
ADDITIONAL ISSUES

You have questioned whether the "Relocation Assistance Procedures Act"² applies to the relocation of ABS because you have been given no information that federal funding is involved in the NBIF-related condemnations or relocations. While Palmetto Railways has applied for and expects to receive a loan from the Federal Railroad Administration to fund construction and implementation of the NBIF, receipt of federal aid is not a prerequisite to the application of the state and federal statutes and procedures referenced in this letter to the relocation and reestablishment of ABS.

In your June 12, 2019 letter, you state that Palmetto Railways has no procedures in force and effect concerning relocation assistance and that you have never been provided same. In fact, your April 15, 2019 letter to me included a copy of the applicable Relocation Assistance Procedures, which incorporate by reference the SCDOT Relocation Assistance Manual. Additionally, on April 24, 2019, Keith Babcock, outside counsel to Palmetto Railways, provided you with an updated link to the online version of the SCDOT manual, which was and has been publicly available via SCDOT's website.

Finally, you raise legal arguments that are more appropriately addressed by the Administrative Law Judge and/or the circuit court, but I will respond briefly to the arguments raised. First, inverse condemnation does not apply to a scenario in which the property owner has been provided just compensation pursuant to eminent domain procedures; therefore, S.C. Code Section 28-11-30(3) is inapplicable. Second, as noted by Oscar Rucker in his May 1, 2019 report and reiterated herein, the reestablishment expenses provided in Section 28-11-30(4) are not constitutionally required and, instead, provide additional compensation above and beyond the "just compensation" required pursuant to eminent domain laws. Finally, *Oklahoma Dept. of Transportation v. Billy Little and Cherokee County Treasurer*, an Oklahoma case, is not controlling in South Carolina and is inconsistent with well-settled jurisprudence in our state.

Sincerely,


Karen Blair Manning
Chief Legal Counsel

KBM

Attachments

cc: Keith M. Babcock
Sheri Cooper

² I assume you are referring to Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and/or S.C. Code § 28-11-30(4).

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Bentley D. Price, Circuit Court Judge

RECEIVED

JUN 08 2021

Case No. 2019-CP-10-04387
Appellate Case No. 2021-000051

SC Court of Appeals

Applied Building Sciences, Inc. Appellant

vs.

South Carolina Department of Commerce, Division of Public Railways Respondent

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that this Record on Appeal contains all materials proposed
to be included by any of the parties and not any other material.

KELAHHER, CONNELL & CONNOR, P.A.



Gene M. Connell, Jr. (S.C. Bar No. 1358)
The Courtyard, Suite 209
1500 U. S. Highway 17 North
Post Office Drawer 14547
Surfside Beach, South Carolina 29587-4547
(843) 238-5648 (phone)
(843) 238-5050 (facsimile)
gconnell@classactlaw.net
Attorney for Appellant

May 18, 2021
Surfside Beach, South Carolina