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Mar 21 2022

SC Court of Appeals

**APPELLANTS
MOTION TO RECONSIDER**

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL MOTION FROM Craig Molloy and Island Group, Inc.
d/b/a Carolina Cleaning

Beaufort County Court of Common Pleas

Honorable Marvin H. Dukes III, Master in Equity

Lower Court Case No. 2016-CP-07-01825

Appellate Case No. 2018-002170

Steven Craig Molloy and Island Group, Inc.
d/b/a Carolina Cleaning

Plaintiff

Of which Steven Craig Molloy is the
for all of the shareholders

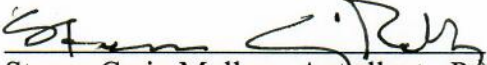
Appellant

v.

Beaufort County Government, Gary Kubic, Individually, and Beaufort County
Administrator; Josh Gruber, Individually and Former Beaufort County In-House
Attorney; Bryan Hill, Individually and Former Beaufort County Deputy
Administrator; Shannon Loper, Individually and Employee of Beaufort County
Parks and Leisure; Stu Rodman, Finance Chair of Beaufort County Council;
Dave Thomas, Procurement Director, Beaufort County, South Carolina
Beaufort County Disabilities and Special Needs; Beaufort County DSN Board

Respondents,

MARCH, 21, 2022


Steven Craig Molloy, Appellant - Pro se
43 Big Woods Dr. Hilton Head SC 29926
P: 843-368-73000 E: scmolloy@gmail.com

Respondents Counsel of Record:
John Fletcher, Dawes Cooke
Barnwell Whaley Attorneys
Po Box H Charleston, SC 29402
Beaufort County Attorney office
PO Box 1128 Beaufort SC 29901

APPELLANTS MOTION FOR RECONSIDERATION / RE-HEARING

INTRODUCTION

Appellant, Craig Molloy” for Island Group Inc. dba Carolina Cleaning and (for) its shareholders herein, submits to this honorable Court this Motion and Request to Rehear / Re-Consideration the Appeals Court Unpublished Opinion (No. 200-22-UP-095) filed on March 9, 2022. In the unpublished opinion the court states Molloy (Plaintiff) failed to exhaust the applicable remedies, the Plaintiff disagrees and submits the following to show Plaintiff did protest and the Defendants acknowledged said protest. The Plaintiff’s protest was received and Defendants, Procurement Director, Dave Thomas and County Administrator, Gary Kubic acknowledged the protest and granted meetings to discuss the protest and requested Plaintiff submit “other options” to re-work the aggrieved 2010 contract. In fact, several meetings took place with Procurement Director, Dave Thomas and County Administrator Gary Kubic and demonstrated in (exhibit ROA submitted on 1-6-2020 ; pg. 156 –158. ; letter to County Administrator, Gary Kubic) This letter references previous and ongoing protest meetings and specifically Beaufort County “not living up to their end of the contract”. Beaufort County Procurement Director, Dave Thomas asked Plaintiff (Molloy) to take his aggrieved contract issues to County Administrator, Kubic and as demonstrated, the Plaintiff was attempting to resolve

the contract violations to make the contract work between the parties.

Procurement Director, Thomas likely requested Plaintiff (Molloy) take his

Protest to Kubic as Thomas knew, he (Thomas) was in fact in the middle of

Further violations, as documents and emails discovered later clearly show.

(ROA exhibits – emails) Documents discovered later show, Thomas rigging

bids for DSN to win and his plans to further violate Plaintiff's 2010 contract by

removing additional work from Plaintiff's 2010 contract, which in fact happened.

During the time of this protest, the Plaintiff knew nothing

of Thomas' and the Counties later plans to rig and price fix bids and award bids

to an unqualified DSN, this was only discovered in 9/2015, a year prior to filing

suit and within the 2 year statute to file suit. (filed 8/ 2016)

Even a person of reasonable common knowledge and experience cannot see into

the future as to the Defendants plans and only the documents later received shown

light on the obvious scheme. In 9/2015 is when the Plaintiff become reasonably

aware he had a legal cause of action and he could not and did not develop a full

blown cause of recovery prior to this.

Soon after the protest and letters and meetings and during the protest time in 2014

the Defendants further Violated the Plaintiff's (2010) contract by giving

additional work from Plaintiff's 2010 contract to the new DSN program.

The Defendants (Beaufort County Procurement Director, Dave Thomas, County

Administrator, Kubic, County Facilities Director, Roseneau, County CFO, Holland) absolutely knew from previous protest emails, letters and in person meetings that the Plaintiff had protested, was aggrieved, thus the reason for the ongoing meeting to discuss remedies in the first place. The Defendants scheme included mis-leading the Plaintiff all along, included deceit, fraud and dragging the Plaintiff along as the documents and emails later discovered show.

(ROA exhibits - emails)

Only later did it become clear from exhibits that Procurement Director, Thomas and others used Anti-competitive and deceptive practices in contracting to remove work from Plaintiff's 2010 contract shown in the emails later received and between Defendants, including Procurement Director, Thomas and DSN Director, Mitzi Wagner and the others. (ROA Exhibits – emails)

In addition, the upper heading on Appeals Court Opinion (2022-UP-095 of March 9, 2022) stating “This Opinion has No Precedential Value, It Should Not be Cited or relied on in any Proceeding Except as Provided by Rule 268 (d)(2) SCACR.)

To interpret the Court has opined in this, that it is procedurally within the law for a County Government to disrupt an awarded contract to a qualified accredited company and can do so by taking over a Disabled program without authority and exploiting [DSN] disabled persons at pay rates less than minimum

wage of \$ 2-3.00 per hour for work on bids, and rig bids to a unqualified, unexperienced entity [DSN] to win, when the only known benefit is for the same County. An additional side note, as exhibits show [DSN] disabilities and special needs program did not meet a single qualification, requirement, had no experience or eligibility for any of the work on these (or any) public contracts (RFPs) nor any procurement for contracts and awards, and the County did all of this - in secret.

CONCLUSION

The exhibits provided show a long time fraudulent scheme by the Defendants from the beginning. The Defendants and their attorneys' have contradicted their own arguments as late as 7/2019 in televised Council meetings, while this is active, and still publicly challenged and questioned. Are their Attorneys' involved? The Defendants refused to show for depositions, the Master refused to compel after request and refused to move the matter and refused to recuse after it became known his first cousin was involved.

The Plaintiff requests Court reconsider the opinion and give this a closer look and points to the evidence and level of pre-planned deceit by the Defendants, and the Defendants only defense is to, make it "look like" the Plaintiff didn't protest, when he in fact did, the Defendants could not avoid, if deposed.

The Plaintiff prays this Court continue to seek truth through review of this opinion and;

- a.) award judgement to the Plaintiff for losses and amounts legally available through the Defendants negligence coverages.
- b.) assign to an unbiased / unrelated lower court
- c.) demand Depositions of the Defendants or
- d.) Request an in-person hearing, with Depositions, if possible.

Thank you for your consideration.

Respectfully submitted,

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

Steven Craig Molloy - Pro Se
43 Big Woods Dr.
Hilton Head SC 29926
scmolloy@gmail.com 843-368-7300

Carolina Cleaning

Email : admin@carolinacleaningcompany.com
CarolinaCleaningCompany.com
843-681-8461

8/5/2013

Mr Gary Kubic
Beaufort County

Gary,

I understand you and your staff are busy. However I have been trying to resolve the issues that continue with regards to the continued deductions from our work and the county not performing on their end of the contract.

I have put together some positive suggestions to our contract that warrant some serious consideration.

The following proposal will allow us to support your efforts to develop a DSN/Pals cleaning program while keeping a positive / good working relationship.

Please review and let me know your thoughts. I will contact you to meet the week of Aug. 5, 2013.

Regards,

Craig Molloy
Carolina Cleaning

156
15

This would leave Carolina Cleaning with the following buildings / charges :

SOUTH	
Day Porter So.	2,333.00
Hh airport	5,254.20
Admin So.	854.00
Hh library	2,190.00
Bluffton library	2,041.00
Myrtle park	2,678.00
Sheriff's ofc.	2,332.00

NORTH	
Day Porter No.	2,585.00
Admin no	4,122.00
Art horne	2,051.00
Beauf library	1,972.00
Court house	4,599.00
Dss	3,948.00
Pub. works no.	1,155.00
(P works - Baths)	No / Chg
Li airport	517.00

Total / mo.	38,631.00
10 % deduct -	- 3,863.10

Total / mo. \$ 34,767.90

2. Add the following to the above :

- Add a special services crew to perform Floor , tile , carpet services. (work that the DSN / Pals crew cannot perform and is not currently being done)	6,732.00 / mo.
- Add 10 % to the remaining buildings that we end up with	3,863.10
- Add 15 % to the Hilton Head airport for extensive extra / needed services for admin. security checks etc. that is not in the current requirements.	788.13
- Applicable sales / use tax for supplies in County facilities (estimated @ \$ 300.00 / month)	300.00
- a new 5 year contract or a 3 year extension	
Total added	11,683.23
Total all / month	46,451.13

Optional / Extra -

- 2 persons to help train , manage / consult with the DSN crews for their cleaning jobs. (5,812.00/mo.)

Σ N.233 2d
 Request of BC
 to Re-work
 my contract

Suggestion to revise our contract :

- this is after the latest 8/1/2013 deduct of 4,498.00 for the pals sites

Support the DSN / Pals cleaning program by :

1) Assign the DSN / Pals program the following buildings and deduct from our schedules and billings :

biv 1	487.00
Biv 2	487.00
Biv 3	637.00
Biv 4	336.00
Biv 5	336.00
Swat	360.00
Sheriff lab	360.00
Coronor	150.00
Facility maint.	154.00
Stormwater	336.00
Fuel manager	150.00
Grounds maint	154.00
Sheriff gym	75.00
Sherriff annex	336.00
Ems	336.00
Sheldon magistrate	150.00
Mosquito	336.00
Lobeco lib.	336.00
Baler	225.00
P works south	336.00
Total	<u>(6,077.00)</u>

(to deduct and give to BC in - house program)

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SC Court of Appeals

**FORM 7
PROOF OF SERVICE
(Motion to Reconsider)**

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

APPEAL FROM BEAUFORT COUNTY
Judge Marvin Dukes – Master In Equity

Lower Court Case No. 2016-CP070182

Appeal Case No. 2018-002170

Steven Craig Molloy and Island Group, Inc.
d/b/a Carolina Cleaning

Plaintiffs

Of which Steven Craig Molloy is the
(for all of the shareholders)

Appellant

V.

Beaufort County Government,
Gary Kubic, Individually, and as Beaufort County Administrator;
Josh Gruber, Individually and as former Beaufort County In-House Attorney;
Bryan Hill, Individually and as former Beaufort County Deputy Administrator;
Shannon Loper, Individually and as employee of the Beaufort County Parks and
Leisure; Stu Rodman, as Finance Chair of Beaufort County Council;
Dave Thomas, Procurement Director Beaufort County, SC.
Beaufort County Disabilities and Special Needs;
Beaufort County DSN Board

Respondents

PROOF OF SERVICE

I certify that I have served this Request to reconsider to the
Defendants and their Attorneys' by depositing a copy in the
US Mail on the date listed.

March 21, 2020



Steven Craig Molloy - pro se' appellant
43 Big Woods Dr. Hilton Head SC 29926
p. 843-368-7300 e. scmolloy@gmail.com

Attorney's for Respondents;

John P. Fletcher,
Barnwell Whaley Attorney's
PO Box H, Charleston, SC
29402
and Beaufort County
Attorneys'
PO Box 1128, Beaufort
County, SC. 29901