

STATE OF SOUTH CAROLINA)	BEFORE THE SOUTH CAROLINA
)	PROCUREMENT REVIEW PANEL
COUNTY OF RICHLAND)	
)	
)	ORDER
IN RE: Determination of Probable Cause)	Case No. 2011-5
To Suspend Smart Public Safety Software,)	
Inc., Robert Sorenson, Mark DeGrootte,)	
And TAC 10, Inc.)	
)	
Appeals of TAC 10, Inc., and Mark)	
DeGrootte)	

This matter is currently before the South Carolina Procurement Review Panel (the Panel) pursuant to TAC 10, Inc. (TAC 10), and Mark DeGrootte’s request for administrative review of the Chief Procurement Officer’s (the CPO’s) order of February 17, 2011, which suspended TAC 10 and Mr. DeGrootte. On March 30, 2011, the CPO moved that the appeal of TAC 10 and Mr. DeGrootte be dismissed for failure to prosecute and for failure to follow Panel procedure.

Factual Background

The CPO’s order suspended TAC 10 and Mark DeGrootte from consideration of contract award “until such time as an investigation into potential debarment is completed, a debarment hearing is held, and/or an order is issued either lifting this suspension order or concluding that debarment is warranted.” Through their attorney, David H. Mason, TAC 10 and Mr. DeGrootte appealed this suspension order to the Panel on February 28, 2011; this request for review was accompanied by documents which were not presented to the CPO in his hearing. Mr. Mason is not licensed to practice law South Carolina. On March 8, 2011, the Panel sent a copy of its procedural memorandum to Mr. Mason and notified him that to continue representing TAC 10 and Mr. DeGrootte he would need to be admitted *pro hac vice* by the South Carolina Supreme Court. By e-mail to the Panel’s attorney on March 9, 2011, Mr. Mason indicated that TAC 10 did not wish for the Panel to convene a hearing, but desired the Panel to consider its appeal

through its written submission. Mr. Mason also opined that he need not be admitted *pro hac vice* because he would not be appearing at a hearing on the matter. On March 10, 2011, the Panel's attorney responded by e-mail that the Panel could consider the request for review without a hearing and asked Mr. Mason if he would like to file additional briefs in support of his clients' request for review. The Panel's attorney did not specifically address the question of admission *pro hac vice* in this e-mail. Mr. Mason responded by letter dated March 15, 2011, and indicated his clients did not wish to file any additional briefs; this letter also offered several options to settle the underlying contractual dispute between TAC 10 and the South Carolina Department of Natural Resources. On March 30, 2011, the CPO filed a motion to dismiss the appeal for failure to prosecute and for failure to follow Panel procedure. On March 31, 2011, the Panel's attorney sent a letter to Mr. Mason requesting that his clients respond to the CPO's motion by April 27, 2011. The Panel's attorney also informed Mr. Mason that South Carolina precedent regarding the unauthorized practice of law required his admission *pro hac vice* regardless of whether the Panel convened a hearing. On April 4, 2011, Mr. Mason informed the Panel that he was withdrawing his representation of TAC 10 and Mr. DeGroot. The Panel has received no further communication from either TAC 10 or Mr. DeGroot since April 4, 2011.

Conclusions of Law

To appear before the Panel, incorporated businesses must be represented by an attorney admitted to practice law in South Carolina. See Panel Procedural Memorandum, "Representation" at 1; and *In re: Protest of Ondeo Nalco*, Panel Case 2002-7 (June 10, 2002) (dismissing an appeal when an incorporated business failed to retain licensed South Carolina counsel). As noted above, TAC 10's counsel was notified of this requirement and chose to withdraw his representation on April 4, 2011. Moreover, no South Carolina attorney has entered

an appearance on TAC 10's behalf since that date, even though the Panel had requested a response to the CPO's motion to dismiss by April 27, 2011. Therefore, the Panel dismisses TAC 10's appeal for failing to comply with Panel procedure.

As an individual, Mr. DeGroote could have chosen to proceed *pro se* before the Panel. See Panel Procedural Memorandum, "Representation" at 1. However, he elected to have Mr. Mason represent him, and Mr. Mason has since withdrawn that representation. Mr. DeGroote has not communicated that he wishes to proceed *pro se*, nor has he complied to the Panel's request that he respond by April 27, 2011, to the CPO's motion to dismiss. Therefore, the Panel also dismisses Mr. DeGroote's appeal for failing to comply with Panel procedure.

For the reasons stated above, the Panel grants the CPO's motion to dismiss the appeals of TAC 10 and Mr. DeGroote for failing to follow Panel procedure, thereby failing to prosecute their cases.

IT IS SO ORDERED.

SOUTH CAROLINA PROCUREMENT REVIEW PANEL

BY: 

C. BRIAN MCLANE, SR., CHAIRMAN

This 4th day of May, 2011.
Columbia, South Carolina