

**STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND**

In the Matter of:

Request for Debarment

Hiyan Lin and Carolina Construction

**BEFORE THE CHIEF PROCUREMENT OFFICER**

ORDER OF DISMISSAL

CASE NO. 2003-140

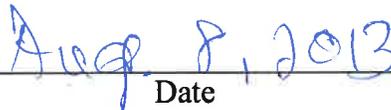
POSTING DATE: August 8, 2013

MAILING DATE: August 8, 2013

By consent order dated January 9, 2004, a copy of which is attached, Respondents agreed to a suspension, pursuant to S.C. Code Ann. §§ 11-35-310(34) and 11-35-4220 (2011), pending completion of this administrative review process. Ms. Lin recently requested the CPO lift the suspension. Inasmuch as Respondents have honored for over nine years their agreement to refrain from bidding on, or performing as a subcontractor or materialman on, any contract for any governmental body, I find the suspension should be ended and this matter dismissed.



R. Voight Shealy  
Chief Procurement Officer  
For Supplies and Services



Date

Columbia, S.C.

**STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW**  
*Protest Appeal Notice (Revised June 2013)*

The South Carolina Procurement Code, in Section 11-35-4210, subsection 6, states:

(6) Finality of Decision. A decision pursuant to subsection (4) is final and conclusive, unless fraudulent or unless a person adversely affected by the decision requests a further administrative review by the Procurement Review Panel pursuant to Section 11-35-4410(1) within ten days of posting of the decision in accordance with subsection (5). The request for review must be directed to the appropriate chief procurement officer, who shall forward the request to the panel or to the Procurement Review Panel, and must be in writing, setting forth the reasons for disagreement with the decision of the appropriate chief procurement officer. The person also may request a hearing before the Procurement Review Panel. The appropriate chief procurement officer and an affected governmental body shall have the opportunity to participate fully in a later review or appeal, administrative or judicial.

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Copies of the Panel's decisions and other additional information regarding the protest process is available on the internet at the following web site: <http://procurement.sc.gov>

**FILE BY CLOSE OF BUSINESS:** Appeals must be filed by 5:00 PM, the close of business. *Protest of Palmetto Unilect, LLC*, Case No. 2004-6 (dismissing as untimely an appeal emailed prior to 5:00 PM but not received until after 5:00 PM); *Appeal of Pee Dee Regional Transportation Services, et al.*, Case No. 2007-1 (dismissing as untimely an appeal faxed to the CPO at 6:59 PM).

**FILING FEE:** Pursuant to Proviso 108.1 of the 2013 General Appropriations Act, “[r]equests for administrative review before the South Carolina Procurement Review Panel shall be accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is authorized to charge the party requesting an administrative review under the South Carolina Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410...Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party desiring to file an appeal is unable to pay the filing fee because of financial hardship, the party shall submit a completed Request for Filing Fee Waiver form at the same time the request for review is filed. [The Request for Filing Fee Waiver form is attached to this Decision.] If the filing fee is not waived, the party must pay the filing fee within fifteen days of the date of receipt of the order denying waiver of the filing fee. Requests for administrative review will not be accepted unless accompanied by the filing fee or a completed Request for Filing Fee Waiver form at the time of filing.” PLEASE MAKE YOUR CHECK PAYABLE TO THE “SC PROCUREMENT REVIEW PANEL.”

**LEGAL REPRESENTATION:** In order to prosecute an appeal before the Panel, business entities organized and registered as corporations, limited liability companies, and limited partnerships must be represented by a lawyer. Failure to obtain counsel will result in dismissal of your appeal. *Protest of Lighting Services*, Case No. 2002-10 (Proc. Rev. Panel Nov. 6, 2002) and *Protest of The Kardon Corporation*, Case No. 2002-13 (Proc. Rev. Panel Jan. 31, 2003); and *Protest of PC&C Enterprises, LLC*, Case No. 2012-1 (Proc. Rev. Panel April 2, 2012). However, individuals and those operating as an individual doing business under a trade name may proceed without counsel, if desired.

**South Carolina Procurement Review Panel  
Request for Filing Fee Waiver  
1105 Pendleton Street, Suite 202, Columbia, SC 29201**

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\_\_\_\_\_  
Name of Requestor

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

\_\_\_\_\_  
Business Phone

- 
1. What is your/your company's monthly income? \_\_\_\_\_
  2. What are your/your company's monthly expenses? \_\_\_\_\_
  3. List any other circumstances which you think affect your/your company's ability to pay the filing fee:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To the best of my knowledge, the information above is true and accurate. I have made no attempt to misrepresent my/my company's financial condition. I hereby request that the filing fee for requesting administrative review be waived.

Sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public of South Carolina

\_\_\_\_\_  
Requestor/Appellant

My Commission expires: \_\_\_\_\_

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For official use only: \_\_\_\_\_ Fee Waived \_\_\_\_\_ Waiver Denied

\_\_\_\_\_  
Chairman or Vice Chairman, SC Procurement Review Panel

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_  
Columbia, South Carolina

**NOTE: If your filing fee request is denied, you will be expected to pay the filing fee within fifteen (15) days of the date of receipt of the order denying the waiver.**

**IN THE MATTER OF:** )  
Request for Debarment )  
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)  
)  
Hiyan Lin and Carolina Construction )  
\_\_\_\_\_ )

**ORDER OF THE CHIEF  
PROCUREMENT OFFICER**

CASE NUMBER: 2003-140

POSTING DATE

January 9, 2004

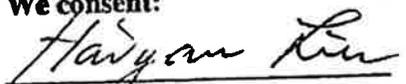
This matter was discussed in a hearing of another related matter before the Chief Procurement Officer for Goods and Services, R. Voight Shealy, on Wednesday, December 10, 2003, at 9:00am. In light of information presented by Ms. Lin's and Carolina Construction's counsel, it is hereby ordered that:

1. The hearing of this matter is hereby continued until Ms. Lin or her representative contacts the Chief Procurement Officer for Goods and Services with notification that her pending lawsuits (C.A. 2003-CP-10-4687 in the Charleston County Court of Common Pleas and C.A. 2003-CP-40-5531 in the Richland County Court of Common Pleas) have been fully resolved beyond the possibility of further appeal. Once that notification is received, the hearing may be reset by the Chief Procurement Officer.
2. From the date of this Order until the date of a new hearing, Ms. Lin, and Carolina Construction, and any business in which Ms. Lin has an ownership interest or management responsibility, are hereby suspended by consent, pursuant to Section 11-35-310(34) and Section 11-35-4220, pending completion of this administrative review process and shall refrain from bidding on, or performing as a subcontractor (of any tier) or materialman on, any contract for any governmental body (as defined in S.C. Code Ann. § 11-35-310) of the State of South Carolina.
3. The Chief Procurement Officer finds the terms of this Order to be in the best interests of the State.

  
R. Voight Shealy  
Chief Procurement Officer  
for Goods and Services

RECEIVED  
PROGRAM SUPPORT  
2004 JAN -9 PM 2:50

Columbia, South Carolina  
December \_\_\_\_, 2003

We consent:  
  
Hiyan Lin/Carolina Construction

Date: 1/09/04