STATE OF SOUTH CAROLINA	)	BEFORE THE SOUTH CAROLINA
	)	PROCUREMENT REVIEW PANEL
COUNTY OF RICHLAND	)	
IN RE:	)	
	)	
Appeal of (Unknown Person) Alias Jim Jones.	)	ORDER
	)	
Engineering / Computer Science Complex Construction Renovation State Project No. H24-9628-AC	)	Case No. 2007-5

This matter came before the Procurement Review Panel by appeal of an unknown individual or entity under the name of "Jim Jones". Subsequently, the Chief Procurement Officer for Construction, by and through his attorney, moved that the appeal be dismissed on the grounds that the appellant refused to identify himself to either the Chief Procurement Officer for Construction or this Panel. For the reasons set forth herein, the motion is granted and the appeal dismissed.

FINDINGS OF FACT

On June 20, 2007, the State posted a Notice of Intent to Negotiate a Professional Service contract with The Freelon Group/McMillan Smith (Freelon). On June 29, 2007, the CPOC received a protest of the State's intent to negotiate a contract with Freelon. The protest was made by a "Jim Jones". When the protestant, Mr. Jones, was subsequently asked to provide the name of the firm he represented, he stated its name was "ADW" and gave a Charleston address and telephone number.

Further inquiries revealed that the Charleston address and telephone numbers were for an answering service and that the names provided - "Jim Jones" and "ADW" - were fictitious. The protestant was contacted and asked to provide evidence that he or his

firm had the necessary standing to protest pursuant to *S.C.Code Ann.* § 11-35-4210(1)(b) (Supp. 2006). The protestant responded to the CPOC and stated that he did not want to provide his real name or the name of his firm for fear of retaliation. He then asked that a statement from his attorney be accepted confirming his ability to appeal. He was advised that such a statement would not be sufficient and that he would have to establish his identity with the CPOC. A further statement was received from his attorney representing that his anonymous client did have standing. The protestant was again advised that this representation was not acceptable but he thereafter continued to refuse to establish his true identity.

On July 25, 2007, the CPOC issued his decision that the anonymous protestant lacked standing pursuant to *S.C.Code Ann.* § 11-35-4210(1)(b) (Supp. 2006) and dismissed the protest. An appeal of the decision was filed. By motion of the CPOC dated September 6, 2007, a request was made that the appeal be dismissed for the failure of the appellant to identify himself or his organization.

CONCLUSIONS OF LAW

Litigants are always required to disclose their identities to the tribunal and absent permission, to disclose their identities to opposing parties and the public. *See, e.g.,* Rules 4(b) & 10(a), *South Carolina Rules of Civil Procedure* (titles of actions must contain the names of all parties). Any tribunal must know with whom it is dealing and be capable of determining who will be bound by its decision.

In this case, despite numerous requests and warnings, the appellant has refused to provide the CPOC or this Panel with any identifying information. As a result, the Panel is incapable of determining whether the protestant had standing to initiate the proceeding

pursuant to *S.C.Code Ann.* § 11-35-4210(1)(b) (Supp. 2006). The Panel simply cannot permit its jurisdiction to be utilized as a forum for those who refuse to even be identified to the adjudicating entity. To do so would not only prevent a decision from having a preclusive effect, but it would not permit the tribunal to retain effective control of its own proceedings.

ORDER

The appellant, having refused to be identified to the entity from which relief is sought is not entitled to any determination by this Panel. By refusing to disclose his identity to the Panel and establish his standing to initiate a protest under *S.C.Code Ann.* § 11-35-4210(1)(b) (Supp. 2006), the appellant has precluded any possible relief and this appeal should be and hereby is **DISMISSED**.

AND IT IS SO ORDERED.

SOUTH CAROLINA PROCUREMENT REVIEW
PANEL BY ITS VICE CHAIRMAN

J. Phillip Hodges, Jr.

This 18TH day of October, 2007