

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

Fiscal Year 2016-2017 Accountability Report

SUBMISSION FORM

AGENCY MISSION	The Department of Consumer Affairs' mission is to protect consumers from inequities in the marketplace through advocacy, mediation, enforcement and education.
-----------------------	--

AGENCY VISION	<p>To protect consumers while giving due regard to those businesses acting in a fair and honest manner. The Department will strive to be a CREDIT to our State by holding the following values as essential in our relationships and decision-making:</p> <p>C- competence R- respect E- equality D-dedication I- integrity T-timeliness</p>
----------------------	---

Please select yes or no if the agency has any major or minor (internal or external) recommendations that would allow the agency to operate more effectively and efficiently.


RESTRUCTURING RECOMMENDATIONS:	Yes	No
	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please identify your agency's preferred contacts for this year's accountability report.

	<i>Name</i>	<i>Phone</i>	<i>Email</i>
PRIMARY CONTACT:	Carri Grube Lybarker	803-734-4297	CLybarker@scconsumer.gov
SECONDARY CONTACT:	Juliana Harris	803-734-4296	JHarris@scconsumer.gov

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

I have reviewed and approved the enclosed FY 2016-2017 Accountability Report, which is complete and accurate to the extent of my knowledge.

AGENCY DIRECTOR (SIGN AND DATE):	 9.13.17
	(TYPE OR PRINT NAME): Carri Grube Lybarker

BOARD/CMSN. CHAIR (SIGN AND DATE):	 9-13-17
	(TYPE OR PRINT NAME): David Campbell, Chair, Commission on Consumer Affairs

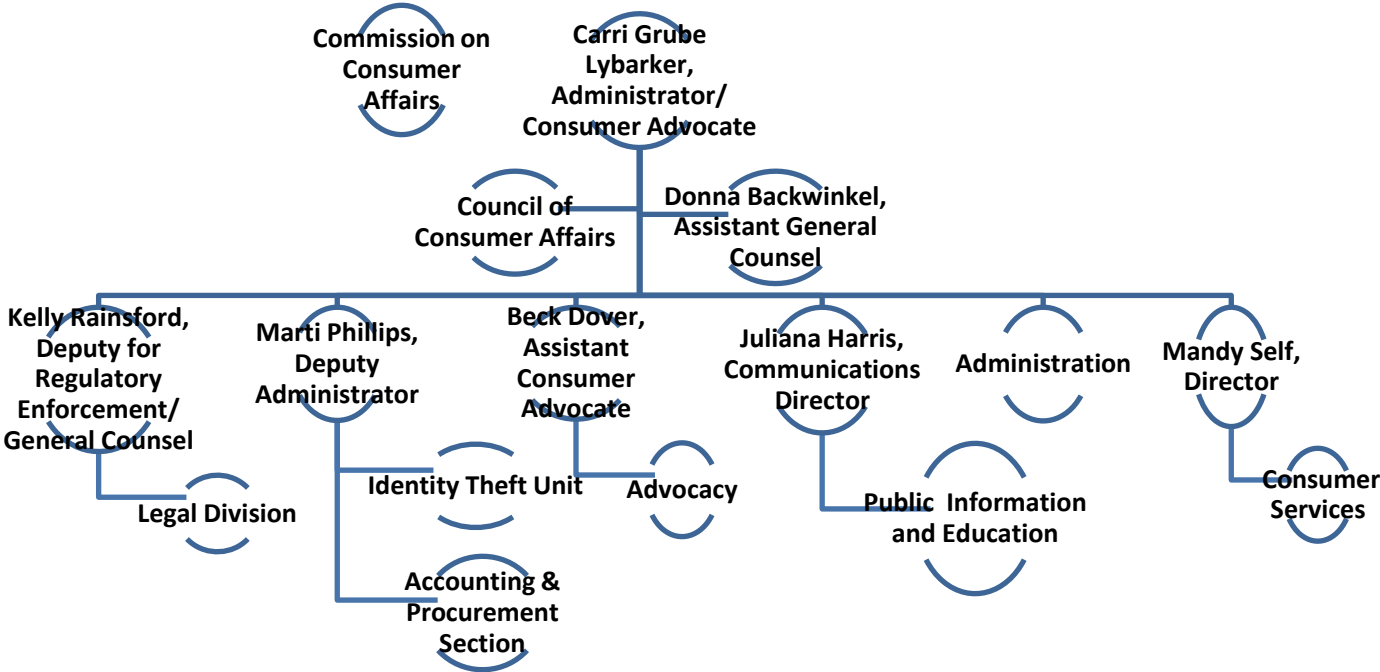
AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

AGENCY’S DISCUSSION AND ANALYSIS

I. DCA Background

The South Carolina Department of Consumer Affairs (“DCA”/ “Department”) is the state’s consumer protection agency. Established in 1974, DCA has over **forty years** of experience in protecting South Carolina consumers while recognizing those businesses that act honestly and fairly. The General Assembly has charged DCA with administering, interpreting and enforcing over sixty statutes, including the S.C. Consumer Protection Code. Our mission is to protect consumers from inequities in the marketplace through advocacy, mediation, enforcement and education.

The Department accomplishes its mission by: 1.) acting as an effective regulator, 2.) providing complaint mediation services that are unmatched at both state and federal levels, 3.) saving millions for both consumers and small businesses through insurance rate filing intervention, 4.) serving as an educational portal for consumers and businesses alike, and 5.) informing the public on effective ways of preventing and mitigating identity theft situations. Governed by the Commission on Consumer Affairs, DCA is organized into six divisions: Administration, Consumer Services, Consumer Advocacy, Public Information and Education, Legal Division and the Identity Theft Unit.



AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

The **Consumer Services Division** processes and mediates written consumer complaints, seeking to find equitable solutions for the consumer and the business, including refunds, adjustments and credits to consumer accounts. Staff takes consumer complaints against businesses regulated by DCA, refers complaints that fall within another agency’s jurisdiction, and mediates those complaints against businesses that are unregulated. The Division provides SC taxpayers with a readily available, experienced, and cost-effective mediation service.

The **Advocacy Division** provides legal representation for the consumer interest in matters involving property and casualty insurance and worker's compensation insurance. As the state agency designated to represent the insurance interests of consumers, the Advocacy Division aims to ensure that increases in homeowner's insurance and worker's compensation insurance rates are justified, working to avoid excessive, unwarranted rate increases. When needed, an action is filed and the Division submits evidence in hearings, demonstrating why the rate request is not justified. Intervention often results in adjudications or settlements that generate savings for consumers and businesses alike. The Division also reviews rules and regulations proposed by state and federal agencies pertaining to ratemaking, providing comments when appropriate.

The **Public Information and Education Division** serves as the main consumer education portal for consumers, business and the media. The Division informs consumers and businesses on their rights and responsibilities in the marketplace through traditional and alternative media distribution, including social media, presentations, television, radio, newspaper and publications. Education is a central part of DCA’s mission. Fostering knowledge in consumers and businesses prevents deceptive and unfair business practices and results in the promotion of fair competition and a healthier economy.

The **Legal Division** performs the agency’s licensing, administration and enforcement duties related to approximately fifty of the sixty statutes under the agency’s jurisdiction. The General Assembly has charged DCA with advising the Legislature and Governor on consumer issues and the state of credit in SC. The Division addresses complaints, conducts investigations, and brings enforcement actions in various courts for violations of the laws subject to action by the Administrator. The Legal division also processes regulatory applications and filings for fifteen industries, including mortgage brokers, pawnbrokers, physical fitness centers, motor clubs, credit counseling organizations, prepaid legal services, athlete agents, the sale of preneed funeral contracts, registered consumer credit grantor, maximum rate filing and motor vehicle disclosure programs.

The Department’s newest division, the **Identity Theft Unit** provides education and outreach to South Carolina consumers across the state to increase public awareness and knowledge about what identity theft is, the steps consumers can take to protect themselves, and what consumers should do in the event of identity theft. For consumers who are identity theft victims, the Unit provides ongoing guidance throughout the process of mitigating and resolving their particular identity theft situation(s). The Unit also handles administration and enforcement of state identity theft-related consumer protection laws, including receipt of security breach notices to ensure reporting and notification requirements are met.

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

All of DCA’s functions are supported by the agency’s **Administration Division**. All support and planning services critical to the operation of the agency are housed in Administration, including procurement, human resources, accounting and information technology. The Administrator position, appointed by the Commission on Consumer Affairs to administer Title 37 among other statutes and manage the day to day operations of the agency, is located in this Division.

DCA revised the agency’s goals for fiscal year 2016 in perspective of the SMART framework. These newly established goals remain unchanged for 2017; however, the Department revised corresponding strategies, objectives and measurements as our understanding of the SMART method has evolved. Most notably, we re-envisioned measurements to focus more on efficiency and outcome measures to form a more accurate reflection of DCA’s impact on its customers and deleted those which do not serve a meaningful purpose. As we continue to hone our understanding of the SMART method, we anticipate the report will continue to evolve and become an even more useful tool for the agency.

II. Challenges Affecting Performance

A. Employee Retention/ Knowledge Gaps

DCA is an agency with historically above par staff retention rates. However, due to hiring fluctuations over the years, several staffers became eligible for retirement in FY15 resulting in fifteen percent of agency staff retiring. A wealth of institutional knowledge exited the agency. In FY16, the challenge turned to retention of newly hired staff. During this time period, seven staff members who were with the agency for three years or less left DCA for higher paying jobs with other agencies or in the private sector. In FY17, an additional 9.8% of staff left the agency. Providing adequate compensation is an area DCA has struggled with for many years and what exit interviews show is a leading cause in our declining staff retention rate. With the 2016 Classification and Compensation Study as our guide, the Department secured monies for pay increases for the current fiscal year. While we hope the ability to more adequately pay staff will increase retention rates, the resulting vacancies, and time needed to fill the vacancies and train new staff can lead to underperformance. Further, the learning curve of newly hired staff can contribute to deficiencies as well.

B. Internal Restructuring Efforts

In FY15, the Department began an internal restructuring of regulatory programs placing the administration and enforcement responsibilities for all under the supervision of a single Deputy, as opposed to two. In FY16, DCA implemented Phase II of its restructuring plan and moved two complaint analysts from the Services Division to the Legal Division to ensure appropriate processing of complaints against businesses falling under DCA’s regulatory purview. As the Department’s new backend licensing database with online deployment capabilities is completed during FY18, Phase III will include a re-envisioning of job duties within the Legal Division to focus on compliance reviews.

FY17 is the first full fiscal year of the restructuring efforts implemented thus far. Similar to the hindrances felt by staff turnover, the restructuring created the need for new policies, procedures and

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

training. As each phase is implemented, Deputies and Directors assess performance factors and adjust practices as necessary.

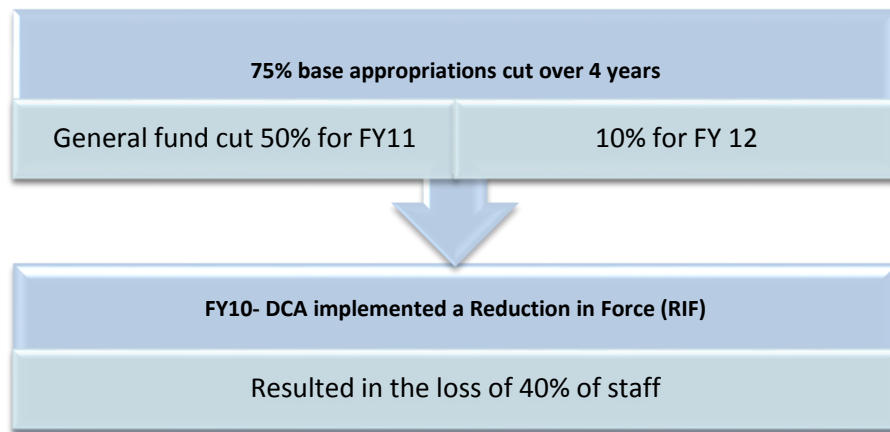
C. Public Awareness of DCA

DCA faces a continuing challenge of ensuring public awareness of the agency and its services/ role. Ensuring businesses are aware of the filings and legal requirements of the State can be a difficult task, especially as the core regulatory programs administered by the agency touch several different industry types. (ie: credit sales, consumer loans). General citizen knowledge can be limited as well as most consumers do not have the need to contact the agency on a recurring basis. Usually issues arise that are time sensitive and occur infrequently, such as purchasing a home or having a complaint against a business. Further, certain events, such as large security breaches and natural disasters, result in increased awareness of, and reliance on, DCA. These occurrences, however, are not predictable and can result in temporary inflation of communication/ engagement measures.

D. Budget

The financial condition of the industries regulated directly affects the number of filings received and processed, thus revenue collected. A decrease in this funding source and/or general fund budgetary restraints can result in decreased resources, including overall agency funding, human capital and technological

enhancements. Such a perfect storm of both funds being depleted occurred from FY09-12 with the Department receiving a \$1.6 million base appropriations cut and the industries regulated by the Department sharply declining.



These budgetary constraints contributed to the agency’s inability to hire needed staff, retain qualified personnel or appropriately compensate those whose job responsibilities had grown and who continued to provide superior service. After the implementation of a reduction in force in FY10, DCA went from 68 filled FTE positions to a low of 27 filled FTEs in 2011.

The Department has seen great improvement on budgetary fronts, however the impact of such devastating cuts results in the agency continuing on the path to stability.

III. Risk Assessment and Mitigation Strategies

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

If DCA was unable to accomplish its mission, the *potential most negative impact* on the public is an unregulated credit marketplace, hindering competition and resulting in consumers who are uneducated, unable to protect themselves from unscrupulous businesses and unable to obtain credit at reasonable costs. At this point, the Department is pleased with the results in view of the multi-year term for many projects in process. Should the need for assistance arise, the General Assembly could prevent a crisis through provision of appropriate funding for DCA operations, provide appropriate FTE allocation and access to technology resources.

IV. Restructuring Recommendations

As stated in section IIB above, the Department initiated an internal restructuring in FY15. The completion of the restructuring is dependent on the completion of the agency’s online licensing database. DCA anticipates all regulatory programs being live on the system within FY19.

V. FY17 Overview

The Department met the majority of its goals for FY17. Consumers continued to file complaints via our online Complaint System in line with agency goals. For the third year in a row, DCA realized stabilized revenue collections from administration and enforcement. Enforcement actions increased 24% and the Department negotiated the largest regulatory settlement in DCA history securing \$9.65 million in credits, refunds and adjustments and removal of negative items from South Carolina consumer credit reports. **Overall, the agency’s outcome of credits, refunds and adjustments for FY17 through efforts in complaint mediation, enforcement and intervention in insurance rate filings exceeded \$11 million.** This number is three times more than DCA’s total budget for FY18.

On the agency outreach front, DCA established Project Planning Criteria for these initiatives to better identify timelines, need, partnerships and distribution channels. As a result, FY17 highlights include two successful campaigns: (1) Ditch the Pitch Outreach- printed and distributed nearly 15,000 brochures through partnership with Lt. Governor’s Office on Aging (distributed 9,000 brochures through their meal delivery program), libraries, and banks; (2) Partnered with DEW to release business W-2 scam infographic and tips to avoid the scam to over 43,000 businesses.

The Department has also employed new technologies to increase efficiencies and lessen business burden over the past few years. A review of the agency website is ongoing, however in FY17 agency administrative interpretations were added and a complete review of the backend portion was completed resulting in numerous obsolete items being archived, thus improving the user search function. We also continue to evaluate the online complaint and licensing (CALAS) systems, respectively, to ensure all capabilities are leveraged and benefits realized. To this end, in February, the agency received approval for next phase of changes for the online Complaint System. We also contracted with SC.GOV to provide online payment processing for those wishing to utilize CALAS, allowing DCA to quickly process applications.

DCA also launched Project Vector as a part of its technology and information security initiatives. The project encompasses an internal review of data collected to ascertain the consistency in collection,

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

need and use of data collected by DCA in day to day operations and to aid other Divisions in vision fulfillment. We implemented Phase I of Project Vector to better utilize data within the agency to achieve goals and identify missing data points of need. The idea for the project stemmed from the agency’s Senate Legislative Oversight review.

With the influx of new staff and the internal restructuring, DCA has focused on staff training. In FY17, two staff members received Certified Information Privacy Professional accreditation, one graduated from the Certified Public Manager Program (now have 2 on staff), and one investigator became a Certified Mortgage Examiner. The agency also enrolled 2 staff members in Associate Public Manager Program.

As stated last year, several projects initiated are organized in phases, with completion not anticipated in a single fiscal year. During this process, DCA will continue to evaluate goals, objectives and measurements to ensure an accurate picture of agency performance of its statutory duties.

Agency Name: Department of Consumer Affairs

Fiscal Year 2016-2017
Accountability Report

Agency Code: Section:

Strategic Planning Template

Type	Goal	Item # Strat	Object	Associated Enterprise Objective	Description
G	1			Government and Citizens	EFFECTIVELY ADMINISTER & ENFORCE THE LAWS ASSIGNED TO THE DEPARTMENT TO PROTECT CONSUMERS FROM FRAUDULENT, UNFAIR AND DECEPTIVE PRACTICES.
S		1.1			Examine regulated industries to determine compliance with applicable laws and regulations, conduct investigations upon receiving probable cause and implement enforcement actions against violators.
O			1.1.1		<i>Bring necessary enforcement actions, working collaboratively with federal, state and local agencies where appropriate</i>
O			1.1.2		<i>Perform compliance reviews of at least 25% of regulated entities at the company level</i>
S		1.2			Receive and expeditiously resolve complaints of individuals pertaining to any consumer transaction arising out of the production, promotion or sale of consumer goods and services.
O			1.2.1		<i>Track and analyze complaints and resolutions obtained</i>
O			1.2.2		<i>Increase usage of online complaint system and decrease processing times</i>
O			1.2.3		<i>Obtain credits, refunds and adjustments for consumers equal to amount of general funds received</i>
S		1.3			Promote the interests of consumers before the Legislature, Governor and regulatory agencies
O			1.3.1		<i>Timely represent the consumer interest in certain ratemaking and rulemaking matters</i>

Agency Name: Department of Consumer Affairs

Fiscal Year 2016-2017
Accountability Report

Agency Code: Section:

Strategic Planning Template

Type	Goal	Item # Strat	Object	Associated Enterprise Objective	Description
O			1.3.2		Track pending legislation and testify before the Legislature on issues affecting consumers
O			1.3.3		Perform annual internal regulatory review and propose legislation to effectuate needed changes to laws under the Agency's jurisdiction.
G	2			Public Infrastructure and Economic Development	PROVIDE A QUALITY, STREAMLINED PROGRAM OF LICENSING AND REGISTRATION TO PROMOTE HIGH STANDARDS FOR REGULATED BUSINESSES AND ENSURE SOUTH CAROLINIANS ARE EFFECTIVELY AND EFFICIENTLY SERVED
S		2.1			Investigate and process applications for regulated entities
O			2.1.1		Increase availability and usage of online regulatory filing systems
O			2.1.2		Process business and employee license applications within an average time of 30 days of receipt of completed application
S		2.2			Interpret and explain statutes under the agency's jurisdiction in a fair manner, balancing the interests of consumers with those businesses acting honestly and fairly
O			2.2.1		Issue and update formal and informal interpretations and rules
G	3			Education, Training, and Human Development	EDUCATE CONSUMERS AND BUSINESSES ON THEIR RIGHTS AND RESPONSIBILITIES UNDER THE LAW
S		3.1			Engage in traditional educational efforts to decrease consumer risks and increase industry compliance

Agency Name: Department of Consumer Affairs

Agency Code: Section:

Type	Goal	Item # Strat	Object	Associated Enterprise Objective	Description
O			3.1.1		Increase overall presentations by 10%
O			3.1.2		Produce and distribute consumer and business educational materials, always including agency toll free number and website
O			3.1.3		Actively seek out media attention and cultivate relationships with media stakeholders
S		3.2			Increase public awareness through digital media and alternative cost-effective methods
O			3.2.1		Catalog and delete unnecessary items in the agency website document library, improving usability of the search function
O			3.2.2		Increase agency visibility through social media platforms
O			3.2.3		Increase overall website visits by 2.5% annually
G	4			Maintaining Safety, Integrity and Security	CONSTANTLY EVALUATE TECHNOLOGIES AND STRATEGIES AVAILABLE TO PROMOTE A CULTURE OF SECURITY, EFFICIENCY AND KNOWLEDGE BUILDING
S		4.1			Implement and update technology and related policies to assist staff in performing job functions
O			4.1.1		Work with DTO to ensure secure, updated computer systems and software are available
O			4.1.2		Complete implementation of Information Security policies and procedures

Agency Name: Department of Consumer Affairs

Agency Code: Section:

Type	Goal	Item # Strat	Object	Associated Enterprise Objective	Description
O			4.1.3		Complete development of new licensing system by December 31, 2019
O			4.1.4		Evaluate/propose changes as necessary for the online complaint system
S		4.2		Provide an environment that supports staff development, retention and agency mission fulfillment	
O			4.2.1		Complete 100% of InfoSec policy training annually
O			4.2.2		Conduct evaluation of data management strategies and implement recommendations for improvements
O			4.2.3		Retain 90% of staff while concurrently maintaining a 90% employee satisfaction rate

Agency Name: Department of Consumer Affairs

Fiscal Year 2016-2017
Accountability Report

Agency Code: R28 Section: 080

Performance Measurement Template

Item	Performance Measure	Last Value	Current Target Value	Current Value	Future Target Value	Time Applicable	Data Source and Availability	Calculation Method	Associated Objective(s)	Meaningful Use of Measure
1	Number of enforcement actions	188	N/A	183	N/A	July 1- June 30	Progress Reports & Attorney Logs, includes auto advertising letters		1.1.1	Gauges marketplace abuses, compliance, subsequently informing Agency education and legislative activity
2	Amount of consumer credits, refunds and adjustments from enforcement actions	\$238,817	N/A	\$9,893,963	N/A	July 1- June 30	Employee logs, updated as needed		1.2.1	Protecting consumers and providing cost-effective remedy to violations.
3	Perform compliance reviews of at least 25% of licensees by FY19	N/A	100%	50%	100%	July 2015-June 2019	Progress Reports, updated monthly	Investigator activities / number of licensees subject to enforcement activity	1.1.2	Ensuring compliance with laws and consumer protection.
4	Percentage of complaints closed	89%	100%	93%	100%	July 1- June 30	Complaint Database, updated daily	Number of closed complaints/ number of complaints filed	1.2.2	Determines how efficiently analysts are processing complaints.
5	Percentage of complaints closed unsatisfied	10.3%	<10%	11%	<10%	July 1- June 30	Complaint Database, updated daily		1.2.1	Determines how efficiently analysts are processing complaints.
6	Percentage of complaints filed online	58%	64%	64%	67%	Jan 1-June 30	SC.Gov system reports, updated daily		1.2.2	Providing accessible, convenient services to customers.
7	Average days to resolve a complaint	35	25	36	25	July 1- June 30	SC.Gov system reports, updated daily		1.2.2	Helps DCA improve efficiency in complaint mediation
8	Acquire credits, refunds and adjustments for consumers greater than or equal to general fund allocation for the Consumer Services Division	\$1,645,373	>\$336,444	\$400,806.31	>\$336,444	July 1- June 30	Progress Reports, updated monthly		1.2.3	Providing cost-effective complaint mediation services.
9	Percentage of insurance filings intervened in	6.30%	N/A	5.50%	N/A	July 1- June 30	Progress Reports, updated monthly		1.3.1	Ensuring consumer perspective is adequately represented.
10	Amount saved resulting from DCA insurance rate filing intervention	\$7,169,000	N/A	0	N/A	July 1- June 30	Progress Reports, updated monthly		1.3.1	Ensuring consumer perspective is adequately represented.
11	Achieved the desired outcome on legislation	100%	100%	100%	100%	2-year Legislative Session	Progress Reports, updated monthly		1.3.2	Ensuring consumer perspective is adequately represented.
12	Percentage of DCA proposed regulations that became law during two year legislative cycle	0%	100%	100%	100%	2-year Legislative Session	Progress Reports, updated monthly	number of proposed regulations / number of final regulations that became law during the session	1.3.2, 1.3.3	Ensuring laws are relevant and consumer perspective is adequately represented.
13	Percentage of comments provided to regulatory agencies by the deadline	100%	100%	100%	100%	July 1- June 30	Progress Reports		1.3.1	Ensuring consumer perspective is adequately represented.
14	Total percentage of online filings through CALAS	N/A	50%	N/A	65%	July 1- June 30	Licensing Database	Divide number of online filings by total number of paper and online filings.	2.1.1	Providing accessible, convenient services to customers.
15	Percentage of licenses issued within 30 days of receipt of complete application (95% by FY18)	N/A	95%	N/A	95%	By FY18	New licensing system, when fully implemented		2.1.1, 2.1.2	Providing efficient customer service while promoting fair marketplace.
16	Number of presentations requested	104	114	109	105	July 1- June 30	Progress report, includes webinars		3.1.1	Increasing public awareness of rights and responsibilities.
17	Attendees at consumer presentations	3,577	3,934	2,808	3,000	July 1- June 30	Progress report, includes webinar attendees		3.1.1	Increasing public awareness of rights and responsibilities.
18	Attendees at business presentations	N/A	500	1,128	500	July 1- June 31	Progress report, includes webinar attendees		3.1.1	Increasing public awareness of rights and responsibilities.
19	Number of educational publications created and released	4	5	11	5	July 1- June 30	Progress report, updated monthly		3.1.2	Increasing public awareness of rights and responsibilities.
20	Number of media requests received	65	50	79	60	July 1- June 30	Progress report, updated monthly		3.1.3	Increasing public awareness of rights and responsibilities.
21	Percentage of press releases picked up by media outlets	80%	75%	78%	75%	July 1- June 30	Progress report, updated monthly		3.1.3	Tells whether DCA press releases are compelling, relevant and in line with AP style guidelines

Item	Performance Measure	Last Value	Current Target Value	Current Value	Future Target Value	Time Applicable	Data Source and Availability	Calculation Method	Associated Objective(s)	Meaningful Use of Measure
22	Increase website visits by 2.5% annually	2.39%	2.50%	3.10%	2.50%	July 1- June 30	Progress reports, updated monthly		3.2.3	Gauges success of outreach containing web address and usefulness of DCA website
23	Percentage of retweets	129%	100%	62%	100%	July 1- June 30	Twitter reports, updated daily	Total number of retweets divided by total number of tweets sent out by SCDC.	3.2.2	Gauges whether DCA content is relevant and compelling
24	Annual InfoSec training	Complete	Complete	Complete	Complete	July 1- June 30	HR Reports, updated annually		4.2.3	Ensures DCA management is fostering adoption of InfoSec policies and procedures, creating a culture of cybersecurity
25	Employee satisfaction rate of at least 90%	93%	90%	92%	90%	July 1 - June 30	HR Reports, updated annually		4.2.3	
26	Employee turnover rate (percentage)	20%	<10%	9.80%	<10%	July 1- June 30	SCEIS reports, updated daily		4.2.3	Ensuring DCA provides desirable work environment.
27	Equal Opportunity Employment Rating	85.2%	70%	85.70%	70%	July 1- June 30	Human Affairs Commission reports, updated annually		4.2.3	Ensuring compliance with laws and DCA provides desirable work environment.
28	Percentage of InfoSec policies and procedures implemented	55%	100%	95%	100%	July 1- June 30	DCA Policies and Procedures		4.2.1	Ensures DCA staff treats customer information appropriately and in compliance with policies and procedures.
29	Percentage of CALAS operational	20%	100%	29%	86%	Completion by 12/31/2019	Thoughtspan, DCA Legal Division		4.1.3	Enables DCA to provide a more accurate and timely regulatory experience for licensees.
30	Get approval from E-Gov on proposed complaint system changes	Complete	Complete	Complete	N/A	July 1- June 30	E-gov		4.1.4	Ensures DCA is providing the most user friendly complaint submission process.
31	Complete Project Vector Phase 1	N/A	Complete	Complete	N/A	July 1 - June 30	Internal		4.2.2	Addresses areas for improvement in data and process management.

Agency Name:

Department of Consumer Affairs

Fiscal Year 2016-2017
Accountability Report

Agency Code:

R28

Section:

080

Program Template

Program/Title	Purpose	FY 2016-17 Expenditures (Actual)				FY 2017-18 Expenditures (Projected)				Associated Objective(s)
		General	Other	Federal	TOTAL	General	Other	Federal	TOTAL	
I. Administration	Administration - To provide budgeting and accounting, human resources, procurement and supply, training and computer services for the agency. To administer the registered consumer credit grantor, maximum rate filing and motor vehicle disclosure programs.	\$ 311,534	\$ 414,122		\$ 725,656	\$ 355,480	\$ 460,257		\$ 815,737	
II. Legal	Legal Division- Administer, interpret, enforce the S.C. Consumer Protection Code. License, register, and regulate mortgage brokers, pawnbrokers, physical fitness centers, motor clubs, credit counseling organizations, prepaid legal services, athlete agents, and the sale of preneed funeral contracts.	\$ 231,259	\$ 1,154,923		\$ 1,386,182	\$ 284,970	\$ 1,255,915		\$ 1,540,885	
III. Consumer Services	Consumer Services and Education - Receive and process consumer complaints filed against businesses and provide a voluntary mediation program to resolve the complaint. Educate consumers on current consumer issues to help them become savvy consumers.	\$ 83,079	\$ 311,940		\$ 395,019	\$ 94,868	\$ 333,494		\$ 428,362	
IV. Consumer Advocacy	Advocacy Division - To provide legal representation for the consumer interest in matters involving property and casualty insurance and worker's compensation insurance. The Advocacy Division also regulates Professional Employer Organizations and Continuing Care Retirement Communities.	\$ 212,285			\$ 212,285	\$ 220,349			\$ 220,349	
V. Public Information	Public Information - To inform South Carolina consumers of market prices that are illegal, deceptive or unfair, and inform them of their rights.	\$ 138,180			\$ 138,180	\$ 256,993	\$ 10,000		\$ 266,993	
VI. Identity Theft Unit	Identity Theft Unit - Provide education and outreach to consumers on how to deter, detect, and defend against identity theft. Assist consumers in mitigating instances of identity theft. Provide education to businesses and agencies on complying with state identity theft laws and otherwise enforces such statutes.	\$ 261,065			\$ 261,065	\$ 303,401			\$ 303,401	

Agency Name: Department of Consumer Affairs

Fiscal Year 2016-2017
Accountability Report

Agency Code: R28 Section: 080

Legal Standards Template

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who (customer) the agency must or may serve? (Y/N)	Does the law specify a deliverable (product or service) the agency must or may provide? (Y/N)
1	37-1-101 et seq.	State	Statute	Establishes the general purposes and definitions of the South Carolina Consumer Protection Code.	Yes	Yes
2	37-2-101 et seq.	State	Statute	Establishes regulation of consumer credit sales, home solicitation sales and rental-purchase agreements in this state.	Yes	Yes
3	37-2-307	State	Statute	Allows charging of closing fees for motor vehicle dealers.	Yes	Yes
4	37-2-308	State	Statute	Requirements for motor vehicle advertising.	Yes	Yes
5	37-2-309	State	Statute	Requirements for manufactured housing credit disclosures, material terms.	Yes	Yes
6	37-3-101 et seq.	State	Statute	Establishes regulation of consumer loans in this state.	Yes	Yes
7	37-3-308	State	Statute	Requirements for manufactured housing credit disclosures, material terms.	Yes	Yes
8	37-3-413	State	Statute	Limitations on short term motor vehicle secured loans.	Yes	Yes
9	37-4-101 et seq.	State	Statute	Establishes regulation of insurance sold in connection with a consumer credit transaction.	Yes	Yes
10	37-5-101 et seq.	State	Statute	Establishes basic remedies and penalties for Consumer Protection Code violations.	Yes	Yes
11	37-6-101 et seq.	State	Statute	Establishes the Department of Consumer Affairs its jurisdiction and enforcement mechanisms.	Yes	Yes
12	37-7-101 et seq.	State	Statute	Establishes regulation of Consumer Credit Counseling industry.	Yes	Yes
13	37-9-101 et seq.	State	Statute	Establishes the effective date and repealer of the Consumer Protection Code.	Yes	Yes
14	37-10-101 et seq.	State	Statute	Establishes miscellaneous loan provisions, including attorney and insurance preference.	Yes	Yes
15	37-11-10 et seq.	State	Statute	Establishes regulation of Continuing Care Retirement Communities.	Yes	Yes
16	37-13-10 et seq.	State	Statute	Establishes regulation of subleasing and loan assumption of motor vehicles.	Yes	Yes
17	37-15-10 et seq.	State	Statute	Establishes parameters for offering of prizes and gifts.	Yes	Yes
18	37-16-10 et seq.	State	Statute	Establishes regulation of Prepaid Legal Services.	Yes	Yes
19	37-17-10 et seq.	State	Statute	Establishes regulation of Discount Medical Plan Organizations.	Yes	Yes
20	37-20-110 et seq.	State	Statute	Establishes the Consumer Identity Theft Protection Act.	Yes	Yes
21	37-22-110 et seq.	State	Statute	Establishes regulation of mortgage lending industry.	Yes	Yes
22	37-23-10 et seq.	State	Statute	Establishes limitations on High Cost Home Loans.	Yes	Yes
23	37-25-10 et seq.	State	Statute	Establishes limitations on Dispensing of an Ophthalmic Contact Lens or Lenses.	Yes	Yes
24	37-30-100 et seq.	State	Statute	Provides Framework for offering and sale of guaranteed asset protection waiver.	Yes	Yes
25	16-17-445	State	Statute	Establishes limitations on Telephone Solicitations.	Yes	Yes
26	16-17-446	State	Statute	Establishes limitations on Telephone Calls Made with Automatically Dialed Announcing Devices.	Yes	Yes

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who (customer) the agency must or may serve? (Y/N)	Does the law specify a deliverable (product or service) the agency must or may provide? (Y/N)
27	32-7-10 et seq.	State	Statute	Establishes regulation of Premeed Funeral Contracts.	Yes	Yes
28	34-36-10 et seq.	State	Statute	Establishes limitations on Loan Brokers.	Yes	Yes
29	38-73-220 -38-73-260	State	Statute	Provides for Consumer Advocate review of certain insurance rate filings.	Yes	Yes
30	38-73-490	State	Statute	Provides for Consumer Advocate review of workers compensation insurance rate filings.	Yes	Yes
31	38-73-915	State	Statute	Permits Consumer Advocate to intervene in insurance proceedings.	Yes	Yes
32	34-41-100	State	Statute	Permits DCA to assist in enforcing check cashing services law.	Yes	Yes
33	39-61-10 et seq.	State	Statute	Establishes regulation of Motor Club Services.	Yes	Yes
34	40-39-10 et seq.	State	Statute	Establishes regulation of Pawnbrokers.	Yes	Yes
35	40-58-10 et seq.	State	Statute	Establishes regulation of Mortgage Brokers.	Yes	Yes
36	40-68-10 et seq.	State	Statute	Establishes regulation of Professional Employer Organizations.	Yes	Yes
37	44-79-10 et seq.	State	Statute	Establishes regulation of Physical Fitness Services.	Yes	Yes
38	56-28-10 et seq.	State	Statute	Establishes enforcement of Motor Vehicle Express Warranties.	Yes	Yes
39	58-12-360	State	Statute	Requires DCA's telephone number on cable bills, mediate cable complaints.	Yes	Yes
40	59-102-10 et seq.	State	Statute	Establishes regulation of Athlete Agents.	Yes	Yes
41	1-11-490	State	Statute	Establishes requirements pertaining to agency security breaches.	Yes	Yes
42	39-1-90	State	Statute	Establishes requirements pertaining to business security breaches.	Yes	Yes
43	12-36-210	State	Statute	Requires manufactured home dealers make energy efficiency records available to DCA.	Yes	Yes
44	29-4-30	State	Statute	Establishes regulation of reverse mortgages, giving DCA complaint intake and enforcement authority.	Yes	Yes
45	34-39-220	State	Statute	Gives Board of Financial Institutions authority to request enforcement assistance from DCA regarding deferred presentment services.	Yes	Yes
46	38-13-30	State	Statute	Permits the Department of Insurance to share exam/investigation findings with the consumer advocate.	Yes	Yes
47	38-55-530	State	Statute	Requires DCA to notify and cooperate with the Department of Insurance Fraud Division.	Yes	Yes
48	38-77-110	State	Statute	Requires DCA to notify and cooperate with the Department of Insurance Motor Vehicle Fraud Division and other authorized agencies.	Yes	Yes
49	40-59-210	State	Statute	Permits Residential Builders Commission to seek assistance from DCA in securing restraining order or injunctive relief in courts against violators.	Yes	Yes
50	44-7-180	State	Statute	Creates State Health Planning Committee, designating the Consumer Advocate as a member.	Yes	Yes

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Does this law specify who (customer) the agency must or may serve? (Y/N)	Does the law specify a deliverable (product or service) the agency must or may provide? (Y/N)
51	44-96-60	State	Statute	Creates Solid Waste Advisory Council, designating the Consumer Advocate as a member.	Yes	Yes
52	46-13-150	State	Statute	Creates Pesticide Advisory Committee, requiring DCA recommend two citizen members to the Governor for appointment.	Yes	Yes
53	47-4-150	State	Statute	Requires State Livestock-Poultry Health Commission to consult with DCA, among others, when establishing advisory committees.	Yes	Yes
54	Regs. 28	State	Regulation	Supplements DCA general provision and regulatory statutes.	Yes	Yes
55	Proviso 80.1	State	Proviso	Authorizes DCA to retain all funds paid in the settlement of cases involving statutes enforced by the department and to use the retained funds to offset enforcement costs.	Yes	Yes
56	Proviso 80.2	State	Proviso	Authorizes DCA to retain funds paid under Chapter 102, Title 59 (Uniform Athlete Agents Act) for enforcement of the chapter.	Yes	Yes
57	Proviso 80.3	State	Proviso	Authorizes DCA to carry forward unexpended funds appropriated for the expert witness/assistance program.	Yes	Yes
58	Proviso 80.4	State	Proviso	Authorizes DCA to retain funds collected under Chapters 2, 3 and 6 of Title 37 (Registered Credit Grantor Notification and Maximum Rate Filing) to cover operational costs and to carry forward such funds.	Yes	Yes
59	Proviso 80.5	State	Proviso	Authorizes DCA to retain funds collected under Chapter 61, Title 39 (Motor Clubs); Chapter 39, Title 40 (Pawnbrokers) and Chapter 79, Title 44 (Physical Fitness Facilities) for program implementation.	Yes	Yes
60	Proviso 117.110	State	Proviso	Pertains to state agency data breach notification requirements.	Yes	Yes
61	15 USC 1601 et seq.	Federal	Statute	Truth in Lending Act, establishes requirements for credit disclosures.	No	No
62	16 CFR 1026	Federal	Regulation	Regulation Z, implements requirements for Truth in Lending Act.	No	No
63	38-71-315	State	Statute	Requires notification of Consumer Advocate prior to certain insurance premium changes being made.	Yes	Yes
64	38-75-490	State	Statute	Requires DCA and DOI, among other, consult on coastal property rating system.	Yes	Yes

Agency Name: Department of Consumer Affairs

Agency Code: R28 Section: 80

Customer Template

Divisions or Major Programs	Description	Service/Product Provided to Customers	Customer Segments	<i>Specify only for the following Segments: (1) Industry; Name; (2) Professional Organization; Name; (3) Public; Demographics.</i>
All	Millions of South Carolina consumers and those who visit our state	Protection of the marketplace while giving due regard to those businesses acting fairly; representation of the consumer interest before the Legislature and Governor.	General Public	All South Carolinians
Legal	Law enforcement agencies	Partnership opportunities and availability of our expertise to assist in performance of their job functions.	Local Govts.	
Legal	Law enforcement agencies	Partnership opportunities and availability of our expertise to assist in performance of their job functions.	Executive Branch/State Agencies	
Advocacy	Ratepayers	Thorough review of insurance rate filings to ensure the marketplace is fair and balanced.	General Public	Consumers of insurance products
Legal	Regulated and indirectly regulated businesses	Prompt, efficient service and for the agency to utilize a fair and balanced approach in carrying out its legal functions.	Industry	Credit Grantors, Athlete Agents, Continuing Care Retirement Communities, Credit Counseling Discount Medical Plan Organizations, Mortgage Brokers, Motor Vehicle Dealers, Motor Clubs, Pawnbrokers, Physical Fitness Services, Preneed Funeral Providers, Prepaid Legal, Professional Employer Organizations
Public Information & Consumer Services & Education	Schools	Sharing knowledge of consumer rights and responsibilities to create savvy consumers.	School Districts	
Public information & Identity Theft Unit	Community groups	Sharing knowledge of consumer rights and responsibilities to create savvy consumers.	General Public	All South Carolinians
Legal & Administration/Consumer Advocate	The legal community	Provide consumer law guidance; act professionally in representing the consumer interest.	General Public	Lawyers litigating matters/ representing consumers related to laws under the Department's jurisdiction
Legal & Administration/Consumer Advocate	Judges	Provide consumer law guidance; act professionally in representing the consumer interest.	Judicial Branch	Judges litigating or hearing matters related to laws under the Department's jurisdiction
Public Information	The media	Prompt, efficient service; compelling content.	Industry	Newspapers, television stations, radio broadcasters, etc.
All	Other state and federal agencies	Partnership opportunities to leverage resources in the administration and enforcement of like laws; education partnerships; referral of complaints.	Executive Branch/State Agencies	
Legal, Public Information & Administration	National consumer groups	Data sharing to track national trends; educational partnership opportunities.	General Public	Consumer Federation of America, AARP, etc.
Legal & Administration/Consumer Advocate	Governor's Office	Constituent services; advise regarding legislation affecting the consumer interest.	Executive Branch/State Agencies	
Legal, Advocacy & Administration/Consumer Advocate	General Assembly	Constituent services; advise regarding legislation affecting the consumer interest.	Legislative Branch	
Legal, Advocacy & Administration/Consumer Advocate	US Congress	Professional, prompt constituent services.	General Public	All South Carolinians

Agency Name:

Department of Consumer Affairs

Fiscal Year 2016-2017

Accountability Report

Agency Code:

R28

Section:

080

Partner Template

Name of Partner Entity	Type of Partner Entity	Description of Partnership	Associated Objective(s)
Budget and Control Board/DOA	State Government	Provide training for agency accounting, procurement and human resources staff; assist in troubleshooting within these same areas.	4.2.1, 4.2.3, 4.3.1, 4.3.2
Board of Financial Institutions- Consumer Finance Division	State Government	Work together to ensure compliance with the Consumer Protection Code and other laws.	1.1.1,1.1.2, 1.2.1,2.2.1, 3.1.1-3.1.3
Administrative Law Court	State Government	Hear contested case hearings arising out of laws administered and enforced by DCA.	1.1.1, 1.1.2, 1.3.1
Division of Technology Operations	State Government	Provide network services, desktop support, server management, security services to DCA.	All
Law Enforcement (state & local)	Local Government	Assists in investigation of regulated businesses.	1.1.1-1.2.3, 3.1.1
SCDMV/DPS	State Government	Assists in investigation of regulated businesses	1.1.1-1.2.3, 3.1.1
SC Automobile Dealers Association	Professional Association	Receives reports of violations, disseminates industry specific information, education, legislative collaborations.	1.1.1-1.2.3, 3.1.1, 2.2.1, 1.3.3
Carolinans Independent Automobile Dealers Association	Professional Association	Receives reports of violations, disseminates industry specific information, education, legislative collaborations.	1.1.1-1.2.3, 3.1.1, 2.2.1, 1.3.3
SC.GOV	Private Business Organization	Maintains DCA's online Complaint Database, agency website.	1.2.1-3, 1.3.2, 2.2.1, 3.1.1-3
Department of Insurance	State Government	Providing notices and full filings of insurance companies.	1.1.1, 1.1.2, 1.3.1, 3.1.1
Actuarial Consultants	Non-Governmental Organization	Review insurance filings for DCA.	1.1.1, 1.1.2, 1.3.1
ThoughtSpan	Private Business Organization	Licensing database contractor.	1.1.1-3, 2.1.1-2, 4.1.1-3
Various industries regulated	Private Business Organization	Provide feedback on regulatory structure, joint educational partnerships/ outreach.	1.1.1-1.2.3, 3.1.1, 2.2.1, 1.3.3
AARP	Non-Governmental Organization	Provide joint educational partnerships/ outreach.	3.1.1-3, 3.2.1-2, 1.3.3
Other state agencies	State Government	Provide joint educational partnerships/ outreach; referrals of consumers and businesses to DCA.	All
Print & Media Outlets	Non-Governmental Organization	Fulfilling media requests/ disseminating information.	3.1.1-3, 3.2.1-2
American Conference of Uniform Consumer Credit Code States	Professional Association	Sharing of information amongst state regulators having similar consumer protection laws.	1.1.1-3, 1.2.1, 1.3.2, 1.3.3, 2.2.1, 4.2.2
National Association of Consumer Credit Administrators	Professional Association	State regulator association: provides trainings and information sharing.	1.1.1-3, 1.2.1, 1.3.2, 1.3.3, 2.2.1, 4.2.1, 4.2.2

Agency Name: Department of Consumer Affairs

Fiscal Year 2016-2017
Accountability Report

Agency Code: R28 Section: 080

Report Template

Item	Report Name	Name of Entity Requesting the Report	Type of Entity	Reporting Frequency	Submission Date (MM/DD/YYYY)	Summary of Information Requested in the Report	Method to Access the Report
1	Fines & Fees Report	Legislature	State	Annually	09/01/2016	Transparency in revenue	http://www.consumer.sc.gov/Pages/AgencyReports.aspx
2	Mortgage Log Report	Legislature	State	Annually	06/30/2016	Inform the public on mortgage transactions	http://www.consumer.sc.gov/Pages/AgencyReports.aspx
3	Accountability Report	Legislature	State	Annually	09/15/2016	Inform the public and Legislature on Agency operations over the past year.	http://www.consumer.sc.gov/Pages/AgencyReports.aspx
4	CAFR	Comptroller General	State	Annually	End of Fiscal Year	Closing Packages	www.cg.sc.gov
5	MBE Reports	SMBCC	State	Quarterly	Throughout FY17	Purchases relating to minority business utilization	Contact SMBCC at 803-734-5010
6	State of Credit Report	Governor & Legislature	State	Annually	01/01/2016	Data related to access to credit in South Carolina and DCA enforcement actions.	http://www.consumer.sc.gov/Pages/AgencyReports.aspx

Agency Name: Department of Consumer Affairs

Fiscal Year 2016-2017
Accountability Report

Agency Code: R28 **Section:** 080

External Review Template

Item	Name of Entity Conducted External Review	Type of Entity	External Review Timeline (MM/DD/YYYY to MM/DD/YYYY)	Method to Access the External Review Report
1	Senate Oversight	State	03/08/2017	http://www.scstatehouse.gov/CommitteeInfo/senatebanking.php
2	State Auditor	State	09/22/2016	http://osa.sc.gov/Reports/Pages/default.aspx
3	SLED	State	03/10/2017	Contact SLED at 803-896-7532