

MINUTES
COMMISSION ON CONSUMER AFFAIRS
February 13, 2024

The Commission on Consumer Affairs for the South Carolina Department of Consumer Affairs (Department) met at 1:00 p.m. The following were in attendance:

COMMISSION MEMBERS:

Mr. Fred Pennington	Acting Chair, Simpsonville, South Carolina
Mr. Jack Pressley	Columbia, South Carolina
Ms. Meredith Augustine	Secretary of State Designee, Columbia, South Carolina

MEMBERS EXCUSED:

Mr. David Campbell	Chair, Columbia, South Carolina
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MEMBERS UNEXCUSED:

Mr. James Lewis	Murrell's Inlet, South Carolina
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OTHERS IN ATTENDANCE:

Department Staff: Ms. Carri Lybarker, Mr. Roger Hall, Ms. Jennie Daniels, Ms. Kelly Rainsford, Ms. Mandy Self, Ms. Darlene Dinkins

Notice of the meeting, its time, date, and location has been provided to the following: The State, Post and Courier, WIS-TV, ABC Columbia, WSPA, WYFF, WCSC

I. CALL TO ORDER

Commissioner Pennington, Acting Chair called the meeting to order.

II. STATEMENT OF COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT

Commissioner Pennington, Acting Chair asked if the Department has complied with the FOIA requirements. Ms. Lybarker affirmed the Department had complied.

III. APPROVAL OF MINUTES

Commissioner Pennington, Acting Chair presented the January 9, 2024, Minutes for approval. Commissioner Pressley made the motion, and Ms. Augustine gave a second. The minutes were approved.

IV. COMMISSION POLICY ISSUES:

Commissioner Pennington, Acting Chair called on Ms. Lybarker to give an update on Department activity:

- Budget:
 - Staff presented the Budget to the House Subcommittee on January 18th. The committee asked about the HOAs and the 5-Year Report. The House will debate the Budget week of March 11. We will present to the Senate Finance subcommittee in early April.
- Legislation:
 - S910 - The Bill requires lenders to consider a consumer's ability to repay, limits renewals and marketing to/ targeting specific communities. Our concerns include use of undefined terms, and they did not make DCA or the Board of Financial Institutions an enforcer. The committee took testimony from consumer groups, industry folks and we testified as well.
 - H4700- dealing with kids and social media accounts. The committee deleted our office and added the Attorney General as the enforcer. The Bill crossed over to the Senate February 1st.

- H3424- requires a certification of age of those visiting pornography websites. Committee amendment moved the bill from Title 39 to the definitions section of Title 37. It made crossover to the Senate. We would like it removed from Title 37 as it is not a consumer protection issue as the Code defines and its placement in the Code unintentionally gives us authority over the subject matter.
- S700- earned wage access Bill. It crossed over and was assigned to House Labor Commerce and Industry Committee.
- H4957- Student Athlete Name, Image, and Likeness. It does not change DCA's role or the athlete agent registration program.
- We are anticipating an HOA Bill to deal with internal resolutions processes and a Utility Reform Bill. There has been an Energy Utilization Adhoc committee that has been meeting to discuss potential legislation.
- Gave an update on the House Legislative Oversight Committee. We submitted our responses to follow-up questions on January 29th. We received the draft report outline – it has 15 findings and 13 recommendations. Ms. Lybarker answered questions about the report. Our questions/comments on the draft are due by February 16th.
- Reported on the Investigator/Complaint/IDTU module project.
- Ms. Lybarker asked if there were additional questions.

V. PROGRESS REPORTS

A. ADMINISTRATIVE SERVICES

Commissioner Pennington, Acting Chair called on Ms. Daniels who shared the following:

- Reported revenue is steady and in the black, January receipts were almost \$47K over the previous year. For FY24 we are almost \$500K ahead of last year.
- Gave an update for remaining funds for general and other funds.
- Reported the high-renewal season will end on January 31st and the revenue will level out.
- Ms. Daniels asked if there were any questions.

B. ADVOCACY

Commissioner Pennington, Acting Chair called on Mr. Hall who shared the following:

- Reported on Rulemaking, (6) have been reviewed FYTD:
 - Submitted comments on the FCC rule to prohibit cable operators from imposing early termination fees.
 - We have submitted comments on 3 notices.
- Reported on Ratemaking:
 - Public Service Commission (PSC): we are continuing our work on the Bond Advisory Team for Duke.
 - Gave an update on cases at the PSC. Duke Energy filed for a 15.5% increase. Dominion has filed a letter of intent.
- Reported on review of (45) insurance filings with (2) in DCA's jurisdiction. Reviews are taking an average of (23.8) days.
- Mr. Hall asked if there were any questions.

C. CONSUMER SERVICES

Commissioner Pennington, Acting Chair called on Ms. Self who shared the following:

- Gave an overview of complaints received and how they were assigned by Division.
- Gave an overview of online filings.

- Gave an overview of refunds, credits, and adjustments.
- Gave a report on the top (3) categories for complaints and explained referred complaints.
- Reported on the complaints closed as unsatisfied, abandoned, and undetermined.
- Ms. Self asked if there were any questions.

D. IDTU

Commissioner Pennington, Acting Chair called on Ms. Self who shared the following:

- Gave an overview of (24) complaints assigned and included the number of days to close and closing designation. Unsatisfied was high for the month.
- Received (73) scam reports for the month.
- Received (28) ID theft reports for the month.
- Reported on scam and ID theft top categories.
- Reported the Sentinel mailing/emailing has resumed. We pulled data on (1,087) SC consumers. She mentioned she has a fully staffed Division as of today.
- Gave an overview of the Executive Summary from the 5-Year HOA Complaint Report.
- Ms. Self and Ms. Lybarker answered questions about HOA issues, noting communication is one of the greatest needs.

E. ENFORCEMENT

Commissioner Pennington, Acting Chair called on Ms. Rainsford who shared the following:

- Gave an overview of complaints:
 - Reported on the number received and the closing designations. We noted the staff closed (159) this month.
- Reported on fines, refunds, and adjustments. FY24 has passed the amount received over the last (3) years at \$551K.
- Reported updates on litigation:
 - Issued (2) orders, one under the new Closing Fee Statute and the other for failure to provide documentation to validate the fee applied for under the old statute.
 - Updated ongoing litigation as delineated in the Progress Report.
- Reported on Security Breaches received and the number of residents.
- Licensing:
 - Addressed fines related to licensees.
 - Gave a report on the high-level renewal season, noting 50% of the application are received between November and January.
 - Noted the number of days to process and approve filings in under (30) days is 96.8%.
- Updated Investigator activity:
 - We are at 14.6% of licensees reviewed and on track for meeting the 25% goal for the year.
- Ms. Rainsford asked if there were any questions.

G. PUBLIC INFORMATION

Commissioner Pennington, Acting Chair called on Ms. Lybarker who shared the following:

- Reported on (1) press release, and (38) media mentions.
- Reported on (5) presentations for consumers.
- Reported social media staffer came for (2) days and left. The new staffer will start in March.
- Gave an overview of number one posts on social media and the web page.
- Reported on webinars loaded onto YouTube, saw a 50% increase in YouTube views for the month. We had (1,600) views with (120) hours watched.
- Ms. Lybarker asked if there were any questions.

VI. DATE OF NEXT MEETING.

Commissioner Pennington, Acting Chair reminded everyone the next meeting date is March 12, 2024.

VII. ADJOURNMENT

Commissioner Pennington, Acting Chair adjourned the meeting at 2:18 p.m.