

**MINUTES**  
**COMMISSION ON CONSUMER AFFAIRS**  
January 9, 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. David Campbell*	Chair, Columbia, South Carolina
Mr. Fred Pennington*	Vice Chair, Simpsonville, South Carolina
Mr. Jack Pressley*	Columbia, South Carolina
Mr. Mark Hammond	Secretary of State, Columbia, South Carolina
Mr. James Lewis*	Murrell's Inlet, South Carolina

\*Via Teams Due to Weather Advisory

**MEMBERS EXCUSED:**

**MEMBERS UNEXCUSED:**

**OTHERS IN ATTENDANCE:**

Department Staff: Ms. Carri Lybarker, Mr. Roger Hall, Ms. Jennie Daniels, Ms. Kelly Rainsford, Mr. Scott Cooke, 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 Campbell, Chair called the meeting to order.

**II. STATEMENT OF COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT**

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

**III. APPROVAL OF MINUTES**

Commissioner Campbell, Chair presented the December 12, 2023, Minutes for approval. Commissioner Pressley made the motion, and Commissioner Hammond gave a second. The minutes were approved.

**IV. COMMISSION POLICY ISSUES:**

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

- Budget:
  - The Governor released his budget on January 5<sup>th</sup>. He included (2) of DCA's (4) requests:
    - Salaries for targeted increases for specific personnel.
    - Increased funds to pay the COLA increases for "other fund" funded staff.
  - We will meet this afternoon with our House Budget subcommittee, we will make our presentation on January 18<sup>th</sup>. The House will start with a zero balance.
- Legislation: January 9<sup>th</sup> is the first day of the legislative session. We will be following:
  - Adhoc Committee on Artificial Intelligence. We have heard it will be a permanent committee, so there may be Bills that will be introduced.
  - H4700- dealing with minor and social media accounts. It has administration and enforcement with our office. This is likely taken from other states where the AG is the enforcer. It requires consent from a guardian before having an account, it also limits time to use the account.

- H4696 - technology transparency. Currently drafted to be in Title 37. Deals with privacy specifically how businesses collect and sell personal data.
- S434 - applies to service and contracts and negative options (auto renewal if you do not opt out). The FTC has a proposed regulation to address concerns. Rocket Mortgage reached out about potential legislation addressing remote work. The law now requires the broker to be within a 50-mile radius of the branch.
- Gave an update on the House Legislative Oversight Committee. Received additional questions from the Committee as they prepare the draft report. Ms. Lybarker shared the questions from the HLOC committee. The members discussed the questions.
- Ms. Lybarker asked if there were any questions.

## **V. PROGRESS REPORTS**

### **A. ADMINISTRATIVE SERVICES**

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

- Reported revenue is steady and in the black, Q2 monies were \$995,836.
- Reported on online licensing and payments.
- Gave an update for remaining funds for general and other funds.
- Noted the Minority Business Expenses are at 33% for FYTD.
- Ms. Daniels asked if there were any questions.

### **B. ADVOCACY**

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

- Reported on Rulemaking, (5) have been reviewed FYTD:
  - After review, we will not comment on CFPB rule to implement personal financial data rights or the FTC SIMS card authentication and protection.
  - We will draft comments on the FTC regulation on Unfair and Deceptive Fees.
- Reported on Ratemaking:
  - PSC regulations are pending legislative review.
  - Gave an update on cases at the PSC: Duke Electric Vehicle Charging; DESC Natural Gas; Duke Storm Cost Securitization; Blue Granite.
  - Noted two new cases: Duke Energy Carolina is looking for a 15% revenue increase. Duke also proposed a Tariff on Bill Pilot program for financing energy efficiency upgrades.
- Reported on review of (22) insurance filings with (3) in DCA's jurisdiction. Reviews are taking an average of (25) days.
- Mr. Hall asked if there were any questions.

### **C. CONSUMER SERVICES**

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

- Gave an overview of complaints, noting the number received was (412) for December, (1,309) in FY24 Q2 and (1,211) in FY23 Q2. We ended the calendar year with (5,757) which was (1,236) more than the prior calendar year, a 27% increase. We saw 83.7% filed online.
- Gave an overview of refunds, credits, and adjustments.
- Gave a report on the top categories for complaints, with specific details and reported on the number of days to close for Services at (34), we have a new analyst who is training with the complaint supervisor.
- Reported Services was assigned (281) complaints and closed (316) in December.
- Reported on the complaints closed as unsatisfied was at 24.5% for the month. We are now reviewing these complaints on a weekly basis. We review to see if additional work could be done. We still see a high number of abandoned complaints each month. We closed (14) undetermined complaints for December and (33) with no business response.

- Ms. Self asked if there were any questions.

#### **D. IDTU**

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

- Gave an overview of (21) complaints assigned and included the number of days to close and closing designation. Unsatisfied was high for the month at 70%. The high number is contributed to (13) complaints closed without a business response. Of those closed with non-business response 10 were for the same business.
- Received (53) scam reports for the month and (175) for Q2.
- Received (24) ID theft reports for the month and (74) for Q2.
- Reported on scam and ID theft top categories.
- Reported for calendar year 2023 we received (963) scams reports, with actual losses of over \$5.9 million and (346) ID Theft with actual of just around a million dollars lost.
- Ms. Self asked if there were any questions.

#### **E. ENFORCEMENT**

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

- Gave an overview of complaints:
  - Reported on the number received and the closing designations, noting the majority of unsatisfied for Q2 were red flag related. Without those we are at 6.3% which is below the 10% target. We are training a third complaint analyst.
- Reported updates on litigation:
  - We filed to resume discovery on the Cash Central Case. We are waiting on the Court.
  - Portfolio Recovery and Campney have filed with the Supreme Court related to whether the Court should review a Court of Appeals decision. The only decision we have seen was on December 12<sup>th</sup>, the Supreme Court issued a denial for ACA International on its request to submit an Amicus brief. They are the trade association for debt collectors and buyers.
  - Provided an update on SCATDA v. SCDCA.
  - The (3) Mortgage Log Penalty cases pending – we had the first hearing and are awaiting the Court's ruling. The other (2) are waiting for Court dates.
- Reported on Security Breaches:
  - (13) received in December, we received as many in Q2 as we received in FY23. Of those (6) health, (5) financial, (1) education, and (1) other. We saw a high number of affected residents.
- Reported on fines, refunds, and adjustments. We have seen an increase in fines for FY24. Mortgage Log fines and PEO's have added to the amount.
- Licensing:
  - Noted the number of days to process and approve in under (30) days is 97.1%.
  - Filed and paid online is lower than the previous year.
  - Noted staff is still down one licensing examiner.
- Updated Investigator activity:
  - Noted they visited 84.8% of the counties for FY24.
  - We are at 12.4% 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 Campbell, Chair called on Mr. Cooke who shared the following:

- Reported on (2) press releases and (38) media mentions.
- Reported on (7) presentations. Of those (4) consumer, (3) business. We had (105) consumers and (145) business attendees in December.

- Reported on social media reach and engagement for the month: Facebook, Twitter, Nextdoor and the web site.
- Mr. Cooke asked if there were any questions.

**VI. DATE OF NEXT MEETING.**

Commissioner Campbell, Chair reminded everyone the next meeting date is February 13, 2024.

**VII. ADJOURNMENT**

Commissioner Campbell, Chair adjourned the meeting at 2:06 p.m.