



The State of South Carolina
 Department of Consumer Affairs

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 COLUMBIA, SC 29250-5757

Carri Grube Lybarker
 Administrator

Celebrating Over 35 Years of Public Service

October 1, 2013

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Via Electronic Mail and Hand Delivery

Office of State Budget
 Attn: Karen Rhinehart
 1205 Pendelton Street, Suite 529
 Columbia, SC 29201

RE: FY 2014-2015 Budget Plan

Dear Ms. Rhinehart:

Please find enclosed six (6) copies of the South Carolina Department of Consumer Affairs (DCA) Budget Plan for Fiscal Year 2014-2015. The electronic copy was also forwarded to you today.

DCA's budgetary past is one of constraints, as the agency endured a 75% base appropriations cut from FY09-FY12 and a reduction in force resulting in the loss of 40% of our staff in FY10. While current funding levels remain decreased compared to prior years, DCA is appreciative of the Governor and Legislature's recognition of the Department's role in protecting consumers and maintaining an even playing field for regulated industries.

The additional monies appropriated to DCA for FY14 included funds for a new Division and technology upgrades. As we are in the initial phases of implementing/coordinating these programs, additional funding priorities cannot be established at this time. In the interest of only requesting funds to support identifiable needs, DCA is not requesting a budget increase in its FY15 Budget Plan. Rather, we are focusing on the realignment of base funds to ensure monies are in concordance with actual costs. As the fiscal year continues, however, budget needs may become apparent and DCA will adjust the FY15 funding request as appropriate.

DCA staff continues to progress and work effectively in serving South Carolina consumers while giving due regard to those businesses acting honestly and fairly in the marketplace. In FY13, staff dedication resulted in savings to consumers and businesses of over \$30 million through complaint mediation, regulatory enforcement and insurance filing intervention activities. Such a benchmark had not been attained by the agency since FY09 and exceeded FY13 appropriations by more than \$27,500,000.

Your anticipated patience is most appreciated as DCA transitions into this new phase. If you have any questions or if further information is required, please feel free to contact me at 803-734-4297.

Best Regards,

Carri Grube Lybarker, Esq.

ADMINISTRATOR
 803-734-4233
 ACCOUNTING
 803-734-4264
 Fax: 803-734-4299

PUBLIC INFORMATION
 803-734-4296
 Fax: 803-734-4229

CONSUMER ADVOCACY
 803-734-4200
 Fax: 803-734-4287

ENFORCEMENT/
 INVESTIGATORS
 803-734-4236
 Fax: 803-734-4287

CONSUMER COMPLAINTS
 803-734-4200
 Fax: 803-734-4286

E-Mail: SCDCA@SCCONSUMER.GOV
 Website: WWW.SCCONSUMER.GOV

Toll Free in SC: 800-922-1594
 Voice/TT: 800-735-2905

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R 28	SECTION:	80



Fiscal Year 2014-15 Agency Budget Plan

FORM A – SUMMARY

RECURRING FUNDS (FORM B DECISION PACKAGES)	<p>My agency is submitting the following recurring decision packages (Form B): N/A</p> <p>For FY 2014-15, my agency is (mark "X"):</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30px; border: 1px solid black;"><input type="checkbox"/></td> <td style="border: 1px solid black;">Requesting a net increase in recurring General Fund appropriations.</td> </tr> <tr> <td style="border: 1px solid black;"><input checked="" type="checkbox"/></td> <td style="border: 1px solid black;">Not requesting a net increase in recurring General Fund Appropriations.</td> </tr> </table>	<input type="checkbox"/>	Requesting a net increase in recurring General Fund appropriations.	<input checked="" type="checkbox"/>	Not requesting a net increase in recurring General Fund Appropriations.		
<input type="checkbox"/>	Requesting a net increase in recurring General Fund appropriations.						
<input checked="" type="checkbox"/>	Not requesting a net increase in recurring General Fund Appropriations.						
CAPITAL & NON-RECURRING FUNDS (FORM C DECISION PACKAGES)	<p>My agency is submitting the following one-time decision packages (Form C): N/A</p> <p>For FY 2014-15, my agency is (mark "X"):</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30px; border: 1px solid black;"><input type="checkbox"/></td> <td style="border: 1px solid black;">Requesting capital and/or non-recurring funds.</td> </tr> <tr> <td style="border: 1px solid black;"><input checked="" type="checkbox"/></td> <td style="border: 1px solid black;">Not requesting capital and/or non-recurring funds.</td> </tr> </table>	<input type="checkbox"/>	Requesting capital and/or non-recurring funds.	<input checked="" type="checkbox"/>	Not requesting capital and/or non-recurring funds.		
<input type="checkbox"/>	Requesting capital and/or non-recurring funds.						
<input checked="" type="checkbox"/>	Not requesting capital and/or non-recurring funds.						
PROVISOS	<p>For FY 2014-15, my agency is (mark "X"):</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30px; border: 1px solid black;"><input type="checkbox"/></td> <td style="border: 1px solid black;">Requesting a new proviso and/or substantive changes to existing provisos.</td> </tr> <tr> <td style="border: 1px solid black;"><input checked="" type="checkbox"/></td> <td style="border: 1px solid black;">Only requesting technical proviso changes (such as date references).</td> </tr> <tr> <td style="border: 1px solid black;"><input type="checkbox"/></td> <td style="border: 1px solid black;">Not requesting any proviso changes.</td> </tr> </table>	<input type="checkbox"/>	Requesting a new proviso and/or substantive changes to existing provisos.	<input checked="" type="checkbox"/>	Only requesting technical proviso changes (such as date references).	<input type="checkbox"/>	Not requesting any proviso changes.
<input type="checkbox"/>	Requesting a new proviso and/or substantive changes to existing provisos.						
<input checked="" type="checkbox"/>	Only requesting technical proviso changes (such as date references).						
<input type="checkbox"/>	Not requesting any proviso changes.						

Please identify your agency's preferred contacts for this year's budget process.

	<u>Name</u>	<u>Phone</u>	<u>Email</u>
PRIMARY CONTACT:	Carri Grube Lybarker	803-734-4297	CLybarker@sconsumer.gov
SECONDARY CONTACT:	Latitia Trezevant	803-734-0366	LTrezevant@sconsumer.gov

I have reviewed and approved the enclosed FY 2014-15 Agency Budget Plan, which is complete and accurate to the extent of my knowledge.

AGENCY DIRECTOR (SIGN/DATE):	
AGENCY DIRECTOR (TYPE/PRINT NAME):	Carri Grube Lybarker 10.1.13

This form must be signed by the department head – not a delegate.

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

FORM D – PROVISO REVISION REQUEST

NUMBER	80.1
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Cite the proviso according to the State Budget Division’s renumbered list for FY 2014-15 (or mark “NEW”).

TITLE	Consumer Protection Code Violations Revenue
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Provide the title from the FY 2013-14 Appropriations Act or suggest a short title for any new request.

BUDGET PROGRAM	II. Legal
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Identify the associated budget program(s) by name and budget section.

DECISION PACKAGE	N/A
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Is this request associated with a decision package you have submitted for FY 2014-15? If so, cite it here.

REQUESTED ACTION	Codify
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Choose from: Add, Delete, Amend, or Codify.

OTHER AGENCIES AFFECTED	N/A
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Which other agencies would be affected by the recommended action? How?

SUMMARY	<p>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 costs.</p>
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Summarize the existing proviso. If requesting a new proviso, describe the current state of affairs without it.

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

EXPLANATION	<p>This Proviso has been in effect for over 17 years and has not been amended since that time. Retention and carry forward of these funds is critical to DCA being able to carry out its duties under its respective statutes. Currently general funds constitute only 36% of the agency's budget.</p>
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Explain the need for your requested action. For deletion requests due to recent codification, please identify SC Code section where language now appears.

FISCAL IMPACT	<p>Provide "other funds" to the Department in an approximate amount of \$300,000.</p>
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Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

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

<p>PROPOSED PROVISO TEXT</p>	<p>No changes.</p> <p>Funds, paid to the department in settlement of cases involving violations of the South Carolina Consumer Protection Code and other statutes enforced by the department be retained and expended within the agency’s budget to help offset the costs of investigating, prosecuting, and the administrative costs associated with these violations, may be carried forward and expended for the same purposes in the current fiscal year.</p>
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Paste FY 2013-14 text above, then bold and underline insertions and strikethrough deletions. For new proviso requests, enter requested text above.

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

FORM D – PROVISO REVISION REQUEST

NUMBER	80.2
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Cite the proviso according to the State Budget Division’s renumbered list for FY 2014-15 (or mark “NEW”).

TITLE	Student Athlete/Agents Registration
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Provide the title from the FY 2013-14 Appropriations Act or suggest a short title for any new request.

BUDGET PROGRAM	II. Legal
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Identify the associated budget program(s) by name and budget section.

DECISION PACKAGE	N/A
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Is this request associated with a decision package you have submitted for FY 2014-15? If so, cite it here.

REQUESTED ACTION	Codify
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Choose from: Add, Delete, Amend, or Codify.

OTHER AGENCIES AFFECTED	N/A
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Which other agencies would be affected by the recommended action? How?

SUMMARY	<p>Authorizes DCA to retain funds paid under Chapter 102, Title 59 (Uniform Athlete Agents Act) for enforcement of the chapter.</p>
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Summarize the existing proviso. If requesting a new proviso, describe the current state of affairs without it.

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

EXPLANATION	<p>This Proviso has been in effect for over 17 years and has not been amended since that time. Retention of these funds is critical to DCA being able to carry out its duties under the Athlete Agent Act. Currently general funds constitute only 36% of the agency's budget.</p>
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Explain the need for your requested action. For deletion requests due to recent codification, please identify SC Code section where language now appears.

FISCAL IMPACT	<p>Provide "other funds" to the Department in an approximate amount of \$10,000.</p>
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Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

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

<p>PROPOSED PROVISO TEXT</p>	<p>No changes.</p> <p>Funds received by the department of Consumer Affairs pursuant to registrations under Chapter 102, Title 59 of the 1976 Code may be retained by the department for its enforcement duties relating to athlete agents and student athletes under that chapter.</p>
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Paste FY 2013-14 text above, then bold and underline insertions and strikethrough deletions. For new proviso requests, enter requested text above.

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

FORM D – PROVISO REVISION REQUEST

NUMBER	80.3
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Cite the proviso according to the State Budget Division’s renumbered list for FY 2014-15 (or mark “NEW”).

TITLE	Expert Witness/Assistance Carry Forward
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Provide the title from the FY 2013-14 Appropriations Act or suggest a short title for any new request.

BUDGET PROGRAM	IV. Advocacy
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Identify the associated budget program(s) by name and budget section.

DECISION PACKAGE	N/A
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Is this request associated with a decision package you have submitted for FY 2014-15? If so, cite it here.

REQUESTED ACTION	Codify
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Choose from: Add, Delete, Amend, or Codify.

OTHER AGENCIES AFFECTED	N/A
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Which other agencies would be affected by the recommended action? How?

SUMMARY	<p>Authorizes DCA to carry forward unexpended funds appropriated for the expert witness/assistance program.</p>
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Summarize the existing proviso. If requesting a new proviso, describe the current state of affairs without it.

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

EXPLANATION	<p>This Proviso has been in effect for over 17 years and has not been amended since that time. Carry forward is needed as the matters for which expert witnesses are hired frequently span two or more fiscal years.</p>
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Explain the need for your requested action. For deletion requests due to recent codification, please identify SC Code section where language now appears.

FISCAL IMPACT	<p>No impact.</p>
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Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

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

<p>PROPOSED PROVISO TEXT</p>	<p>No changes.</p> <p>Unexpended encumbered appropriated funds for the Consumer Advocacy expert witness/assistance program (under Section 37-6-603) may be carried forward into the next fiscal year to meet contractual obligations existing at June thirtieth and not paid by July thirty-first.</p>
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Paste FY 2013-14 text above, then bold and underline insertions and strikethrough deletions. For new proviso requests, enter requested text above.

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

FORM D – PROVISO REVISION REQUEST

NUMBER	80.4
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Cite the proviso according to the State Budget Division’s renumbered list for FY 2014-15 (or mark “NEW”).

TITLE	Registered Credit Grantor Notification and Maximum Rate Filing Fees Retention
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Provide the title from the FY 2013-14 Appropriations Act or suggest a short title for any new request.

BUDGET PROGRAM	I. Administration, III. Services
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Identify the associated budget program(s) by name and budget section.

DECISION PACKAGE	N/A
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Is this request associated with a decision package you have submitted for FY 2014-15? If so, cite it here.

REQUESTED ACTION	Codify
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Choose from: Add, Delete, Amend, or Codify.

OTHER AGENCIES AFFECTED	N/A
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Which other agencies would be affected by the recommended action? How?

SUMMARY	<p>Authorizes DCA to retain funds collected under Chapters 2, 3 and 6 of Title 37 to cover operational costs and to carry forward such funds.</p>
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Summarize the existing proviso. If requesting a new proviso, describe the current state of affairs without it.

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

EXPLANATION	<p>This Proviso was first adopted in 2009-2010 Appropriations Act as a revision to a similar Proviso that had been in effect since 2004-2005. Retention and carry forward of these funds is critical to DCA being able to carry out its duties under its respective statutes. Currently general funds constitute only 36% of the agency's budget.</p>
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Explain the need for your requested action. For deletion requests due to recent codification, please identify SC Code section where language now appears.

FISCAL IMPACT	<p>Provide "other funds" to the Department in an approximate amount of \$690,000.</p>
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Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

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

<p>PROPOSED PROVISO TEXT</p>	<p>No changes.</p> <p>The Department of Consumer Affairs may retain all Consumer Credit Grantor Notification filing fees collected under Section 37-6-203 and all Maximum Rate Schedules filing fees collected under Section 37-2-305 and Section 37-3-305. These fees shall be used to offset the cost of administering and enforcing Chapters 2 and 3, Title 37 of the 1976 Code and may be applied to the cost of operations. Unexpended balances may be carried forward for the prior fiscal year into the current fiscal year and be utilized for the same purposes.</p>
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Paste FY 2013-14 text above, then bold and underline insertions and strikethrough deletions. For new proviso requests, enter requested text above.

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

FORM D – PROVISO REVISION REQUEST

NUMBER	80.5
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Cite the proviso according to the State Budget Division’s renumbered list for FY 2014-15 (or mark “NEW”).

TITLE	Retention of Fees
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Provide the title from the FY 2013-14 Appropriations Act or suggest a short title for any new request.

BUDGET PROGRAM	II. Legal
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Identify the associated budget program(s) by name and budget section.

DECISION PACKAGE	N/A
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Is this request associated with a decision package you have submitted for FY 2014-15? If so, cite it here.

REQUESTED ACTION	Codify
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Choose from: Add, Delete, Amend, or Codify.

OTHER AGENCIES AFFECTED	N/A
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Which other agencies would be affected by the recommended action? How?

SUMMARY	<p>Authorizes DCA to retain funds collected under Chapter 61, Title 39 (Motor Club Services); Chapter 39, Title 40 (Pawnbrokers) and Chapter 79, Title 44 (Physical Fitness Services) for program implementation.</p>
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Summarize the existing proviso. If requesting a new proviso, describe the current state of affairs without it.

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

EXPLANATION	<p>This Proviso was first adopted in 2010-2011 Appropriations Act and is amended annually solely to update the fiscal year. Retention of these funds is critical to DCA being able to carry out its duties under the delineated statutes. Currently general funds constitute only 36% of the agency's budget.</p>
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Explain the need for your requested action. For deletion requests due to recent codification, please identify SC Code section where language now appears.

FISCAL IMPACT	<p>Provide "other funds" to the Department in the approximate amount of \$135,000.</p>
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Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

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

<p>PROPOSED PROVISO TEXT</p>	<p>Fiscal year update only.</p> <p>For Fiscal Year 2013-2014 <u>2014-2015</u>, the department may retain all fees collected pursuant to Sections 39-61-80, 39-61-120, 40-39-120, and 44-79-80 of the 1976 Code. The funds retained shall be utilized to implement the requirements of the programs mandated by those sections of the code.</p>
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Paste FY 2013-14 text above, then bold and underline insertions and strikethrough deletions. For new proviso requests, enter requested text above.