



Alan Wilson
Attorney General

Office of the Attorney General

Executive Programs



AG Programs V.A.L.O.R.

Alan Wilson
Attorney General

Barry Bernstein
Deputy AG

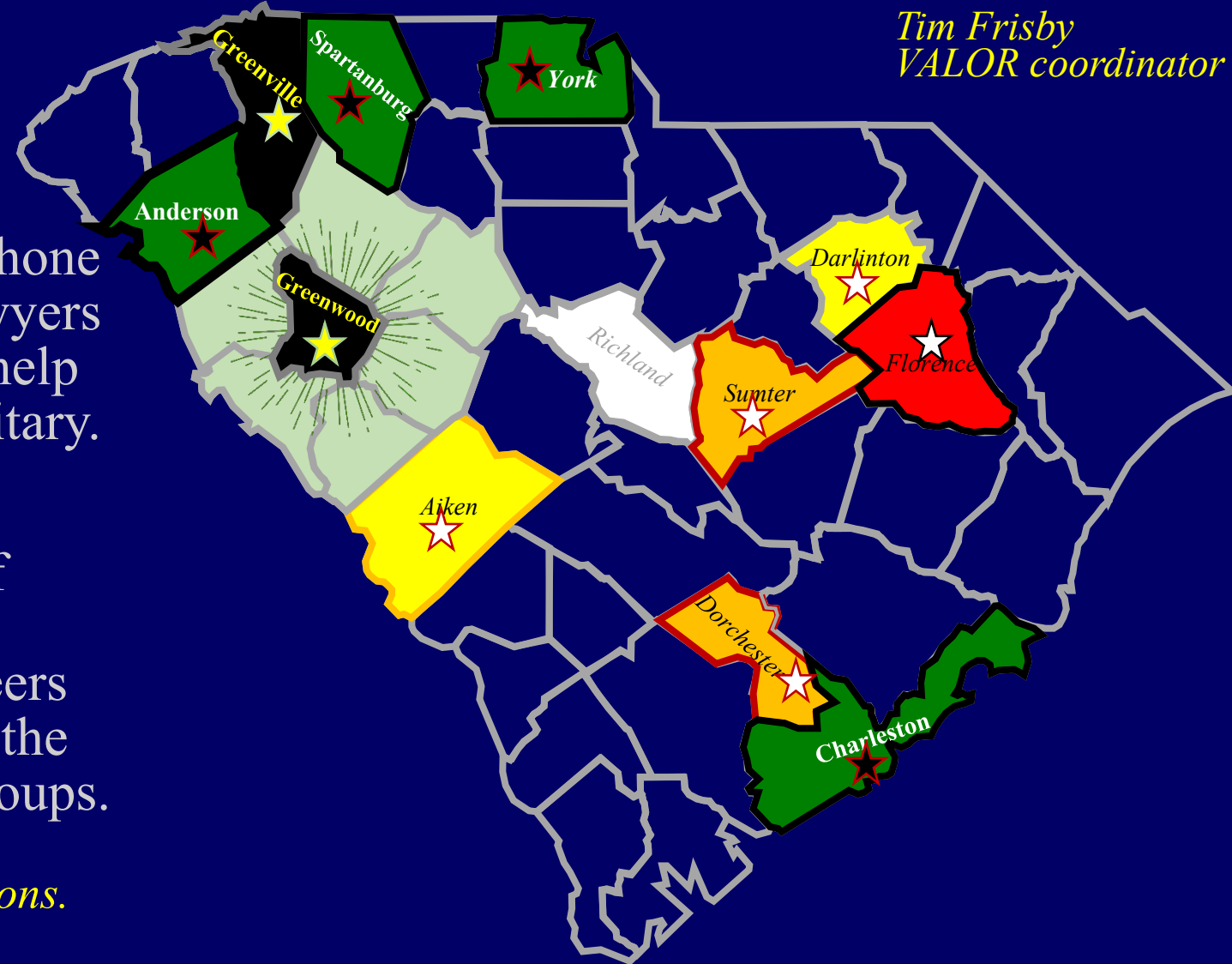
Tim Frisby
VALOR coordinator

V.A.L.O.R. Program:

The VALOR program coordinates legal resources for veterans and the military. A phone line provides assistance and referrals to lawyers who provide pro bono or discounted legal help for areas outside those provided by the military.

The program provides legal clinics for simple legal issues like wills and powers of attorney. It does not compete with private practitioners and incorporates local volunteers for *pro bono* services. We coordinate with the SC Bar, county VSOs, and local veteran groups.

This also fulfills a criteria for BRAC considerations.





AG and Local Entity Partnerships

Elements of a Good Clinic

- 1. Good local coordinator**
 - A. Publicity contacts, **target clients**
 - B. Coordination for appointments
 - C. Follow-up with volunteers
- 2. Location, location, location**
 - A. Accessible
 - B. Comfortable
 - C. Space
- 3. Local Partners**
 - A. VSO
 - B. Local Bar Pro Bono representative
 - C. Veterans support group

Victory from Gloom

- Failed clinic in Sumter
 - Lack of local coordinator
 - Upstate Legislator sees advertising
 - Inquires why he can't have a clinic
- Local legislator
 - Initial coordinator for bar & facility
 - Engages county VSO for subsequent clinics
- Clinics
 - 1st Clinic (pre-Covid) modestly successful
 - 2nd Clinic (post Covid) very successful
 - Solid foundation for annual clinics
 - VSO now engaged as permanent POC
 - Bar volunteers return as foundation
 - Same facility is permanent partner/location

AG Programs

Constituent Services & Price Gouging

Constituent Services

Constituent Services handles incoming calls, emails, and other contacts. Overwhelmingly, most calls are for issues outside of the jurisdiction of the AG. However, our coordinator bends over backwards to find the right area of government for many overwhelmed by the bureaucracy.

Upon a Declaration of Emergency (DoE), the coordinator flips into being the center for price gouging complaints. Our normal price gouging circumstance is a hurricane, but floods and a pandemic raised this duty to a new level.

Price Gouging

“State law (SC §39-5-145) says that it is unlawful to ‘rent or sell or offer to rent or sell a commodity at an unconscionable price.’ The law remains in effect until the declaration expires or is terminated.

It’s important to keep in mind that normal changes in the prices of goods and services are not considered price gouging.

The law says, ‘A price increase that reflects the usual and customary seasonal fluctuation in the price of the subject essential commodity or the rental or lease of a dwelling unit or self-storage facility is not a violation of this section.’

Normal fluctuations in the market based on supply and demand are also not price gouging.”

DoE is the trigger for Price Gouging.



Price Gouging

SECTION 39-5-145. Price gouging during emergency; definitions; penalty; evidence of knowledge or intent.

(A)(5)(a) "**Unconscionable price**" means an amount charged which:

(i) represents a **gross disparity** between the price of the commodity or rental.... in the usual course of business during **the thirty days** immediately **before a declaration of a state of emergency**, and the increase in the amount charged is not attributable to additional costs incurred in connection.... market trends; or

(ii) **grossly exceeds the average price** at which the same or similar commodity... **readily obtainable** in the trade area during **the thirty days immediately before** a declaration of a state of emergency, and the increase in the amount charged is not attributable to additional costs incurred in connection withmarket trends.

SECTION 39-5-145. Price gouging during emergency; definitions; penalty; evidence of knowledge or intent.

(B)(1) **Upon a declaration of a state of emergency** by the Governor, it is unlawful and a violation of this article... to:

(a) rent or sell or offer to rent or sell a commodity at an **unconscionable price** within the area for which the state of emergency is declared; or

(b) impose **unconscionable prices** for the rental or lease of a dwelling unit.... within the area for which the state of emergency is declared.

(2) This prohibition remains in effect until the declaration expires or is terminated.

(K) In addition to all other remedies provided in this article, a person who wilfully and knowingly violates this section is guilty of a **misdemeanor** and, upon conviction, must be punished by a fine of not more than **one thousand dollars** or imprisoned not more than **thirty days, or both**.



Price Gouging

AG Website (<https://www.scag.gov/#>)


Price Gouging Link

<https://www.scag.gov/price-gouging/>

Price Gouging Reporting Form

<https://www.scag.gov/price-gouging/price-gouging-reporting-form/>

Call Us

 SOUTH CAROLINA
Attorney General
ALAN WILSON

Price Gouging

[State law \(SC 539-5-145\)](#) says that it is unlawful to "rent or sell or offer to rent or sell a commodity at an unconscionable price." The law remains in effect until the declaration expires or is terminated.

It's important to keep in mind that normal changes in the prices of goods and services are not considered price gouging. The law says, "A price increase that reflects the usual and customary seasonal fluctuation in the price of the subject essential commodity or the rental or lease of a dwelling unit or self-storage facility is not a violation of this section." Normal fluctuations in the market based on supply and demand are also not price gouging.

Attorney General Alan Wilson said, "We can expect normal price increases, but we may see businesses and individuals looking to unfairly take advantage of the situation through price gouging of things like hand sanitizer, cleaning supplies, toilet paper, and other commodities as defined by the statute. By our law, that's a criminal violation and an unfair trade practice," Wilson said. "We wish to emphasize, as we have seen in the past, that price gouging under the current law is difficult to prove, even substantial price increases. What might seem large to the public may not be illegal in court."


How to Report Price Gouging

If you feel like you are the victim of price gouging there are certain steps that you can take to help our office investigate. Please do the following:

1. Note the time, place, address, and name of the business
2. Note the price you paid
3. Note any prices nearby and get the same information on those businesses
4. Take pictures that identify the business, along with the price
5. Provide your name and contact information

Our office will need that information in order to conduct a thorough investigation. Anyone found to have violated the state's price gouging law is guilty of a misdemeanor and, upon conviction, must be punished by a fine of up to \$1,000, up to 30 days in jail, or both.

SC Attorney General talks about price gouging



Price Gouging Reporting

Name

First Last

Your Address

City

Email

Phone Number

Price Gouging Information

Commodity *

Gas

Bottled Water

Hotel Rooms

Other

Name of Business *

Street Address *

City *

County

Date *

Time

Price Advertized/Charged *

Prices Nearby (if available)

Have you notified law enforcement?

Yes

No

Do you have a receipt?

Yes

No

Upload Photo Or Receipt No file chosen



Price Gouging

AG Website (<https://www.scag.gov/#>)

Price gouging process:

- AG is the clearing house for complaints.
 - Previous only emails & phone calls (problem of anonymous generic complaints)
 - Improvements
 - AG video (on website and forwarded to news outlets)
 - Access to form on website, requests substantive information & follow-up contact
 - Summary determination of “meat on the bone”.
 - Substantive complaints forwarded to circuit solicitors
- Ongoing problems
 - Poor definition of “unconscionable price”
 - Actionable, substantive and follow-up information
 - Problem complaints
 - Overwhelming gas price complaints (*nominal price change as in non DoE*)
 - Convenience store prices for goods (*comparing to Walmart*)
 - Online shopping comparisons (*unrelated to any local issues*)
 - Non-standard Services (*example: Tree removal*)

LAW CHANGE RECOMMENDATION #1

- Law: §63-19-1430. **Youth Mentor Act**
- Current Law: This was a small program established several administrations ago, and became formalized as part of an omnibus bill establishing the Children's Code (Title 63).
- Recommendation: Delete this code section.
- Basis for Recommendation: Since its inception, it has become duplicative of existing programs. Other programs are grant based and have appropriate staff for such activities. It is better suited to local entities. There is no funding or separate FTEs, and it is ineffective at present and not suited for existing AG staff. At present, this program is dormant.
- Others Potentially Impacted: None

LAW CHANGE RECOMMENDATION #42

- Law: §39-5-145(A).
- Current Law: There is some uncertainty as to the reasonable enforceability of the Price Gouging statute due to the extreme threshold of “unconscionable price.”
- Recommendation: Amend the definition of “unconscionable price” within the definitions of the statute.
- Basis for Recommendation: A clarification of “unconscionable price” would give clear definition to the term for potential prosecution. An ability to clarify the term makes prosecution problematic, and defeats the intent of the statute.
- Others Potentially Impacted: Local law enforcement, solicitors.

Because of the multiple interests involved in legislation, this office is not focused on preferential language. This office is asking for clearer guidance as to legislative intent in a definition that allows for substantive prosecutorial review and the ability to enforce the statute. We are willing to work with the General Assembly to determine such a definition. We believe this is best achieved with a clear definition of “unconscionable price.”



Alan Wilson
Attorney General

Office of the Attorney General

Sub-Committee Closing



Office of the Attorney General



TESTIMONY
 April 8 (2021)
 March 8
 March 31
 April, 26
 May 25
 June 1
 June 8
 June 14
 June 22
 June 31



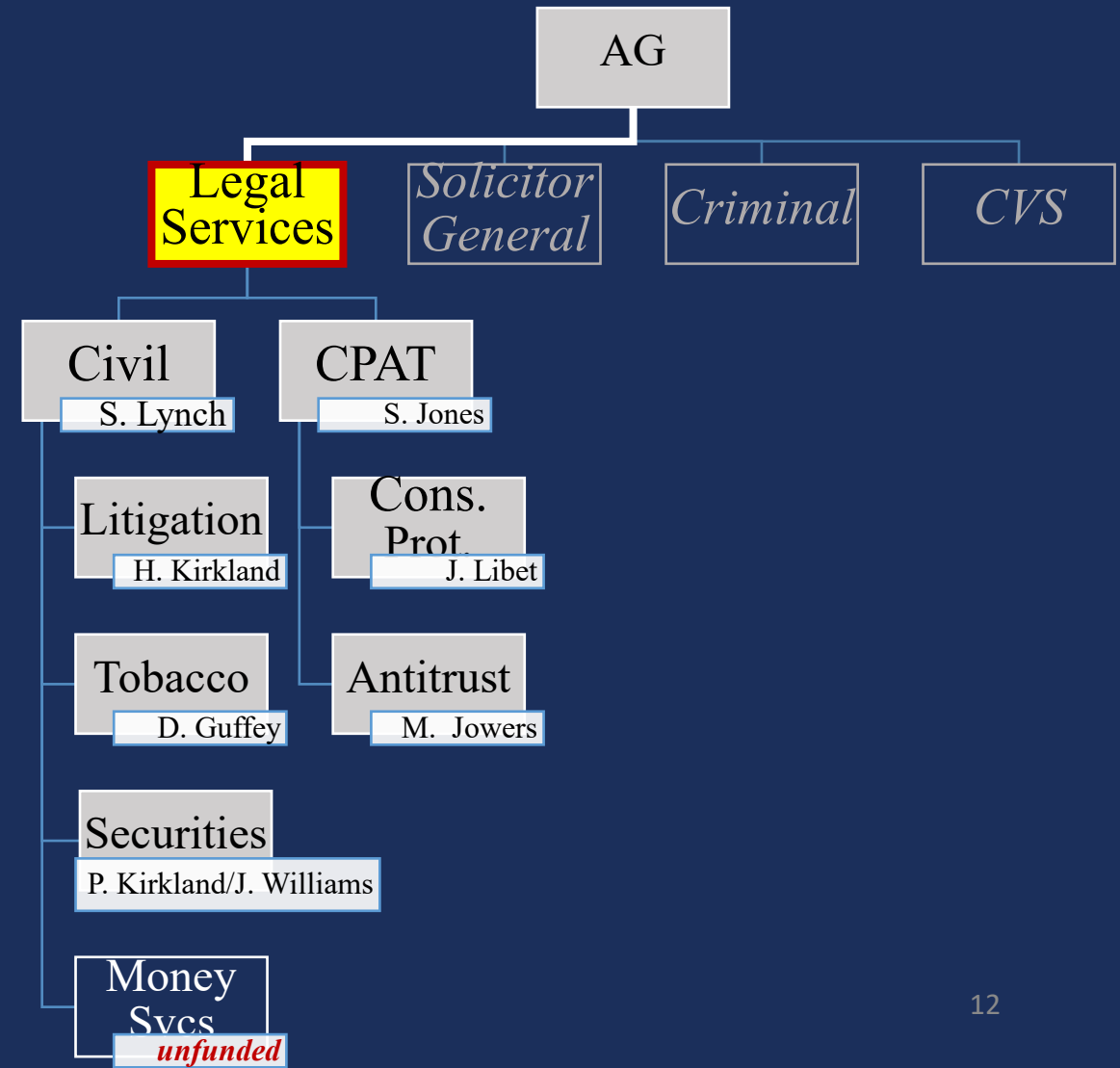
Divisions: LEGAL SERVICES

Alan Wilson
Attorney General

Steve Lynch
Deputy AG

LEGAL SERVICES DIVISION:

The division which handles all Civil Litigation matters (except PCR and SVP). Specialized areas such as Securities and Tobacco get little attention, but provide extraordinary services. CPAT handles large litigation cases through multiple resources. Combined, the Legal Services areas average recovering over \$150 million annually to the State.





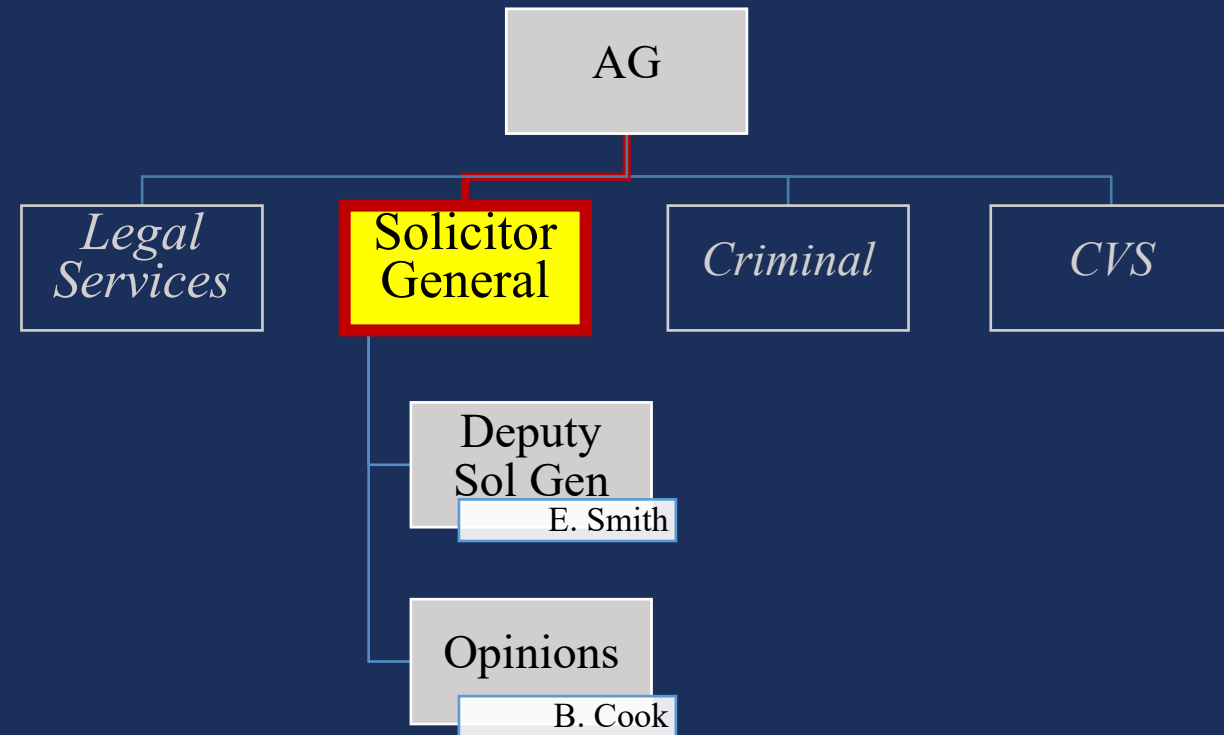
Divisions: SOLICITOR GENERAL

Alan Wilson
Attorney General

Bob Cook
Solicitor General

SOLICITOR GENERAL:

The Solicitor General title and division were created under AG Wilson. The smallest division of the office provides the oldest service in the office, legal opinions. The SG coordinates litigation so that our focus remains coordinated and consistent.





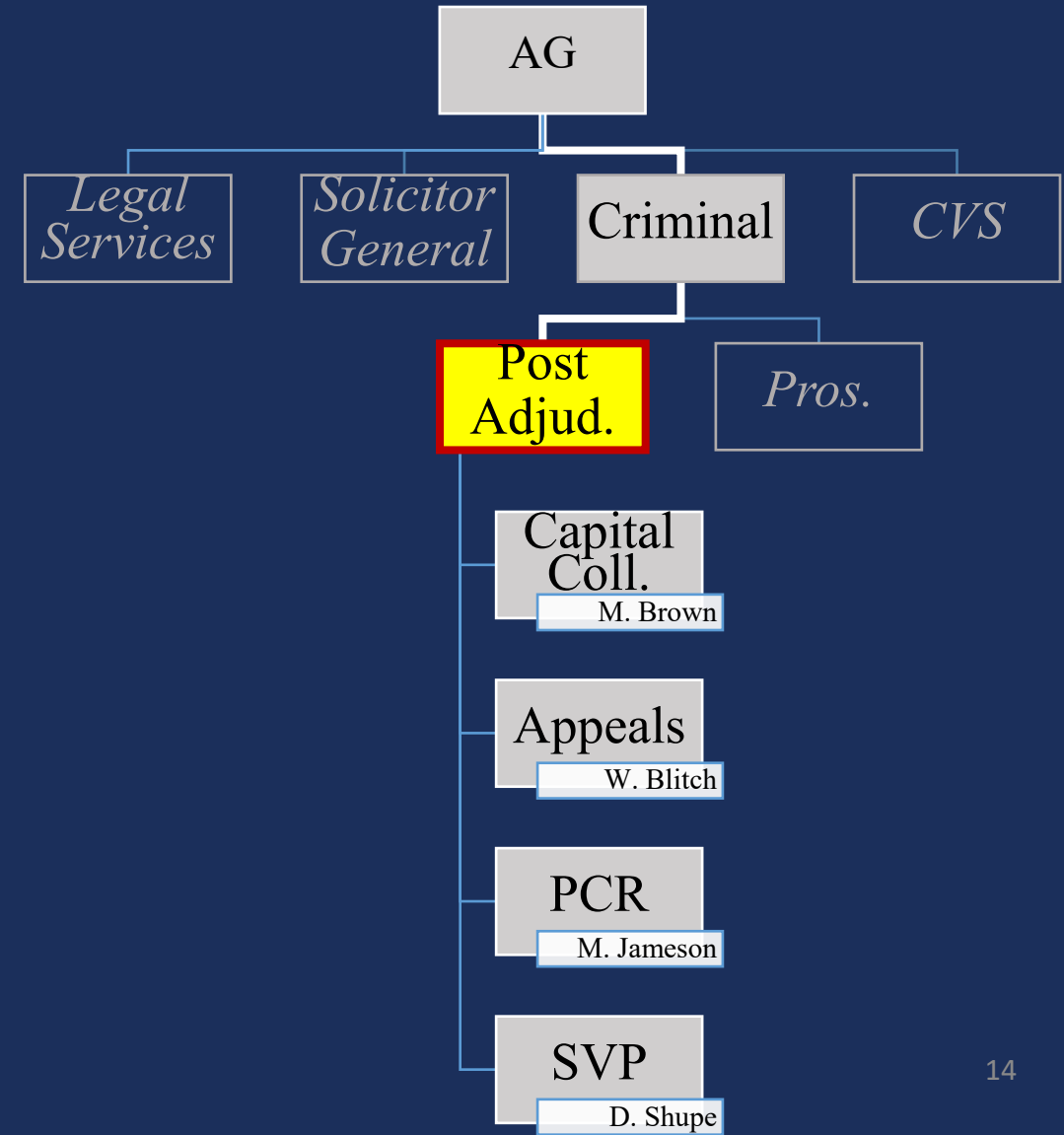
Divisions: CRIMINAL-Post Adjudication

Alan Wilson
Attorney General

Don Zelenka
Deputy AG

POST ADJUDICATION:

Post Adjudication is not a separate division, but is one of two areas of the criminal section. All post-trial criminal litigation falls within the purview of this area. Appeals, post conviction relief, federal habeas corpus, and Sexually violent predator actions fall into this category.





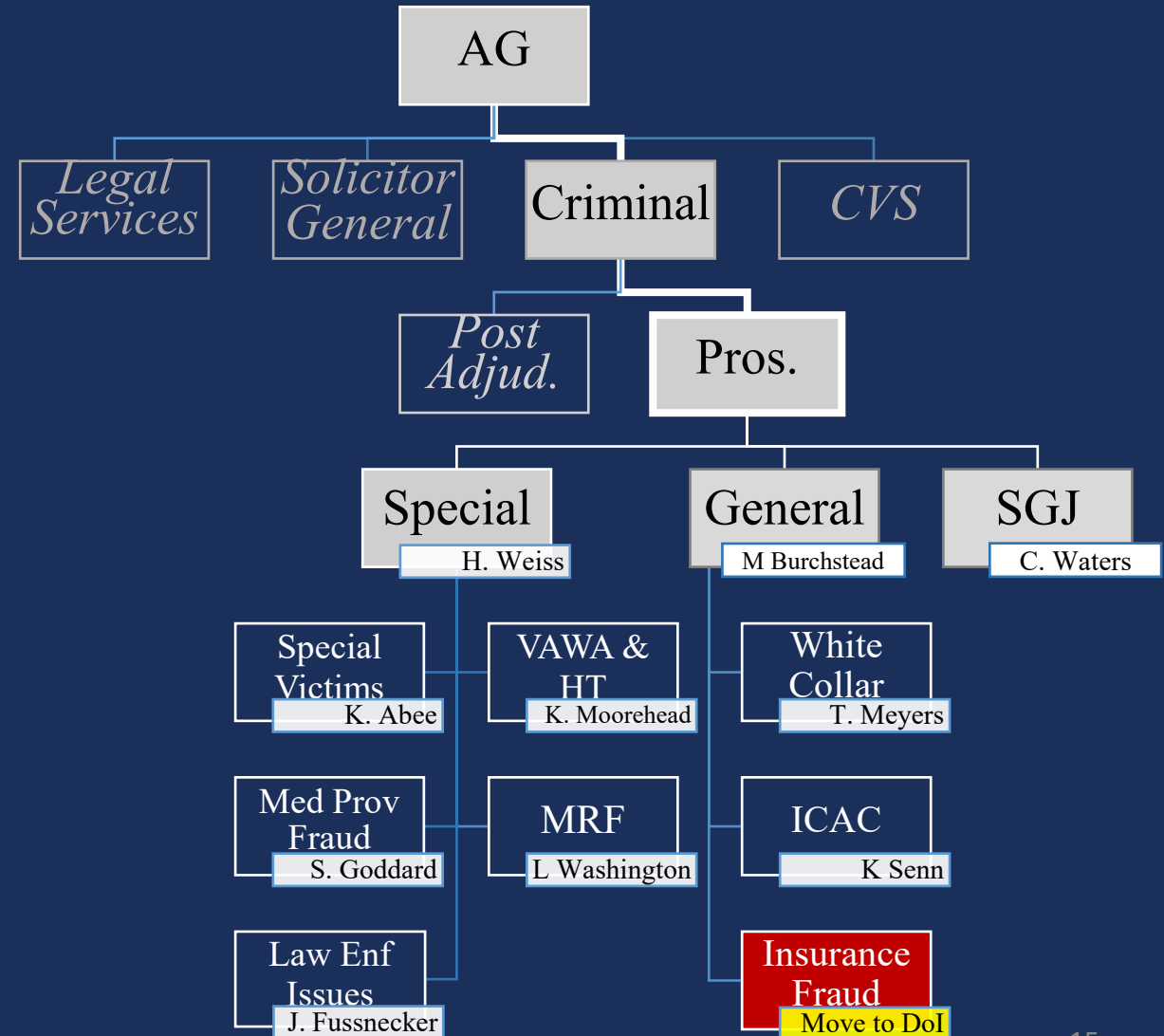
Divisions: CRIMINAL-Prosecution

Alan Wilson
Attorney General

Don Zelenka
Deputy AG

PROSECUTION:

Prosecution is the second area that falls under the criminal division. Conflicts of interest from the 16 circuit solicitors are commonly handled here. Special expertise in unique area of prosecution support efforts statewide in Medicaid fraud, Internet Crimes Against Children, Law Enforcement Issues, and Human Trafficking are prosecuted and supported here. The State Grand Jury is a unique investigative tools for prescribed cases that generally cross jurisdictional boundaries.





Divisions: Administration

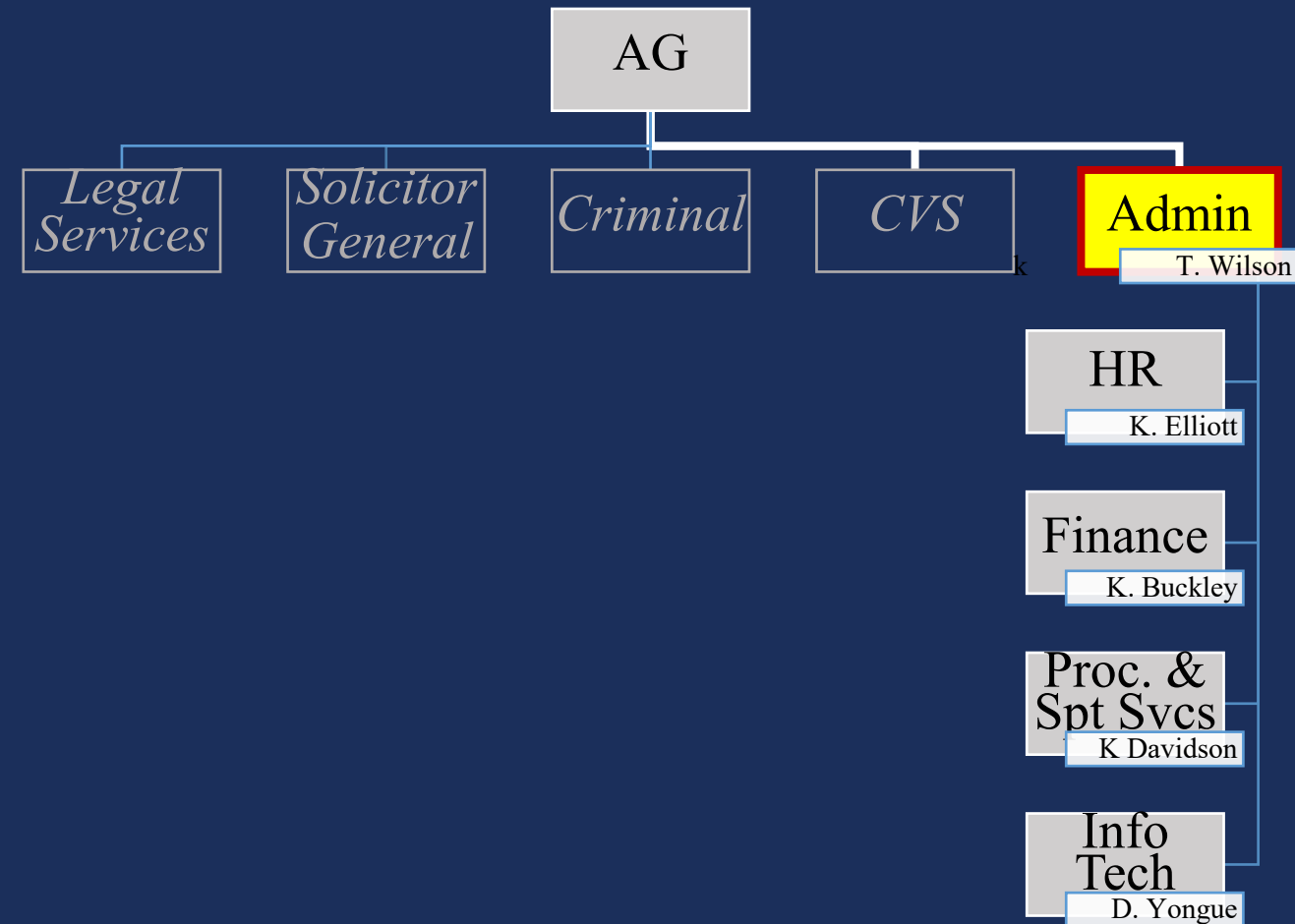
Alan Wilson
Attorney General

Tammie Wilson
Director

ADMINISTRATION

The Administration Division provides support and services essential to OAG operations. During AG Wilson's tenure, the areas of HR, Finance, and IT were consolidated with other support functions under one director for increased accountability. Administration is a one-stop resource for other sections, with the Director as the primary logistics advisor to the AG.

The OAG grew by 25% with the addition of CVS, but did not increase administrative FTEs. Administration remains challenged with meeting prior standards of excellence.





Divisions: Crime Victim Services (CVS)

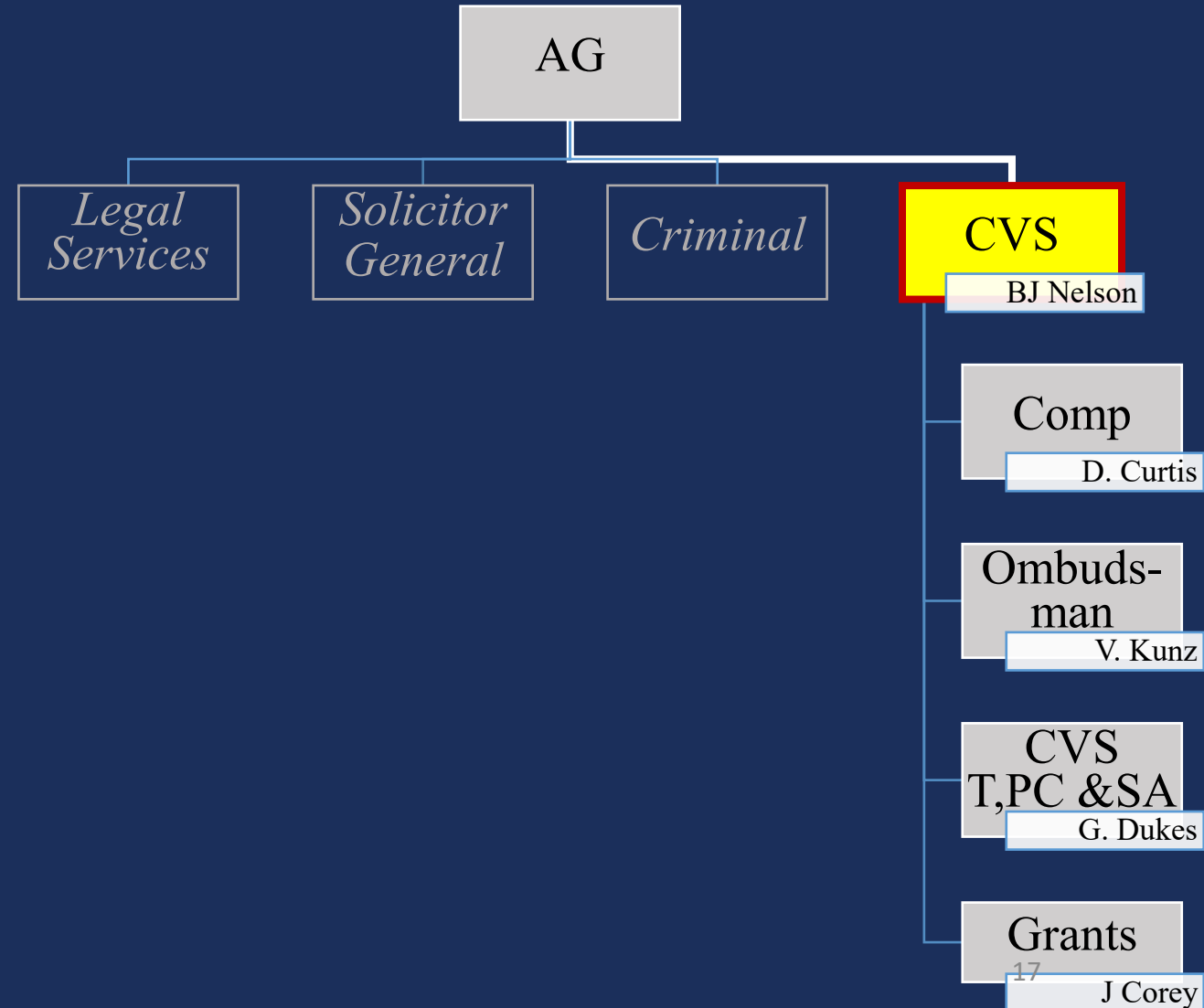
Alan Wilson
Attorney General

BJ Nelson
Director

CRIME VICTIM SERVICES

The newest division of the office, Crime Victim Services in the state were consolidated and placed under the AG in the “South Carolina Crime Victim Services Act”. This transition is in its 5th year and has continually made improvements to meet the expectations of the legislature.

2017 Act No. 96





Part XI: Successes, Challenges & Emerging Issues

SUCCESSSES

- *SUCCESSSES*
- *CHALLENGES*
- *EMERGING ISSUES*

Presented

PUBLIC SAFETY

Presented

LEADERSHIP & MANAGEMENT PRACTICES

Presented

FISCAL STABILITY

Presented

TECHNOLOGY UPGRADE

(HARDWARE & DESKTOP)



Part XI: Successes, Challenges & Emerging Issues

CHALLENGES

- *SUCCESSSES*
- *CHALLENGES*
 - *Competitive Salaries*
 - *PCR Turnover*
 - *Money Services*
 - *Prosecution
Coordination Comm.*
- *EMERGING ISSUES*

Presented **COMPETITIVE ATTORNEY SALARIES**

Presented **POST CONVICTION RELIEF TURNOVER**

Presented **MONEY SERVICES**

**4. COMMISSION ON PROSECUTION
COORDINATION**



Alan Wilson
Attorney General

Jeff Young
Chief Deputy

Part XI: Successes, Challenges & Emerging Issues

CHALLENGES

4: COMMISSION ON PROSECUTION COORDINATION

ISSUE 1: Chief Prosecutor

As Chief Prosecutor, AG Should be on the Commission

In coordinating legislative intent towards crime, AG should be a member

The AG should have replaced the Director of DPS in 2016.

DPS oversaw Crime Victim Compensation as reasoning
CV Compensation is now under the AG.

Not on the Commission on Prosecution Coordination?

CONSTITUTIONAL

“Chief Prosecuting Officer”

“The Attorney General shall be the **chief prosecuting officer** of the State with authority to supervise the prosecution of all criminal cases in courts of record.” Article V, Section 24. (1972 (57) 3176; 1973 (58) 161; 1973 (58) 863; 1975 (59) 46; 1985 Act No. 9; 1989 Act No. 10; 1995 Act No. 35.)

COMMON LAW

“Chief Law Officer”

“As the **chief law officer of the State** [the Attorney General].... maintain all such suits and proceedings as he deems necessary for the enforcement of the laws of the State, the preservation of order, and the protection of public rights.” *State ex rel Daniel v. Broad River Power Co.*, 157 S.C. 1, 68, 153 S.E. 537, 560 (1929)

“Chief Prosecuting Officer” and “Chief Law Officer”

not on the Commission on Prosecution Coordination?

“17th Solicitor”

- (1) Supervisory authority over the prosecution of criminal cases in SC;
- (2) Oversees the State Grand Jury and SGJ prosecution;
- (3) Represents the State in all criminal appeals (state and federal);
- (4) Primary Prosecution:
 - Internet crimes against children and sexual exploitation;
 - Medicaid Fraud (recipient fraud and provider);
 - Insurance Fraud
- (6) All aspects of SC’s Sexually Violent Predators statute;
- (7) Assists victims of crimes the State’s Victims Bill of Rights;
- (8) Represents the State for Post Conviction Relief;
- (9) Coordinates cases for Solicitor conflict of interest

Uncoordinated Legislation

1990 -2006

SECTION 23-23-30.

Law Enforcement Training Counsel

11 Members:

- (1) the Attorney General of South Carolina;
- (2) the Chief of SLED;
- (3) the Director of PPP;
- (4) the Director of the Department of Corrections;
- (5) the Director of the Department of Natural Resources;
- (6) the Director of the DPS;
- (7) chief of police from a municipality < 10,000;
- (8) chief of police from a municipality > 10,000;
- (9) county sheriff from a county < 50,000;
- (10) county sheriff from a county > 50,000; and
- (11) one detention director.

2006 Act No. 317; 2014 Act No. 225

SECTION 1-7-910. (1990)

Commission on Prosecution Coordination

11 Members:

- (1) Chair of the Senate Judiciary Committee;
- (2) Chair of the Senate Judiciary Committee;
- (3) the Chief of SLED;
- (4) the Director of DPS;
- (5) a Director of a Circuit Pretrial Intervention Program;
- (6) a Circuit Victim-Witness Assistance Advocate;
- (7) Circuit Solicitor
- (8) Circuit Solicitor
- (9) Circuit Solicitor
- (10) Circuit Solicitor
- (11) Circuit Solicitor

1990 Act No. 485; 1996 Act No. 337



Alan Wilson
Attorney General

Barry Bernstein
Deputy AG

Part XI: Successes, Challenges & Emerging Issues

EMERGING ISSUES

- *SUCCESSSES*
- *CHALLENGES*
- *EMERGING ISSUES*

In-process ~~ATTORNEY GENERAL COMPENSATION~~

In-process ~~OFFICE SPACE~~

Presented SYSTEM SOFTWARE