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July 11, 2022

VIA EMAIL

Grant Gillespie, Executive Director
State Fiscal Accountability Authority
1201 Main Street, Suite 600
Columbia, SC 29201
ggillespie@sfaa.sc.gov

Dear Director Gillespie:

The House Legislative Oversight Law Enforcement and Criminal Justice Subcommittee is currently performing an oversight study of the Attorney General's Office. The purpose of legislative oversight is to determine if agency laws and programs are being implemented and carried out in accordance with the intent of the General Assembly and whether they should be continued, curtailed, or even eliminated. Any House Member may file legislation to implement the Committee's recommendations.

The purpose of this letter is to seek input from your office about the questions attached. If your office would like to provide input, which would be appreciated, please do so before Friday, July 29, 2022. Additionally, the subcommittee welcomes any other input or feedback your office would like to provide.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Wooten", is written over a light blue grid background.

Representative Chris Wooten
Subcommittee Chair

cc: The Honorable Wm. Weston J. Newton
Law Enforcement and Criminal Justice Subcommittee

Questions to State Fiscal Accountability Authority

General

1. To the extent known, please explain which entity is responsible for S.C. Code of Regulations [Chapter 19](#).
2. What recommendations does the agency have for updating S.C. Code of Regulations Chapter 19 to ensure it accurately reflects the appropriate entities?

Agency Head Salary Review

3. Does an agency head's review include an analysis of whether the agency head ensures all agency employees receive a performance evaluation at least annually, and not have a "default evaluation" in the Employee Performance Management System? Why or why not?

Insurance Reserve Fund

4. What information, if any, does the Insurance Reserve Fund (IRF) track about lawsuits in which it pays for the defense of state entities and employees, for the purpose of reducing overall liability risk and improve safety and compliance across state government?
5. What does the IRF see as the pros and cons of collaborating with the Attorney General's Office to research and implement a more robust method for tracking all lawsuits filed against the state, including state entities and employees for the purpose of reducing overall liability risk and improve safety and compliance with the law. Note, some large corporations track the number and types of cases filed against them at all their locations throughout the country for the purposes of changing policies to reduce the number of lawsuits, as well as learn the average amount it should cost to defend certain types of cases in each area of the country to minimize litigation costs.
6. Is there a document/report that explains who (a) receives notice of a claim/lawsuit and (b) represents an agency or employee in different situations (e.g., Attorney General v. IRF v. Agency in-house counsel v. Retained private attorney)? (See [Attorney General's Office Civil Litigation Presentation to House Legislative Oversight Committee](#), Slides 7-8)
 - a. If not, would having such a report harm the defense or representation of an agency or employee?
 - b. If it would not harm the defense or representation of an agency, is it something the IRF would be willing to work with the Attorney General's Office and others to create?