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February 1, 2019

Via Email

Ms. Emily Farr, Director
South Carolina Department of Labor, Licensing and Regulation
110 Centerview Dr.
Columbia, South Carolina 29210

Dear Director Farr:

The Economic Development, Transportation, and Natural Resources Subcommittee appreciates LLR's continued partnership in the oversight process. In order to address issues of interest to new members of this Subcommittee, please respond to the following questions and requests. Your response is requested by March 18, 2019.

Professional and Occupational Licensing (POL) Forms and Requirements

1. Are POL forms developed by LLR staff? If yes, do the appropriate boards review and approve the final versions of forms?
2. What were the reasons for the recent changes to section V of the Residential Property Condition Disclosure Statement issued by the Real Estate Commission?
3. When is the last time the bond forms for contractors were reviewed and updated?
4. Which licensees are required to have a bond? What are the required bond amounts? When were those amounts last revised?
5. How do you communicate important information such as new regulations, revised forms, and best practices to licensees?

POL Finances

6. Do licensing boards retain fines received as a result of disciplinary penalties? If yes, are the funds kept in separate accounts for each board? What are the restrictions, if any, on the use of those funds?

7. How much did each board spend on per diem and travel expenses for board members in the last two years?
8. How are licensing fees determined?
9. Information provided on January 7, 2019, shows that out of 37 boards for which information was provided, 15 had a negative cash balance at the end of at least one of the last two fiscal years. How are these deficits accommodated? What steps are taken when a board consistently fails to generate enough revenue to cover its expenditures?
10. Can funds be shifted from one board to another?
11. What restrictions are there on boards' ability to use their cash balances to advance board objectives and better serve the public and their licensees?

POL Boards

12. As of January 12, 2019, there were approximately 36 vacancies on POL boards and 134 members whose terms had expired. What steps, if any, are being taken by agency representatives to facilitate those appointments?
13. Are there any boards that could be consolidated? If so, which ones, and what efficiencies would you expect to realize through any consolidations?
14. How many times did each board meet in the last two years?
15. How do boards get input from the regulated community and members of the public when considering changes to licensure requirements? How long is the public comment period for changes to licensure regulations, and how is it publicized?
16. How can individuals communicate concerns and suggestions about licensure requirements to boards?

POL Staffing

17. Do you believe that all boards have an adequate number of administrative and support staff?
18. What logistical and staffing concerns do you anticipate regarding the Real Estate Commission's upcoming fingerprinting and background check responsibilities? What steps are you taking to minimize these issues?
19. Which five boards require the most staff support, and what type of staff support do they require?

POL Investigations

20. How many disciplinary cases are currently pending review by each board?
21. How many cases/investigations are currently in progress? What is the average age of those cases? What is the age of the oldest case? What steps, if any, are you taking to close cases and decrease the amount of time needed to close investigations?
22. What due process protections do licensees receive during investigations into complaints?
23. How do you communicate investigation procedures to those being investigated?
24. How do you determine how many investigators are assigned to each board? Do you believe that there are an adequate number of investigators for all boards?
25. How do you ensure that investigators are up to date with applicable laws and regulations, particularly those investigators that work with several boards?
26. Are any investigators certified law enforcement officers?

Elevators and Amusement Rides

27. On September 24, 2018, you informed the Subcommittee that 33% of LLR staff audits of elevator inspections by private special inspectors in fiscal year 2017-18 revealed missed code violations. What steps, if any, are being taken to reduce the rate of missed violations?
28. Since 2011, how many special inspector licenses have been suspended or revoked due to repeatedly missing violations?
29. Why did the agency begin allowing private special inspectors to conduct inspections of elevators and amusement rides in 2011? What have been the benefits of doing so?
30. How do agency representatives ensure that elevator or amusement ride code violations, once identified, are corrected?
31. How many times, on average, did each traveling amusement ride subject to LLR inspection move within South Carolina in 2018? Please provide an estimate if the exact number is not known.
32. Is the manner in which an amusement ride is assembled a key factor in inspections of traveling amusement rides?
33. Are traveling amusement rides subject to any kind of inspection by LLR staff or special inspectors after the initial annual inspection?

If these inquiries would yield responses that are not an accurate reflection of the agency or if additional time is needed to respond, please contact Kendra Wilkerson or other Committee staff. Thank you for your service to the citizens of South Carolina and for your continued cooperation with the legislative oversight process.

Sincerely,

A handwritten signature in blue ink that reads "Bill Hixon". The signature is written in a cursive, flowing style.

William M. "Bill" Hixon
Subcommittee Chair

cc: Economic Development, Transportation, and Natural Resources Subcommittee Members