

***SOUTH CAROLINA DEPARTMENT OF
CONSUMER AFFAIRS***



Subcommittee Budget Presentation

FISCAL YEAR 2023-2024

SC DEPARTMENT OF CONSUMER AFFAIRS: KEY OFFICIALS

Administrator/ Consumer Advocate

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SC Department of Consumer Affairs: Agency Overview

The South Carolina Department of Consumer Affairs (“DCA”/ “Department”) is the state’s consumer protection agency. Established in 1974, DCA has over *forty-five years* of experience in protecting South Carolina consumers while recognizing those businesses that act honestly and fairly. DCA is charged with administering, interpreting and enforcing over 120 laws, including the S.C. Consumer Protection Code which largely governs consumer credit transactions. Our mission is to protect consumers from inequities in the marketplace through advocacy, mediation, enforcement and education.

DCA is governed by the **Commission on Consumer Affairs**. The Commission is comprised of nine members, with four being appointed by the General Assembly, four by the Governor and the Secretary of State. This policymaking body has the responsibility of appointing the agency’s **Administrator**, who is responsible for ensuring successful and efficient performance of the agency’s functions and purposes described in the Consumer Protection Code, including advising the Legislature and Governor on consumer issues and state of credit in this State, administering and interpreting the Code and generally overseeing the day to day operations of the agency.

SCDCA is organized into six divisions: Administration, Consumer Services, Public Information and Education, Identity Theft Unit, Advocacy and the Legal Division.

All of DCA’s functions are supported by the agency’s **Administration Division**. All support and planning services critical to the operation of the agency are housed in Administration, including procurement, human resources, accounting and information technology. The Administrator position, appointed by the Commission on Consumer Affairs, is located in this Division. She is charged with advising the Legislature and Governor on consumer issues; administering, interpreting and enforcing Title 37, among other statutes; and managing the day to day operations of the agency.

The **Consumer Services Division** processes and mediates written consumer complaints, seeking to find equitable solutions for the consumer and the business, including refunds, adjustments, and credits to consumer accounts. Staff takes consumer complaints against businesses regulated by DCA, refers complaints that fall within another agency’s jurisdiction, and mediates those complaints against businesses, or involving issues, that are unregulated. The Division provides South Carolina taxpayers with a readily available, experienced, and cost-effective mediation service.

The **Public Information and Education Division** serves as the main education portal for consumers, business and the media. The Division informs consumers and businesses on their rights and responsibilities in the marketplace through traditional and alternative media distribution, including social media, presentations, media coverage and publications. Education is a central part of DCA’s mission. Cultivating a marketplace comprised of well-informed consumers and

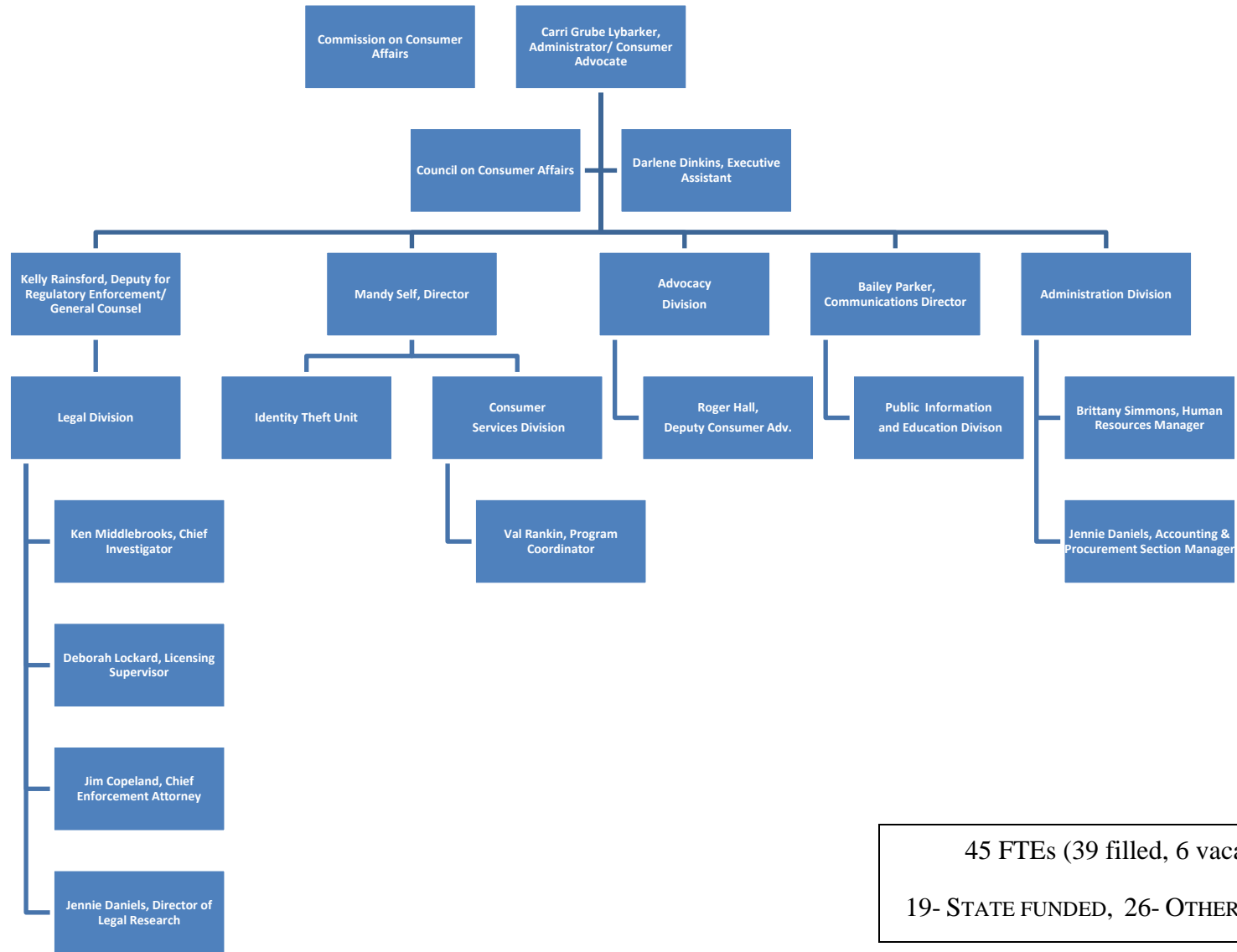
businesses prevents deceptive and unfair business practices and allows legitimate business activity to flourish, resulting in the promotion of competition and a healthier economy.

The Department's newest division, the **Identity Theft Unit (the "Unit")** provides education and outreach to South Carolina consumers across the state to increase public awareness and knowledge about what identity theft is, the steps consumers can take to protect themselves, and what consumers should do in the event of identity theft. For consumers who are identity theft victims, the Unit provides ongoing guidance throughout the process of mitigating and resolving their particular identity theft situation(s). The Unit also handles administration and enforcement of state identity theft-related consumer protection laws, including receipt of security breach notices to ensure reporting and notification requirements are met.

The **Advocacy Division** provides legal representation for the consumer interest in matters involving property and casualty insurance, worker's compensation insurance and utilities. The division was originally established to represent consumers at large before state and federal regulatory agencies that set rates, including for milk and utilities. Changes to the law from 1980 forward expanded the Division's responsibilities to include the analysis of workers' compensation, homeowners, auto and other insurance filings. The Consumer Advocate has participated in several insurance, worker's compensation and ratemaking proceedings in its history, garnering more than \$2.9 billion in savings for businesses and consumers alike. The responsibility to intervene in utility rate filings; however, was removed from the agency in 2004. The role was restored to SCDCA July 12, 2018. As the state agency designated to represent the interests of consumers, the Division aims to ensure that increases are justified, working to avoid excessive, inadequate or unwarranted rate increases. The Division also reviews rules and regulations proposed by state and federal agencies pertaining to ratemaking, providing comments as deemed appropriate.

The **Legal Division** performs the agency's licensing, compliance, administration and enforcement duties related to the majority of the 120 laws statutes under the agency's jurisdiction. The Division addresses complaints against businesses, or centering on issues, within the agency's jurisdiction, conducts investigations, and brings enforcement actions in various state and federal courts for violations of the laws subject to action by the Administrator. The Legal Division also processes over 25,000 regulatory applications and filings for fifteen industries, including several non-depository financial institutions. Specific areas are mortgage brokers, pawnbrokers, physical fitness centers, motor clubs, credit counseling organizations, prepaid legal services, athlete agents, the sale of preneed funeral contracts, registered consumer credit grantor, maximum rate filing and motor vehicle disclosure programs. The Division also handles administration and enforcement of state identity theft-related laws, including receipt of security breach notices to ensure reporting and notification requirements are met.

SC Department of Consumer Affairs: Organizational Chart



45 FTEs (39 filled, 6 vacant)
 19- STATE FUNDED, 26- OTHER FUNDED

SC Department of Consumer Affairs: Performance Update FY22

Overall, the agency's outcome of credits, refunds and adjustments for FY22 through efforts in complaint mediation, enforcement and intervention in rate filings was **\$3,244,082**. Combined with last year's amount, DCA garnered **nearly \$20 million** in savings and adjustments over the past two years. This number is nearly five times DCA's FY22 budget.



The amount fluctuates from year to year due to the unpredictability in forecasting results of enforcement actions and complaint resolutions due to the varied complexity of matters brought before the department. Last year, results from intervening in rate filings constituted the majority of the measurement (\$1,847,398). In FY19, the law restoring DCA's ability to intervene in utility rate filings became effective. A large portion of the intervention savings in FY22 arose from the Blue Granite Water case as the Supreme Court adopted DCA's return on equity in September 2021. The Court of Appeals also issued a ruling favoring the department in September 2021, that if upheld, will result in refunds, credits and adjustments of over \$7.5 million for consumers. We did continue to notice a decrease in the willingness of businesses to offer consumer refunds resulting from voluntary complaint mediation. A lesser amount was recovered through the process in FY22 (\$432,997) as compared to FY21 (\$467,434).

Non-depository financial institutions and other regulated industries submitted nearly 30,000 filings and applications, **3,000 more** than the prior two fiscal years. Despite the filing increase and staffing vacancies, DCA staff **exceeded the goal to process 95% within thirty days** of receipt (96%). High user adoption of our online licensing system (CALAS) exceeded expectations for the fifth year in a row. Legal Division staff engaged in extensive outreach to regulated industries regarding the benefits and how to use the system. The percentage of applicants submitting payments online also exceeded our 70% goal, with 85% using the system to its fullest, an increase of 11% over the past two fiscal years (FY 21-82%, FY20-74%). High adoption of the online payment capabilities decreases user error, increases compliance with State deposit laws and overall contributes to the repeated "no findings" Audit Report the department received from the State Auditor's Office.

Technology also assisted DCA in reaching or exceeding goals and performance measures related to voluntary complaint mediation activities. For the second year in a row, consumers submitted 76% of the **over 4,000 complaints** filed with the agency via our Online Complaint System. In FY20, DCA received 3,400 complaints. Despite the increase in complaints, staff came in below the complaint processing target of 30 days (actual-24 days). The Consumer Services Division obtained consumer credits, refunds and adjustments of \$432,997 through the voluntary mediation process, a **22% return on investment for the division**.

On the agency outreach front, DCA continued to create compelling, timely and relevant content to promote the activities of the agency and educate business and consumers on their respective rights and responsibilities in the consumer credit marketplace. DCA collaborated with the Federal Bureau of Investigation, SLED, the Federal Trade Commission, SC Legal Services, SC Department of Insurance and more to offer timely, relevant presentation content. The agency gave less presentations than in FY21, but still exceeded the target of 100, **making 153 presentations** to more than 3,300 consumers and 808 members of various industries. DCA asks webinar attendees to rate the overall presentation on a scale from 1-5 (5 being exceptional). The agency exceeded the target of receiving 4/5 stars, with an average of 4.8. The agency also focused on providing regular business offerings, including **quarterly webinars on state identity theft protection laws** and webinars covering how to use DCA's online licensing database that coincide with renewal timeframes. One of the most notable presentations given overall was to a group of internationals from 6 different Eastern European countries in the United States as a part of a US State Department program. The focus was to address ways to protect and educate senior adults from misinformation campaigns and scams.

DCA maintained last year's **100% pickup rate of press releases**, 10% over the goal. DCA also continued leveraging social media as a means to inform the public, becoming the first South Carolina state agency on NextDoor, and engaging in our fourth year of targeted social media campaigns on seasonal hot topics including online dating and National Consumer Protection Week; expanded activities throughout month with education and shred days across the state.

The department actively participated in many matters before the Public Service Commission (PSC). DCA provided **11 comment letters** to PSC on minimum filing requirements, bill inserts & notifications to customer represented consumer interest, and represented the consumer interest in new avoided cost dockets and the first gas case heard by the PSC in nearly 2 decades. The first case DCA intervened in was also resolved in FY22. Blue Granite applied to the PSC for a rate increase in FY20 and appealed the PSC's rate decision in FY21. In the meantime, the company attempted to raise rates by securing a bond that would enable it to make refunds to consumers if its appeal was ultimately unsuccessful. DCA successfully argued before the PSC that the company should not be allowed to increase their rates under bond in the midst of a pandemic. The Supreme Court issued their Order in the Blue Granite case in September 2021, **upholding both the Return on Equity recommendation made by DCA's witness** as well as the stay preventing Blue Granite from increasing their rates under bond pending appeal.

During FY22, DCA continued its implementation of Project Vector, an internal review of data collected by the agency. In FY22, DCA began development of new technologies as the agency seeks to automate areas involving heavy staff data entry. A preneed funeral contract filing database will create an efficient means of submitting data and payments to the agency, in turn reducing staff data entry and payment processing errors. DCA is training two staffers on the platform so its use can be expanded to rid the agency of remaining paper heavy processes or streamline current databases.

SC DEPARTMENT OF CONSUMER AFFAIRS: FINANCIAL UPDATE

BUDGET V ACTUAL DIVISIONS	STATE FUND ACTUAL (2022)	STATE FUND APPR (2023)	STATE FUND (2023) ACTUAL FYTD	OTHER FUND OF ACTUAL (2022)	OTHER FUND OF APPR (2023)	OTHER FUND (2023) OF ACTUAL FYTD
I. ADMIN						
ADMIN	\$ 128,926.00	\$ 128,926.00	\$ 69,835.00			
CLASS	\$ -	\$ -	\$ -	\$ 204,555.00	\$ 216,671.00	\$ 99,428.00
OTHR PERS		\$ 1,500.00	\$ 1,500.00	\$ 2,700.00	\$ 7,503.00	\$ 27,720.00
OTHR OPER	\$ 147,298.00	\$ 150,000.00	\$ 64,763.00			
TOTAL ADMIN	\$ 276,224.00	\$ 280,426.00	\$ 136,098.00	\$ 207,255.00	\$ 224,174.00	\$ 127,148.00
II. LEGAL						
CLASS	\$ 207,768.00	\$ 214,249.00	\$ 130,597.00	\$ 849,421.00	\$ 1,047,612.00	\$ 469,893.00
OTHR PERS	\$ 19,169.00	\$ 6,000.00	\$ 8,210.00	\$ 14,752.00	\$ 17,503.00	\$ 25,493.00
OTHR OPER	\$ 119,340.00	\$ 130,000.00	\$ 84,812.00	\$ 204,410.00	\$ 276,798.00	\$ 199,507.00
OTHR OPER					\$ 60,000.00	
TOTAL LEGAL	\$ 346,277.00	\$ 350,249.00	\$ 223,619.00	\$ 1,068,583.00	\$ 1,401,913.00	\$ 694,893.00
III. CONS SVCS						
CLASS	\$ 50,584.00	\$ 55,169.00	\$ 28,221.00	\$ 216,956.00	\$ 235,525.00	\$ 122,379.00
OTHR PERS	\$ 1,600.00	\$ 1,500.00	\$ 1,500.00	\$ 33,915.00	\$ 33,000.00	\$ 20,649.00
OTHR OPER	\$ 47,532.00	\$ 55,439.00	\$ 36,685.00			
TOTAL CONS SVCS	\$ 99,716.00	\$ 112,108.00	\$ 66,406.00	\$ 250,871.00	\$ 268,525.00	\$ 143,028.00
IV. CONS ADV						
CLASS	\$ 215,691.00	\$ 241,883.00	\$ 102,474.00			
OTHR PERS	\$ 15,664.00	\$ 4,500.00	\$ 4,700.00		\$ -	\$ -
OTHR OPER	\$ 204,185.00	\$ 260,000.00	\$ 117,672.00		\$ -	\$ -
TOTAL CONS ADV	\$ 435,540.00	\$ 506,383.00	\$ 224,846.00		\$ -	\$ -
V. PUBL INFO						
CLASS	\$ 146,805.00	\$ 187,129.00	\$ 100,473.00			\$ -
OTHR PERS	\$ 3,669.00	\$ 4,500.00	\$ 5,321.00	\$ -	\$ -	\$ -
OTHR OPER	\$ 52,733.00	\$ 53,500.00	\$ 46,071.00	\$ 5,140.00	\$ 8,150.00	\$ -
TOTAL PUBL INFO	\$ 203,207.00	\$ 245,129.00	\$ 151,865.00	\$ 5,140.00	\$ 8,150.00	\$ -
VI. ID THEFT						
CLASS	\$ 108,741.00	\$ 116,046.00	\$ 42,199.00		\$ -	\$ -
OTHR PERS	\$ 5,160.00	\$ 3,000.00	\$ 3,000.00		\$ -	\$ -
OTHR OPER	\$ 36,206.00	\$ 50,750.00	\$ 29,992.00		\$ -	\$ -
TOTAL ID THEFT	\$ 150,107.00	\$ 169,796.00	\$ 75,191.00		\$ -	\$ -
VII. FRINGE						
ER CONTRIB	\$ 350,397.00	\$ 401,738.00	\$ 190,325.00	\$ 585,120.00	\$ 614,415.00	\$ 333,386.00
TOTAL FRINGE	\$ 350,397.00	\$ 401,738.00	\$ 190,325.00	\$ 585,120.00	\$ 614,415.00	\$ 333,386.00
AGENCY TOTALS	\$ 1,861,468.00	\$ 2,065,829.00	\$ 1,068,350.00	\$ 2,116,969.00	\$ 2,517,177.00	\$ 1,298,455.00

FY22 carry forward :
 \$262,513

FY 23-24 Prioritized Budget Request Summary

Department of Consumer Affairs

BUDGET REQUESTS				FUNDING					FTEs			
Priority	Request Type (recurring, non-recurring, capital)	Request Title	Brief Description	General - Recurring	General - Nonrecurring	Other	Federal	Total	State	Other	Federal	Total
1	Recurring	Personnel Retention	Salary increases to provide more adequate compensation for certain employees.	2,668	0	13,201	0	15,869	0.00	0.00	0.00	0.00
2	Recurring	Outreach Coordinator and Investigator	Creation of positions to cover increase in workload and ensure fair work distribution amongst staff.	63,000	0	70,000	0	133,000	1.00	1.00	0.00	2.00
3	Recurring	Other Funds FY23 Cost of Living Adjustment	Increases other funds to account for FY23 COLA, for other fund-funded employees.	0	0	60,116	0	60116	0.00	0.00	0.00	0.00
TOTAL BUDGET REQUESTS				\$ 65,668	\$ -	\$ 143,317	\$ -	\$ 208,985	1.00	1.00	0.00	2.00

Agency Name: Department Of Consumer Affairs
 Agency Code: R280 Section: 80



**Fiscal Year FY 2023-2024
 Agency Budget Plan**

FORM A - BUDGET PLAN SUMMARY

**OPERATING
 REQUESTS**
 (FORM B1)

For FY 2023-2024, my agency is (mark "X"):	
<input checked="" type="checkbox"/>	Requesting General Fund Appropriations.
<input checked="" type="checkbox"/>	Requesting Federal/Other Authorization.
<input type="checkbox"/>	Not requesting any changes.

**NON-RECURRING
 REQUESTS**
 (FORM B2)

For FY 2023-2024, my agency is (mark "X"):	
<input type="checkbox"/>	Requesting Non-Recurring Appropriations.
<input type="checkbox"/>	Requesting Non-Recurring Federal/Other Authorization.
<input checked="" type="checkbox"/>	Not requesting any changes.

**CAPITAL
 REQUESTS**
 (FORM C)

For FY 2023-2024, my agency is (mark "X"):	
<input type="checkbox"/>	Requesting funding for Capital Projects.
<input checked="" type="checkbox"/>	Not requesting any changes.

PROVISOS
 (FORM D)

For FY 2023-2024, my agency is (mark "X"):	
<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.

**PRIMARY
 CONTACT:**
**SECONDARY
 CONTACT:**

<i>Name</i>	<i>Phone</i>	<i>Email</i>
Carri Grube Lybarker	(803) 734-4297	CLybarker@sconsumer.gov
Celeste Brown	(803) 734-4264	CBrown@sconsumer.gov

I have reviewed and approved the enclosed FY 2023-2024 Agency Budget Plan, which is complete and accurate to the extent of my knowledge.

<i>SIGN/DATE:</i>	<i>Agency Director</i>	<i>Board or Commission Chair</i>
<i>TYPE/PRINT NAME:</i>	Carri Grube Lybarker 9/23/22	David Campbell

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

Agency Name:	Department Of Consumer Affairs
Agency Code:	R280
Section:	80

BUDGET REQUESTS			FUNDING					FTES				
Priority	Request Type	Request Title	State	Federal	Earmarked	Restricted	Total	State	Federal	Earmarked	Restricted	Total
1	B1 - Recurring	Personnel Retention	2,668	0	13,201	0	15,869	0.00	0.00	0.00	0.00	0.00
2	B1 - Recurring	Outreach Coordinator and Investigator	63,000	0	70,000	0	133,000	1.00	0.00	1.00	0.00	2.00
3	B1 - Recurring	Other Funds FY23 Cost of Living Adjustment	0	0	60,116	0	60,116	0.00	0.00	0.00	0.00	0.00
TOTALS			65,668	0	143,317	0	208,985	1.00	0.00	1.00	0.00	2.00

Agency Name:	Department Of Consumer Affairs		
Agency Code:	R280	Section:	80

FORM B1 – RECURRING OPERATING REQUEST

AGENCY PRIORITY	1
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Provide the Agency Priority Ranking from the Executive Summary.

TITLE	Personnel Retention
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Provide a brief, descriptive title for this request.

AMOUNT	General: \$2,668 Federal: \$0 Other: \$13,201 Total: \$15,869
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What is the net change in requested appropriations for FY 2023-2024? This amount should correspond to the total for all funding sources on the Executive Summary.

NEW POSITIONS	0.00
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Please provide the total number of new positions needed for this request.

FACTORS ASSOCIATED WITH THE REQUEST	Mark "X" for all that apply:	
	<input checked="" type="checkbox"/>	Change in cost of providing current services to existing program audience
	<input checked="" type="checkbox"/>	Change in case load/enrollment under existing program guidelines
	<input type="checkbox"/>	Non-mandated change in eligibility/enrollment for existing program
	<input type="checkbox"/>	Non-mandated program change in service levels or areas
	<input type="checkbox"/>	Proposed establishment of a new program or initiative
	<input type="checkbox"/>	Loss of federal or other external financial support for existing program
	<input type="checkbox"/>	Exhaustion of fund balances previously used to support program
	<input type="checkbox"/>	IT Technology/Security related
	<input type="checkbox"/>	Consulted DTO during development
<input type="checkbox"/>	Related to a Non-Recurring request – If so, Priority #	

STATEWIDE ENTERPRISE STRATEGIC OBJECTIVES	Mark "X" for primary applicable Statewide Enterprise Strategic Objective:	
	<input type="checkbox"/>	Education, Training, and Human Development
	<input type="checkbox"/>	Healthy and Safe Families
	<input type="checkbox"/>	Maintaining Safety, Integrity, and Security
	<input type="checkbox"/>	Public Infrastructure and Economic Development
	<input checked="" type="checkbox"/>	Government and Citizens

ACCOUNTABILITY OF FUNDS	<p>While this request specifically supports 4.3 - <i>Provide an environment that supports staff development, retention and agency mission fulfillment</i>- this increase in funds will allow the Agency to fulfill all goals, strategies, and objectives as set forth in its fiscal year 2022 Accountability Report.</p>
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What specific strategy, as outlined in the most recent Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?

11 RECIPIENTS OF	<p>Full-time Department of Consumer Affairs employees whose compensation is needs adjusting as based on performance.</p> <p style="text-align: right;">SCDCA</p>
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FUNDS

What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?

JUSTIFICATION OF REQUEST

In FY 22, DCA saw the highest turnover rate in the past 5 fiscal years as 19% of staff moved on to other opportunities. This is on top of the 10% of DCA staff who left for higher paying jobs with other agencies or in the private sector in FY21; and the 15% turnover rate experienced in FY 20 and FY 19. The ability to provide performance increases is paramount to staff retention. Further, DCA saw an increase in workload with regard to regulatory filings and is making adjustments to ensure continuity of services and performance throughout the agency. As such, certain staff are taking on additional job duties. Overall, being able to adequately compensate staff for performance of job duties is essential to DCA being able to recruit and retain qualified individuals, enabling the accomplishment of the agency's goals and mission. While we have high employee satisfaction (FY22 100%), pay seems to- at times- trump a healthy work culture. This request covers increases/ adjustments in salaries and correlating fringe.

Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. If new positions have been requested, explain why existing vacancies are not sufficient.

Agency Name:	Department Of Consumer Affairs		
Agency Code:	R280	Section:	80

FORM B1 – RECURRING OPERATING REQUEST

AGENCY PRIORITY	2
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Provide the Agency Priority Ranking from the Executive Summary.

TITLE	Outreach Coordinator and Investigator
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Provide a brief, descriptive title for this request.

AMOUNT	<p>General: \$63,000</p> <p>Federal: \$0</p> <p>Other: \$70,000</p> <p>Total: \$133,000</p>
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What is the net change in requested appropriations for FY 2023-2024? This amount should correspond to the total for all funding sources on the Executive Summary.

NEW POSITIONS	2.00
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Please provide the total number of new positions needed for this request.

FACTORS ASSOCIATED WITH THE REQUEST	Mark "X" for all that apply:	
	<input type="checkbox"/>	Change in cost of providing current services to existing program audience
	<input checked="" type="checkbox"/>	Change in case load/enrollment under existing program guidelines
	<input type="checkbox"/>	Non-mandated change in eligibility/enrollment for existing program
	<input type="checkbox"/>	Non-mandated program change in service levels or areas
	<input type="checkbox"/>	Proposed establishment of a new program or initiative
	<input type="checkbox"/>	Loss of federal or other external financial support for existing program
	<input type="checkbox"/>	Exhaustion of fund balances previously used to support program
	<input type="checkbox"/>	IT Technology/Security related
	<input type="checkbox"/>	Consulted DTO during development
<input type="checkbox"/>	Related to a Non-Recurring request – If so, Priority #	

STATEWIDE ENTERPRISE STRATEGIC OBJECTIVES	Mark "X" for primary applicable Statewide Enterprise Strategic Objective:	
	<input type="checkbox"/>	Education, Training, and Human Development
	<input type="checkbox"/>	Healthy and Safe Families
	<input type="checkbox"/>	Maintaining Safety, Integrity, and Security
	<input type="checkbox"/>	Public Infrastructure and Economic Development
<input checked="" type="checkbox"/>	Government and Citizens	

ACCOUNTABILITY OF FUNDS	<p>1.1- Examine regulated industries to determine compliance with applicable laws and regulations, conduct investigations upon receiving probable cause and implement enforcement actions against violators.</p> <p>2.2- Interpret and explain statutes under the agency's jurisdiction in a fair manner, balancing the interests of consumers with those businesses acting honestly and fairly.</p> <p>3.1- Engage in traditional educational efforts to decrease consumer risks and increase industry compliance.</p> <p>3.2- Actively seek out media attention and cultivate relationships with media stakeholders.</p> <p>3.3- Increase public awareness through digital media and alternative, cost-effective methods.</p> <p>4.3- Provide an environment that supports staff development, retention and agency mission fulfillment.</p>
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What specific strategy, as outlined in the most recent Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?

RECIPIENTS OF FUNDS

New Outreach Coordinator and Investigator employed by DCA once funding is secured.

What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?

JUSTIFICATION OF REQUEST

DCA has over 120 statutes under its jurisdiction, the majority regulating the consumer credit marketplace. Within this framework, we administer and enforce laws pertaining to 15 specific industries involving non-depository financial institutions. Over the past 2 years, filings have steadily increased. In FY22, DCA received 3,000 more filings and applications than the year prior and staff processed approximately 5,000 more applications in FY22 and in FY21 than in FY20. Further, the need for enforcement activity has increased, however resource allocation has not permitted DCA to adequately respond. Staff are being diverted from day to day operations to focus on more prioritized enforcement projects. This resulted in the Legal Division falling short of certain accountability measures in FY22.

The Public Information Coordinator II (Outreach Coordinator) will assist in fulfilling a core component of DCA's mission- to educate consumers and businesses on their rights and responsibilities under the law. With the increase in licensees mentioned above, as well as increase in general presentation requests from the public, a focused FTE to foster presentations and partnerships is key. Further, a continued challenge for DCA is public awareness of the services we provide, which this position will serve to increase. In FY20 we gave 181 presentations. In FY21 we did 107 presentations and in FY22 are back to 157. We need an additional employee to focus the majority of their time and energy to being the outreach "boots on the ground" to sustain this effort, participate on multiple committees of which DCA is a part and actively steer new partnerships / focused outreach efforts.

Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. If new positions have been requested, explain why existing vacancies are not sufficient.

Agency Name:	Department Of Consumer Affairs		
Agency Code:	R280	Section:	80

FORM B1 – RECURRING OPERATING REQUEST

AGENCY PRIORITY	3
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Provide the Agency Priority Ranking from the Executive Summary.

TITLE	Other Funds FY23 Cost of Living Adjustment
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Provide a brief, descriptive title for this request.

AMOUNT	General: \$0 Federal: \$0 Other: \$60,116 Total: \$60,116
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What is the net change in requested appropriations for FY 2023-2024? This amount should correspond to the total for all funding sources on the Executive Summary.

NEW POSITIONS	0.00
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Please provide the total number of new positions needed for this request.

FACTORS ASSOCIATED WITH THE REQUEST	Mark "X" for all that apply:	
	<input checked="" type="checkbox"/>	Change in cost of providing current services to existing program audience
	<input type="checkbox"/>	Change in case load/enrollment under existing program guidelines
	<input type="checkbox"/>	Non-mandated change in eligibility/enrollment for existing program
	<input type="checkbox"/>	Non-mandated program change in service levels or areas
	<input type="checkbox"/>	Proposed establishment of a new program or initiative
	<input type="checkbox"/>	Loss of federal or other external financial support for existing program
	<input type="checkbox"/>	Exhaustion of fund balances previously used to support program
	<input type="checkbox"/>	IT Technology/Security related
	<input type="checkbox"/>	Consulted DTO during development
<input type="checkbox"/>	Related to a Non-Recurring request – If so, Priority #	

STATEWIDE ENTERPRISE STRATEGIC OBJECTIVES	Mark "X" for primary applicable Statewide Enterprise Strategic Objective:	
	<input type="checkbox"/>	Education, Training, and Human Development
	<input type="checkbox"/>	Healthy and Safe Families
	<input type="checkbox"/>	Maintaining Safety, Integrity, and Security
	<input type="checkbox"/>	Public Infrastructure and Economic Development
<input checked="" type="checkbox"/>	Government and Citizens	

ACCOUNTABILITY OF FUNDS	<p>This increase in funds will allow the Agency to fulfill all goals, strategies, and objectives as set forth in its fiscal year 2022 Accountability Report.</p>
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What specific strategy, as outlined in the most recent Strategic Planning and Performance Measurement template of agency's accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?

15 RECIPIENTS OF	Department of Consumer Affairs employees whose compensation is provided via other funds. SCDCA
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FUNDS

What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated – using an existing formula, through a competitive process, based upon predetermined eligibility criteria?

JUSTIFICATION OF REQUEST

The Department of Consumer Affairs has 26 FTEs supported by other funds. The FY23 State Budget included a 3% cost of living increase. The requested amount covers the increase for classified personnel funding (\$42,940) and related impact on fringe (\$17,176).

Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. If new positions have been requested, explain why existing vacancies are not sufficient.

Agency Name:	Department Of Consumer Affairs		
Agency Code:	R280	Section:	80

FORM D – PROVISO REVISION REQUEST

NUMBER	80.1
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Cite the proviso according to the renumbered list (or mark "NEW").

TITLE	Consumer Protection Code Violations Revenue
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Provide the title from the renumbered list 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.

RELATED BUDGET REQUEST	
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Is this request associated with a budget request you have submitted for FY 2023-2024? 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 & EXPLANATION	<p>Authorizes DCA to retain all funds paid in the resolution of cases involving statutes enforced by the department and to use the retained funds to offset costs.</p> <p>This Proviso has been in effect for over 20 years. It received a minor clarification amendment in the FY18 Appropriations Act and has remained largely unchanged. Retention and carry forward of these funds is critical to DCA being able to carry out its duties under its respective statutes. Currently other funds constitute approximately 55% of the agency's budget.</p>
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Summarize the existing proviso. If requesting a new proviso, describe the current state of affairs without it. 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

Provide "other funds" to the Department in an approximate amount of \$200,000. This is the average amount received during the past three fiscal years. The number varies from year to year dependent on the amount and gravity of enforcement actions resulting in fines and penalties.

DCA's primary goals in enforcement are on obtaining credits, refunds and adjustments for consumers and correcting internal business operations to avoid future occurrences as opposed to seeking penalties.

Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

**PROPOSED
PROVISO TEXT**

No changes.

Funds, paid to the department in resolution 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.

Paste existing 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:	R280	Section:	80

FORM D – PROVISO REVISION REQUEST

NUMBER	80.2
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Cite the proviso according to the renumbered list (or mark "NEW").

TITLE	Expert Witness/ Assistance Carry Forward
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Provide the title from the renumbered list 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.

RELATED BUDGET REQUEST	
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Is this request associated with a budget request you have submitted for FY 2023-2024? 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 & EXPLANATION	<p>Authorizes DCA to carry forward unexpended funds appropriated for the expert witness/ assistance program. This Proviso has been in effect over 20 years, with a minor FY22 amendment that permits DCA to retain funding to offset costs for the Advocacy program, even when such funds were not encumbered during the prior fiscal year.</p>
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Summarize the existing proviso. If requesting a new proviso, describe the current state of affairs without it. 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

Carry forward funds retained by DCA would vary from year to year depending on the amount and complexity of ratemaking proceedings.

Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

**PROPOSED
PROVISO TEXT**

No changes.
Unexpended appropriated funds for the Consumer Advocacy expert witness/assistance program (under Section 37-6-603) may be carried forward into the next fiscal year and expended for the same purposes.

Paste existing 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:	R280	Section:	80

FORM D – PROVISO REVISION REQUEST

NUMBER	80.3
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Cite the proviso according to the renumbered list (or mark "NEW").

TITLE	Registered Credit Grantor Notification and Maximum Rate Filing Fees Retention
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Provide the title from the renumbered list or suggest a short title for any new request.

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

RELATED BUDGET REQUEST	
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Is this request associated with a budget request you have submitted for FY 2023-2024? 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 & EXPLANATION	<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> <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. The Proviso was updated in 2018-2019 Appropriations Act as portions were previously codified and the Department proposed referencing Chapters instead of sections to permit retention of all filing fees collected therein and avoid the need to amend the proviso as amendments or codification occurs.</p> <p>Retention and carry forward of these funds is critical to DCA being able to carry out its duties under its respective statutes. Currently other funds constitute approximately 55% of the agency's budget.</p>
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Summarize the existing proviso. If requesting a new proviso, describe the current state of affairs without it. 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

Provide "other funds" to the Department in an approximate amount of \$560,000. This amount is based on the average fees collected over the past three fiscal years for the credit grantor notification program and the motor vehicle closing fee program.

Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

**PROPOSED
PROVISO TEXT**

No changes.

The Department of Consumer Affairs may retain all filing fees collected under Chapters 2, 3 and 6, Title 37 of the 1976 Code. These fees shall be used to offset the cost of administering and enforcing Title 37 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.

Paste existing 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:	R280	Section:	80

FORM D – PROVISO REVISION REQUEST

NUMBER	80.4
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Cite the proviso according to the renumbered list (or mark "NEW").

TITLE	Retention of Fees
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Provide the title from the renumbered list 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.

RELATED BUDGET REQUEST	
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Is this request associated with a budget request you have submitted for FY 2023-2024? 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 & EXPLANATION	<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. This Proviso was first adopted in 2010-2011 Appropriations Act and was amended annually solely to update the fiscal year, until the date was removed in FY15.</p> <p>Retention of these funds is critical to DCA being able to carry out its duties under the delineated statutes. Currently other funds constitute approximately 55% of the agency's budget.</p>
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Summarize the existing proviso. If requesting a new proviso, describe the current state of affairs without it. 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

Provide "other funds" to the Department in the approximate amount of \$134,000. This amount is based on the average monies received from the Pawnbroker, Physical Fitness and Motor Club programs during the last three fiscal years.

Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

**PROPOSED
PROVISO TEXT**

No changes.
For the current fiscal year, 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.

Paste existing 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:	R280	Section:	80

FORM E – AGENCY COST SAVINGS AND GENERAL FUND REDUCTION CONTINGENCY PLAN

TITLE	Agency Cost Savings and General Fund Reduction Contingency Plan
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AMOUNT	\$59,475
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What is the General Fund 3% reduction amount? This amount should correspond to the reduction spreadsheet prepared by EBO.

ASSOCIATED FTE REDUCTIONS	N/A. The Department was an agency hard hit by the Great Recession. After the implementation of a reduction in force in FY10 and subsequent budget cuts in FY11 and FY12, DCA went from 68 filled FTE positions in FY09 to a low of 27 filled FTEs in 2011. The department currently has 45 FTE positions.
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How many FTEs would be reduced in association with this General Fund reduction?

PROGRAM / ACTIVITY IMPACT	<p>All programs- employee trainings</p> <p>Public Information and Education Division, Identity Theft Unit- educational materials printing; outreach campaigns</p>
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What programs or activities are supported by the General Funds identified?

SUMMARY	<p>DCA receives the majority of its funding through other funds (55%). Approximately 76% of the agency's total budget is used for salaries and fringe. We currently have 45 FTE positions as compared to our pre-RIF (FY10) allocation of 68 FTEs. DCA is not in a position to delete any FTE positions, thus if a 3% reduction of general fund appropriations is implemented DCA would reduce operating expenses agency-wide.</p> <p>The decrease would result in DCA limiting training opportunities and travel for attorneys, investigators and other agency staff. The impact would be a potential lack of knowledge/keeping abreast of changes in Federal laws applicable to the regulatory statutes the agency administers and enforces, including Truth in Lending and mortgage related laws. Further, the majority of DCA's attorneys in the Legal Division have been with the agency for three years or less, thus training is of ever greater importance.</p> <p>The decrease would also affect agency outreach efforts. DCA has the responsibility of counseling consumers and businesses on their rights and responsibilities under consumer protection laws. Agency consumer and business information campaigns often include printed materials, media buys and statewide presentations. Reducing these items would result in a reduction of compliance and knowledge of consumer protection laws, negatively impacting the consumer credit marketplace.</p>
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Please provide a detailed summary of service delivery impact caused by a reduction in General Fund Appropriations and provide the method of calculation for anticipated reductions. Agencies should prioritize reduction in expenditures that have the least significant impact on service delivery.

AGENCY COST SAVINGS PLANS

N/A

What measures does the agency plan to implement to reduce its costs and operating expenses by more than \$50,000? Provide a summary of the measures taken and the estimated amount of savings. How does the agency plan to repurpose the savings?

Agency Name:	Department Of Consumer Affairs		
Agency Code:	R280	Section:	80

FORM F – REDUCING COST AND BURDEN TO BUSINESSES AND CITIZENS

TITLE	OnBase Project
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Provide a brief, descriptive title for this request.

EXPECTED SAVINGS TO BUSINESSES AND CITIZENS	Businesses will spend less time submitting regulatory filings, reduce paper processes and mailing costs. DCA will be able to process filings faster with less data entry, reduce storage costs and streamline data retention and reporting.
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What is the expected savings to South Carolina's businesses and citizens that is generated by this proposal? The savings could be related to time or money.

FACTORS ASSOCIATED WITH THE REQUEST	Mark "X" for all that apply:
	<input type="checkbox"/> Repeal or revision of regulations.
	<input checked="" type="checkbox"/> Reduction of agency fees or fines to businesses or citizens.
	<input checked="" type="checkbox"/> Greater efficiency in agency services or reduction in compliance burden.
	<input type="checkbox"/> Other

METHOD OF CALCULATION	Use of agency accountability reports, comparison with prior technologies implemented and associated results. Data analytics from underlying programs.
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Describe the method of calculation for determining the expected cost or time savings to businesses or citizens.

REDUCTION OF FEES OR FINES	DCA does not have the ability to adjust licensing fees on its own authority, a power given other agencies in the regulation of non-depository financial institutions. The availability of online programs and ease of use, however, will likely reduce fines for late filings. We will be using OnBase initially for preneed funeral contract processing. S.C.Code Ann. § 32-7-50(C)(1) requires preneed funeral contract providers submit contracts entered into to the Department within sixty days of the last day of the month when the contract was sold. Late filing results in a penalty of ten dollars per contract. In FY22, DCA collected approximately \$13,000 in these penalties.
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Which fees or fines does the agency intend to reduce? What was the fine or fee revenue for the previous fiscal year? What was the associated program expenditure for the previous fiscal year? What is the enabling authority for the issuance of the fee or fine?

REDUCTION OF REGULATION	N/A
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Which regulations does the agency intend to amend or delete? What is the enabling authority for the regulation?

	<p>The Department has employed new technologies to increase efficiencies for all customers and lessen business burden over the past few years. DCA regulates 15 different industries and now all licensing/ registration programs administered by DCA are now live on the agency's online licensing database. The use of technology has enabled staff to provide more expedient and efficient services. In FY21 and FY22, staff processed nearly 5,000 more applications than in FY20 and exceeded the goal to process 95% within thirty days of receipt (96%) . This was a major feat in FY22 as half of licensing staff positions were vacant during high filing season. High user adoption of our online licensing system (CALAS) exceeded expectations and contributed to this accomplishment.</p> <p>Now DCA is turning to other paper filing processes that occur outside of licensing/ registration processes. We are leveraging the state contract with OnBase to create a preneed contract filing system. Providers/ Licensees will be able to create a contract within the system and submit it, and corresponding payment, online. The system will also generate filing reminders if a contract was created, but not submitted within the statutory timeframe. DCA receives approximately 8,000 contracts annually and must store the contracts until fulfilled. The system will reduce data entry and store contracts digitally, permitting staff to easily search for records that can be deleted. Reports from the system will also assist in compliance reviews.</p> <p>DCA is also training two staff members in the OnBase technology so we can use the</p>
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SUMMARY

system for additional project phases such as mortgage log reporting, professional employer organization quarterly reporting, and other paper driven filings.

Provide an explanation of the proposal and its positive results on businesses or citizens. How will the request affect agency operations?

**Transportation and Regulatory Subcommittee
Proviso Request Summary**

FY 22-23 Proviso #	Renumbered FY 23-24 Proviso #	Proviso Title	Short Summary	FY of Proviso Introduction/ # of years in budget	Recommended Action	Proviso Language
80.1		Consumer Protection Code Violations Revenue	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.	Over 20 years. It received a minor clarification amendment in the FY18 Appr. Act.	CODIFY	Funds, paid to the department in resolution 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.
80.2		Expert Witness/ Assistance Carry Forward	Authorizes DCA to carry forward unexpended funds appropriated for the expert witness/assistance program.	Over 20 years. Minor amendment in FY22 to permit carry forward of all funds as opposed to just encumbered funds.	CODIFY	Unexpended appropriated funds for the Consumer Advocacy expert witness/assistance program (under Section 37-6-603) may be carried forward into the next fiscal year and expended for the same purposes.
80.3		Registered Credit Grantor Notification and Maximum Rate Filing Fees Retention	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.	First adopted in FY10 Approp. Act as a revision to a similar Proviso that had been in effect since FY05. Codified portions were removed in 2019.	CODIFY	The Department of Consumer Affairs may retain all filing fees collected under Chapters 2, 3 and 6, Title 37 of the 1976 Code. These fees shall be used to offset the cost of administering and enforcing Title 37 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.
80.4		Retention of Fees	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.	FY2011.	CODIFY	For the current fiscal year, 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.
29						SCDCA

SC DEPARTMENT OF CONSUMER AFFAIRS: AGENCY HIGHLIGHTS

DCA FY 23 HIGHLIGHTS THUS FAR

This fiscal year (July-December) DCA has already:

Received nearly **2,500 complaints** and recovered approximately **\$820,000** in consumer credits, refunds and adjustments through efforts in complaint mediation. DCA is currently on track to receive a record amount of complaints in FY23.

Continued implementation of **restored utility intervention role**: DCA participated in settlement on all issues except for the return on equity (ROE) in Piedmont Natural Gas case. PSC chose an ROE lower than what was proposed in the settlement, resulting in approximately **\$1.24 million in savings for consumers annually**; PSC **adopted DCA's position** to use overall rate of return (8.14%) instead of proposed ROE (9.9%) for Shared Savings Incentive in Dominion Natural Gas Energy Efficiency Case; Continued participation in PSC regulation change workshops.

Gave **57 presentations** to approximately **5,000 consumers** and **industry members** on topics such as identity theft and scams, industry renewals, financial literacy, privacy laws and other state consumer protection laws. DCA switched to a webinar-based presentation method in wake of COVID and continues to hold a Wednesday Webinar each week in addition to performing requested presentations and other seasonal webinars for consumers and businesses.

Processed over **12,500 regulatory filings** for industries such as pawnbrokers, mortgage brokers, preneed funeral contracts and credit counseling. This is more than **3,500 more** than the same time period in FY22. DCA is anticipating to meet or exceed the amount received and processed in FY22 (27,000).

Completed assisting **208 consumers** with the transfer of their preneed funeral contracts from funeral home that shutdown due to owner's passing.

Launched a new presentation offering- "*Ditch the Pitch Bingo*" to provide consumers with helpful tips to protect their money and personal information. Also added **23 videos** to YouTube on topics such as DCA's complaint process, cybersecurity and scams.
