Agency Name: Department of Labor, Licensing and Regulation

Statutory Authority: 40-1-50

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Senate Committee: Labor, Commerce and Industry Committee

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Subject: Corporate Self-Representation at Hearings Before the Department's Professional and Occupational Licensing Boards

History: 5152

By Date Action Description Jt. Res. No. Expiration Date

- 10/28/2022 Proposed Reg Published in SR

- 01/10/2023 Received President of the Senate & Speaker 05/10/2023

S 01/10/2023 Referred to Committee

H 01/11/2023 Referred to Committee

S 02/28/2023 Resolution Introduced to Approve 572

- 05/10/2023 Approved by: Expiration Date

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 provided for in the Regulation

Document No. 5152

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**

CHAPTER 10

Statutory Authority: 1976 Code Section 40‑1‑50

10‑50. Representation before Department Boards and Commissions. (New)

**Synopsis:**

 The South Carolina Department of Labor, Licensing and Regulation proposes to add a regulation for corporate self‑representation at hearings before the Department’s professional and occupational licensing boards.

 The Notice of Drafting was published in the *State Register* on September 23, 2022.

**Instructions:**

 Print the regulation as shown below. All other items remain unchanged.

**Text:**

10‑50. Representation before Department Boards and Commissions.

 A. Parties who appear in administrative hearings in contested cases as defined under S.C. Code Ann. § 1‑23‑310 before a licensing board administered by the Department may appear and represent themselves, or may appear and be represented by an attorney admitted to practice in this State, either permanently or pro hac vice. Contested cases include, but are not limited to, disciplinary action proceedings pursuant to S.C. Code Ann. § 40‑1‑90 and licensure application hearings.

 B. A party who is not a natural person, such as a business defined in S. C. Code Ann. §33‑1‑103, may be represented in a hearing before a licensing board without an attorney admitted to practice in this State only through an officer or employee, including in‑house attorneys possessing Limited Certificates of Admission (“Limited Certificate”) pursuant to Rule 405, SCACR who:

 1. in the case of a person possessing a Limited Certificate, has provided a copy of the Limited Certificate prior to appearance at the Hearing; or

 2. in the case of a non‑lawyer officer or employee, has provided to a board a written authorization to represent that entity signed by the president, chairperson, general partner, or chief executive officer prior to appearance at the Hearing.

 C. A party proceeding without legal representation by an attorney admitted to practice in this State shall remain fully responsible for compliance with the South Carolina Rules of Evidence, the South Carolina Administrative Procedures Act and any statutes or regulations applicable to a licensing board’s proceedings.

**Fiscal Impact Statement:**

 There will be no cost incurred by the State or any of its political subdivisions for the promulgation of this regulation.

**Statement of Rationale:**

The regulation will provide the required legal authority to permit a party who is not a natural person, such as a business, to represent itself in a hearing before a licensing board without an attorney admitted to practice in the state by way of an officer or employee, including in‑house attorneys possessing Limited Certificates of Admission pursuant to Rule 405, SCACR.