

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80



**Fiscal Year 2018-19
Agency Budget Plan**

FORM A - BUDGET PLAN SUMMARY

OPERATING REQUESTS (FORM B1)	For FY 2018-19, my agency is (mark "X"):	
	<input type="checkbox"/>	Requesting General Fund Appropriations.
	<input type="checkbox"/>	Requesting Federal/Other Authorization.
	<input checked="" type="checkbox"/>	Not requesting any changes. <i>(FTE change only - no new funds requested)</i>
NON-RECURRING REQUESTS (FORM B2)	For FY 2018-19, 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 2018-19, my agency is (mark "X"):	
	<input type="checkbox"/>	Requesting funding for Capital Projects.
	<input checked="" type="checkbox"/>	Not requesting any changes.
	For FY 2018-19, my agency is (mark "X"):	
PROVISOS (FORM D)	<input checked="" type="checkbox"/>	Requesting a new proviso and/or substantive changes to existing provisos.
	<input 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.

	<u>Name</u>	<u>Phone</u>	<u>Email</u>
PRIMARY CONTACT:	Carri Grube Lybarker	803-734-4297	CLybarker@scconsumer.gov
SECONDARY CONTACT:	Celeste Brown	803-734-4264	CBrown@scconsumer.gov

I have reviewed and approved the enclosed FY 2018-19 Agency Budget Plan, which is complete and accurate to the extent of my knowledge.

	<u>Agency Director</u>	<u>Board or Commission Chair</u>
SIGN/DATE:	<i>Carri Grube Lybarker</i>	<i>De C</i> 9-13-17
TYPE/PRINT NAME:	Carri Grube Lybarker	David Campbell

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

Fiscal Year 2018-19 Budget Request Executive Summary

Agency Code: R28
 Agency Name: Department of Consumer Affairs
 Section:

BUDGET REQUESTS			FUNDING					FTES				
Priority	Request Type	Request Title	State	Federal	Earmarked	Restricted	Total	State	Federal	Earmarked	Restricted	Total
1	B1 - Recurring	FTE Reconciliation	0	0	0	0	0	1.00				1.00
2							0					0.00
3							0					0.00
4							0					0.00
5							0					0.00
6							0					0.00
7							0					0.00
8							0					0.00
9							0					0.00
10							0					0.00
11							0					0.00
12							0					0.00
13							0					0.00
14							0					0.00
15							0					0.00
16							0					0.00
17							0					0.00
18							0					0.00
19							0					0.00
20							0					0.00
21							0					0.00
22							0					0.00
23							0					0.00
24							0					0.00
25							0					0.00
26							0					0.00
27							0					0.00
28							0					0.00
29							0					0.00
30							0					0.00
TOTAL BUDGET REQUESTS			0	0	0	0	0	1.00	0.00	0.00	0.00	1.00

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

FORM B1 – RECURRING OPERATING REQUEST

AGENCY PRIORITY	1 – Form #13486
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Provide the Agency Priority Ranking from the Executive Summary.

TITLE	FTE Reconciliation
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Provide a brief, descriptive title for this request.

AMOUNT	General: 0 Federal: 0 Other:0 Total: 0
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What is the net change in requested appropriations for FY 2018-19? This amount should correspond to the total for all funding sources on the Executive Summary.

NEW POSITIONS	1
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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 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	

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

ACCOUNTABILITY OF FUNDS	<p>Retain 90% of staff while concurrently maintaining a 90% employee satisfaction rate.</p> <p>Placing staff in most needed areas to achieve agency objectives and ensuring appropriate funding for carrying out of agency duties.</p>
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What specific agency objective, as outlined in the agency's accountability report, does this funding request support? How would this request advance that objective? How would the use of these funds be evaluated?

RECIPIENTS OF FUNDS	N/A
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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	<p>In DCA's FY18 Budget Request, the agency requested general fund monies for salary increases. As a part of the request, to make room for the agency to accomplish salary increases for other fund employees, DCA desired to move an FTE from being other fund funded to general fund funded. The monies for the position were moved, however the corresponding FTE position was not.</p>
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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:	R28	SECTION:	80

FORM D – PROVISIO REVISION REQUEST

NUMBER	80.1
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Cite the proviso according to the renumbered list for FY 2018-19 (or mark "NEW").

TITLE	Consumer Protection Code Violations Revenue
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Provide the title from the FY 2017-18 Appropriations Act or suggest a short title for any new request.

BUDGET PROGRAM	II. Legal, IV. Advocacy
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Identify the associated budget program(s) by name and budget section.

RELATED BUDGET REQUEST	N/A
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Is this request associated with a budget request you have submitted for FY 2018-19? If so, cite it here.

REQUESTED ACTION	Amend
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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 settlement 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 and has not been amended since that time. Retention and carry forward of these funds is critical to DCA being able to carry out its duties under its respective statutes. Currently general funds constitute only 42% of the agency's budget.</p> <p>The Department wishes to amend the proviso to alleviate confusion and make clear the agency can retain funds received through investigations and /or litigation.</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.

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

FISCAL IMPACT	<p>Provide "other funds" to the Department in an approximate amount of \$300,000. This is the average amount received during the past four fiscal years. The number varies from year to year dependent on the amount and gravity of enforcement actions resulting in fines and penalties.</p>
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Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

PROPOSED PROVISIO TEXT	<p>Funds, paid to the department in settlement <u>resolution</u> 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.</p>
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Paste FY 2017-18 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:	R28	SECTION:	80

FORM D – PROVISO REVISION REQUEST

NUMBER	80.2
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Cite the proviso according to the renumbered list for FY 2018-19 (or mark "NEW").

TITLE	Student Athlete/ Agents Registration
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Provide the title from the FY 2017-18 Appropriations Act 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	N/A
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Is this request associated with a budget request you have submitted for FY 2018-19? 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 paid under Chapter 102, Title 59 (Uniform Athlete Agents Act) for enforcement of the chapter.</p> <p>This Proviso has been in effect for over 20 years and has not been amended since that time. Retention of these funds is critical to DCA being able to carry out its duties under the Athlete Agent Act. Currently general funds constitute only 42% 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.

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

FISCAL IMPACT	<p>Provide "other funds" to the Department in an approximate amount of \$20,000. This amount is based on the number of applications received over the past two fiscal years (biannual renewal).</p>
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Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

PROPOSED PROVISIO TEXT	<p>No changes.</p> <p>Funds received by the department of Consumer Affairs pursuant to registrations under Chapter 102, Title 59 of the 1976 Code may be retained by the department for its enforcement duties relating to athlete agents and student athletes under that chapter.</p>
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Paste FY 2017-18 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:	R28	SECTION:	80

FORM D – PROVISO REVISION REQUEST

NUMBER	80.3
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Cite the proviso according to the renumbered list for FY 2018-19 (or mark "NEW").

TITLE	Expert Witness/ Assistance Carry Forward
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Provide the title from the FY 2017-18 Appropriations Act 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	N/A
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Is this request associated with a budget request you have submitted for FY 2018-19? 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.</p> <p>This Proviso has been in effect for over 20 years and has not been amended since that time. Carry forward is needed as the matters for which expert witnesses are hired frequently span two or more fiscal years.</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.

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

FISCAL IMPACT	<p>No impact.</p>
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Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

PROPOSED PROVISIO TEXT	<p>No changes.</p> <p>Unexpended encumbered appropriated funds for the Consumer Advocacy expert witness/assistance program (under Section 37-6-603) may be carried forward into the next fiscal year to meet contractual obligations existing at June thirtieth and not paid by July thirty-first.</p>
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Paste FY 2017-18 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:	R28	SECTION:	80

FORM D – PROVISO REVISION REQUEST

NUMBER	80.4 <i>Cite the proviso according to the renumbered list for FY 2018-19 (or mark “NEW”).</i>
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TITLE	Filing Fees Retention <i>Provide the title from the FY 2017-18 Appropriations Act or suggest a short title for any new request.</i>
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BUDGET PROGRAM	I. Administration, II. Legal, III. Services <i>Identify the associated budget program(s) by name and budget section.</i>
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RELATED BUDGET REQUEST	N/A <i>Is this request associated with a budget request you have submitted for FY 2018-19? If so, cite it here.</i>
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REQUESTED ACTION	Amend <i>Choose from: Add, Delete, Amend, or Codify.</i>
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OTHER AGENCIES AFFECTED	N/A <i>Which other agencies would be affected by the recommended action? How?</i>
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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.</p> <p>A portion of the proviso was codified in Sections 37-2-305 and 37-3-305, thus a deletion of the appropriate text is required. The Department also recommends referencing Chapters instead of sections to permit retention of all filing fees collected 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 general funds constitute only 42% 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.

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

FISCAL IMPACT	<p>Provide "other funds" to the Department in an approximate amount of \$615,000. This amount is based on the average fees collected over the past three fiscal years for the credit grantor notification program and expected revenue for motor vehicle filing fee program.</p>
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Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

PROPOSED PROVISIO TEXT	<p>The Department of Consumer Affairs may retain all Consumer Credit Grantor Notification filing fees collected under <u>Chapters 2, 3 and 6, Title 37 of the 1976 Code</u> Section 37-6-203 and all Maximum Rate Schedules filing fees collected under Section 37-2-305 and Section 37-3-305. These fees shall be used to offset the cost of administering and enforcing Chapters 2 and 3, Title 37 of the 1976 Code 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.</p>
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Paste FY 2017-18 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:	R28	SECTION:	80

FORM D – PROVISO REVISION REQUEST

NUMBER	80.5
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Cite the proviso according to the renumbered list for FY 2018-19 (or mark "NEW").

TITLE	Retention of Fees
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Provide the title from the FY 2017-18 Appropriations Act 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	N/A
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Is this request associated with a budget request you have submitted for FY 2018-19? 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.</p> <p>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. Retention of these funds is critical to DCA being able to carry out its duties under the delineated statutes. Currently general funds constitute only 42% 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.

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

FISCAL IMPACT	<p>Provide "other funds" to the Department in the approximate amount of \$150,000. This amount is based on the average monies received from the Pawnbroker, Physical Fitness and Motor Club programs during the last three fiscal years.</p>
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Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

PROPOSED PROVISIO TEXT	<p>No changes.</p> <p>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.</p>
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Paste FY 2017-18 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:	R28	SECTION:	80

SUMMARY	<p>DCA receives the majority of its funding through other funds (58%). Seventy-five percent of the agency's total budget is used for salaries and fringe. Of the general fund appropriations received, 73% are allocated for personnel expenses and the remaining 28% for operating costs. We currently have 41 FTE positions as compared to our pre-RIF (2009) 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, 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 public and business information campaigns often include printed materials. Reducing items printed 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
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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:	R28	SECTION:	80

FORM F – REDUCING COST AND BURDEN TO BUSINESSES AND CITIZENS

TITLE	Agency Efficiencies
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Provide a brief, descriptive title for this request.

EXPECTED SAVINGS TO BUSINESSES AND CITIZENS	DCA will be able to process applications faster to enable businesses to quickly enter the marketplace, DCA can process complaints faster and have complaint and licensing systems open for customers 24/7. Businesses will spend less time submitting regulatory applications and responses to complaints, easier ability for all customers to ascertain applicable laws. Users can more easily navigate DCA’s website.
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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	<p>Mark “X” for all that apply:</p> <table border="1"> <tr> <td style="background-color: #cccccc;"><input checked="" type="checkbox"/></td> <td>Repeal or revision of regulations.</td> </tr> <tr> <td style="background-color: #cccccc;"><input type="checkbox"/></td> <td>Reduction of agency fees or fines to businesses or citizens.</td> </tr> <tr> <td style="background-color: #cccccc;"><input checked="" type="checkbox"/></td> <td>Greater efficiency in agency services or reduction in compliance burden.</td> </tr> <tr> <td style="background-color: #cccccc;"><input type="checkbox"/></td> <td>Other</td> </tr> </table>	<input checked="" type="checkbox"/>	Repeal or revision of regulations.	<input 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
<input checked="" type="checkbox"/>	Repeal or revision of regulations.								
<input 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	N/A.
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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	Document No. 4732 was submitted to the General Assembly last month for consideration. It amends 5 regulations. The enabling statutes are 37-2-305, 37-3-305, 37-6-104, 37-6-402, 37-6-403, and 37-6-506.
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Which regulations does the agency intend to amend or delete? What is the enabling authority for the regulation?

AGENCY NAME:	Department of Consumer Affairs		
AGENCY CODE:	R28	SECTION:	80

SUMMARY

DCA began a regulatory review in FY13 which has resulted in the deletion of six regulations and amendments to thirteen, updates to several sections of the Consumer Protection Code that remained untouched since the late 1970s and the Pawnbroker statute which had not been updated since its inception in 1988.

The Department has also employed new technologies to increase efficiencies for all customers and lessen business burden over the past few years. A review of the agency website is ongoing, however in FY17 agency administrative interpretations were added and a complete review of the backend portion was completed resulting in numerous obsolete items being archived, thus improving the user search function. We also continue to evaluate the online complaint and licensing (CALAS) systems, respectively, to ensure all capabilities are leveraged and benefits realized. To this end, in February, the agency received approval for next phase of changes for the online complaint system. We also contracted with SC.GOV to provide online payment processing for those wishing to utilize CALAS, allowing the portal to truly be a one-stop shop for DCA applicants. CALAS should contain all license types and be fully operational by 2nd Quarter FY19.

Organizationally, In FY15, we began an internal restructuring of regulatory programs placing the administration and enforcement responsibilities for all under the supervision of a single Deputy, as opposed to two. In FY16, DCA implemented Phase II of its restructuring plan and moved two complaint analysts from the Services Division to the Legal Division to ensure appropriate processing of complaints against businesses falling under DCA’s regulatory purview. As the Department’s new backend licensing database with online deployment capabilities is completed during FY19, Phase III will include a re-envisioning of job duties within the Legal Division to add a compliance review focus to licensing examiner job duties.

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