

From: Philpott, Katie <KatiePhilpott@gov.sc.gov>
To: Pisarik, Holly <HollyPisarik@gov.sc.gov>
CC: Schimsa, Rebecca <RebeccaSchimsa@gov.sc.gov>
Date: 3/8/2016 3:43:23 PM
Subject: FW: Greg Williams appointment

Board of Financial Institutions. The Senate confirmed Mr. Williams' reappointment citing "the Attorney General has consistently held that this term limit does not apply to partial terms."

See below.

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From: Patel, Swati
Sent: Friday, February 27, 2015 1:56 PM
To: Philpott, Katie
Subject: RE: Greg Williams appointment

Looks good. Thanks.

From: Philpott, Katie
Sent: Friday, February 27, 2015 8:45 AM
To: Patel, Swati
Subject: FW: Greg Williams appointment

FYI. There was an issue raised at a Banking and Insurance Committee hearing regarding the term limits specified in the Board of Financial Institutions statute.

Let me know if you have any questions, but it looks like we're good to go.

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From: Steven Gilbert [<mailto:StevenGilbert@scsenate.gov>]
Sent: Thursday, February 26, 2015 11:22 AM
To: Adams, Clarissa
Cc: 'rkneece65@aol.com'; Lee Bright; Robert W. Hayes; Philpott, Katie
Subject: Greg Williams appointment

Ms. Adams,

An issue was raised immediately prior to our Banking and Insurance full committee meeting Wednesday regarding Greg Williams's eligibility for another term. I have done some research on the issue and provide it below.

I have attached the favorable reports for Mr. Williams's first two appointments. You will notice that his initial appointment was actually a partial term, which began in 2006 and ran to 2009 (his appointment was taken up May

18, 2006 by the Banking and Insurance Committee). He was appointed to complete a term that had begun in 2005 and to fill a vacancy that occurred when Albert Jackson resigned. The Code specifies a term limit of no more than "two consecutive four-year terms," but the Attorney General has consistently held that this term limit does not apply to partial terms. Below are the key passages that speak to the issue:

SECTION 34-1-20. Appointment of members.

The State Board of Financial Institutions is composed of eleven members, one of whom is the State Treasurer as an ex officio member and as the chairman. The remaining ten members must be appointed by the Governor with the advice and consent of the Senate. Four must be engaged in banking and recommended by the South Carolina Bankers Association, one must be recommended by the association of supervised lenders, one must be engaged in the mortgage lending business and recommended by the Mortgage Bankers Association of the Carolinas, one must be engaged in the licensed consumer finance business as a restricted lender or a supervised lender and recommended by the Independent Consumer Finance Association, two must be engaged in the cooperative credit union business and recommended by the State Cooperative Credit Union League, and one must be unaffiliated with a financial organization and serve as a representative of the consumers of the State. The terms of the present members are not affected. Each member shall represent the best interests of the public and shall not serve more than two consecutive four-year terms. The association which is to provide a member to fill a vacancy on the board, except for a consumer representative, shall submit three names, from three different institutions, from which the Governor shall select one.

An Attorney General's Opinion dated August 16, 2007 makes the following comment on appointments:

"Based on these prior opinions and historical precedent, we continue to believe serving a portion of an unexpired term is distinguishable from serving full term in office and therefore, does not count toward a term limit imposed by statute."

<http://www.scag.gov/wp-content/uploads/2011/03/mcdonald-l-c-8-16-07-os-8437-sc-dot-commission-terms.pdf>

Based on this Opinion and confirmation from the Assistant Clerk of the Senate, I believe that Mr. Williams is eligible to serve the term for which the Governor has appointed him. I anticipate that we will take up his appointment at the next Banking and Insurance Committee meeting.

In the future, please let us know if you have an objection to an appointee in advance so that we can do the appropriate research and resolve these concerns before the Committee meeting. The same principle would hold true in Ms. Marcum's situation.

Thank you,
Steven

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