

From: Glaccum, David <DavidGlaccum@gov.sc.gov>
To: Mottel, Haley <HaleyMottel@gov.sc.gov>
Veldran, Katherine <KatherineVeldran@gov.sc.gov>
CC: Pisarik, Holly <HollyPisarik@gov.sc.gov>
Date: 4/13/2016 11:36:04 AM
Subject: H.4090 - Pawnbroker

Haley,

Below are my three main concerns with the legislation as currently drafted, that hopefully could get fixed with not too much difficulty:

- Section 1 of the bill violates the First Amendment of the Constitution by restricting the freedom of speech.
- In Section 6, new subpart (D) requires the Administrator at the Department of Consumer Affairs to apply a subjective standard to approval of a pawn broker “certificate of authority.” I don’t think a business should be denied the right to operate solely because “the administrator concludes that the financial responsibility and experience of the applicant and its employees... [doesn’t] command the confidence of the community and warrants belief that the business may be operated honestly, fairly, and efficiently....” What does that even mean?
- In Section 6, new subpart (f) prohibits a pawnbroker from employing a felon if the conviction occurred in the last 10 years. Why should the state tell a private business who it can and cannot hire? Requiring pawnbrokers to submit background checks prior to certification as a pawnbroker (current law) is arguably justifiable. But, requiring employees submit a national background check and prohibiting the hiring of that individual if he / she has a felony conviction does not seem like something the state should mandate.

Please let me know if you have any questions.

DMG

DAVID M. GLACCUM
Policy Advisor
Office of Governor Nikki R. Haley
(803) 734-0324