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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Hon. Joe M. Crosby, Master-in-Equity

Appellate Case No. 2023-000017

South Carolina Board of Financial Institutions. Appellant,

v.

CDM Corporation, Inc. and Guardian Fiduciary Services, LLC,. Respondents.

**MOTION OF ATTORNEY GENERAL
FOR LEAVE TO FILE AMICUS BRIEF**

Pursuant to Rule 213, SCACR, Alan Wilson, Attorney General of South Carolina, moves for leave to file the attached amicus brief in this case addressing Appellant’s argument regarding agency deference.

The Attorney General "has broad statutory and common law authority in his capacity as the chief legal officer of the State" *Ex Parte, Charlie Condon*, 354 S.C. 634, 641, 583 S.E.2d 430, 434 (2003); *In re: Littlejohn v. State*, 354 S.C. 634, 583 S.E.2d 430, 434 (2003); *see also Condon v. Hodges*, 349 S.C. 232, 562 S.E. 2d 623 (2002); *State ex rel Daniel v. Broad River Power Co.*, 157 S.C. 1, 562 S. E. 623 (2002). *Condon v. Hodges* cited *Porcher v. Cappelmann*, 187 S.C. 491, 198 S.E. 8 (1938) for the proposition that the “Attorney General represents sovereign power and general public.” 562 S.E.2d at 627.

Therefore, the Attorney General has a strong interest in addressing the regulatory authority of a state agency. He submits this brief not to assume policy positions, or to take sides in a debate

about administrative law generally. He does so simply to ensure that courts properly consider and apply existing deference doctrines to state agency actions.

Therefore, for the foregoing reasons, the Attorney General respectfully requests that this Court grant him leave to file the attached amicus brief.

Respectfully submitted,

ALAN WILSON
Attorney General

ROBERT D. COOK
Solicitor General
S.C. Bar No. 1373

s/ J. EMORY SMITH, JR.
Deputy Solicitor General
S.C. Bar No. 5262

THOMAS T. HYDRICK
Assistant Deputy Solicitor General
S.C. Bar No. 103198

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3680 (Phone)
(803)734-3677 (Fax)
esmith@scag.gov

May 3, 2023

Attorneys for Attorney General