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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
S. Phillip Lenski, Administrative Law Judge

Lower Court Case No. 23-ALJ-30-0335-CC

South Carolina Department of Consumer Affairs, Respondent,

v.

Lavisha Green, Appellant.

Appellate Case No. 2024-001652

RECORD ON APPEAL

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**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

South Carolina Department of Consumer
Affairs,

Petitioner,

vs.

Lavisha Green,

Respondent.

Docket No. 23-ALJ-30-0335-CC

FINAL ORDER AND DECISION

APPEARANCES: For the Petitioner:

Zachary A. Passmore, Esq.
James C. Copeland, Esq.

For the Respondent:

Pro se

STATEMENT OF THE CASE

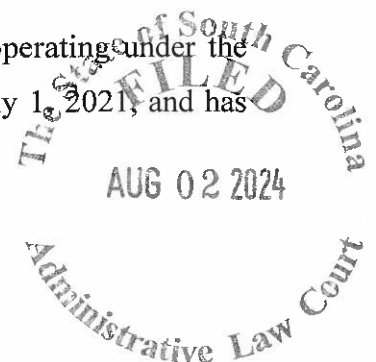
This case is before the Administrative Law Court (ALC or court) pursuant to a request for a contested case hearing filed by Lavisha Green (Respondent) on August 8, 2023. The Respondent challenges the determination of the South Carolina Department of Consumer Affairs (Department) that she failed to timely submit her mortgage log and its decision to impose a \$9,000.00 fine as a result. Generally, the Respondent does not dispute that she failed to timely file the mortgage log but maintains that it was an innocent mistake as a new broker and that the penalty imposed is excessive under the circumstances.

A hearing in this matter was held on November 14, 2023, at the ALC in Columbia, South Carolina. After careful consideration of the evidence presented, the applicable law, and the arguments of the parties, the court upholds the penalty imposed by the Department.

FINDINGS OF FACT

Having carefully considered all testimony, exhibits, and arguments presented at the hearing in this matter, and considering the credibility and accuracy of the evidence, the court makes the following findings of fact by a preponderance of the evidence:

1. The Respondent has a mortgage broker license in South Carolina, operating under the entity Fab Seven, LLC. That entity was first issued its license on July 1, 2021, and has been continuously licensed since.



2. On January 23, 2023, the Department notified the Respondent via email at “realtorlavishagreen@gmail.com” informing her that she is required by law to file a mortgage log by March 31, 2023.
3. On February 15, 2023, the Department again notified the Respondent at the aforementioned email address that a mortgage log or a written attestation of “no activity” needed to be submitted by the March 31st deadline.
4. On March 14, 2023, the Department once again notified the Respondent via email that she was required to file a mortgage log by March 31st. This notice further provided that, pursuant to South Carolina law, a fine of \$100 per day would be imposed for late or incomplete submissions.
5. On April 6, 2023, the Department notified the Respondent that it had not received her mortgage log for 2022. The notice included a reminder regarding the \$100 per day late fee imposed for failing to timely file mortgage logs.
6. By email to the Respondent dated June 30, 2023, the Department notified the Petitioner that it did not receive her mortgage log by the March 31, 2023, deadline. The notice provided that the Department had imposed a statutory penalty of \$100 for each day the mortgage statement was late, resulting in a \$9,000.00 accrued fine as of the date of the notification. This email was sent to the same “realtorlavishagreen@gmail.com” email address used by the Department for its earlier correspondence to the Respondent regarding her mortgage log. The email also indicates that this notice was sent via U.S. mail as well.
7. By email dated July 5, 2023, the Respondent reached out to the Department seeking assistance regarding the penalty imposed. As part of this correspondence, the Respondent forwarded emails from 2022 between her and the Department expressing confusion over the mortgage log filing process. The email address used by the Respondent in the 2022 emails is the same email address used by the Department in their notices regarding her mortgage log submission for 2023.¹
8. Thereafter, on August 8, 2023, the Respondent filed a request for a contested case hearing with this court.
9. At the hearing, Karri Boyer Hawley testified on behalf of the Department. Ms. Hawley is a licensing attorney at the Department and assists license examiners with compliance issues

¹ It is unclear from the exhibit submitted which email the Respondent used to send the July 5, 2023, correspondence.

and application renewals. She testified to the requirements regarding the annual submission of a mortgage log and the training that mortgage broker licensees participate in regarding that requirement, among other things. Ms. Hawley testified that the Respondent was sent notices regarding the requirement in January, February, March, and April. She stated that the notices were sent to the email provided to the Department, and to the Multiple Listing Service (MLS), by Ms. Green and that she received no indication that the notices were undeliverable. Ms. Hawley noted that the Respondent timely submitted her 2021 mortgage log in 2022, which would have been the first year she was required to file a log following her licensure in 2021.

10. Ms. Green also testified at the hearing. She did not dispute that she failed to submit her mortgage log by the March 31st deadline, but noted that it was only her second year in business and that she was confused by the continuing education materials regarding the requirement. Ms. Green also testified that she changed her email since she filed the prior year, but acknowledged receiving the June 30, 2023, notice regarding the fine and conceded that she did not update her email in the MLS system. She argued that the fine was unreasonable, particularly given the fact that she was not notified of the fine until after ninety (90) days had passed and \$9,000.00 in penalties had accrued. Given that, she asked for the fine to be reduced.

CONCLUSIONS OF LAW

Based upon the above findings of fact, the court concludes the following as a matter of law:

1. Section 1-23-600 of the South Carolina Code grants jurisdiction to this court to hear contested cases under the Administrative Procedures Act. S.C. Code Ann. § 1-23-600 (Supp. 2023). Specifically, Section 40-58-90 grants the ALC the authority to hold contested case hearings in matters arising from the Department. S.C. Code Ann. § 40-58-90(A) (2011).
2. Unless otherwise required by law, the standard of proof in an administrative proceeding, such as this, is by a preponderance of the evidence. S.C. Code Ann. § 1-23-600(A)(5) (Supp. 2023); *Anonymous (M-156-90) v. State Bd. of Med. Exam'rs*, 329 S.C. 371, 375, 496 S.E.2d 17, 19 (1998) (citation omitted). A “preponderance of the evidence” is evidence which convinces as to its truth. *Frazier v. Frazier*, 228 S.C. 149, 168, 89 S.E.2d 225, 235 (1955).

3. In this state, the Department is charged with regulating mortgage broker licensees, and every person acting as a mortgage broker in South Carolina must be licensed by the Department. *See* S.C. Code Ann. § 40-58-30(A) (2011).
4. Licensed mortgage brokers must submit a mortgage log containing certain information to the Department by March 31st of each year. *See* S.C. Code Ann. § 40-58-65(A) (Supp. 2023); *see also* S.C. Code Ann. Regs. 28-400(D)(1) (Supp. 2023) (noting the requirement for mortgage brokers to file a mortgage log with the Department).
5. Pursuant to statute, “[t]he licensee *shall* pay a fine of one hundred dollars a day for late or incomplete data submissions.” S.C. Code Ann. § 40-58-65(A) (emphasis added). “Ordinarily, the use of the word ‘shall’ in a statute means that the action referred to is mandatory.” *S.C. Dep’t of Highways and Pub. Transp. v. Dickinson*, 288 S.C. 189, 191, 341 S.E.2d 134, 135 (1986) (citation omitted); *see also Collins v. Doe*, 352 S.C. 462, 470-71, 574 S.E.2d 739, 743 (“Under the rules of statutory interpretation, use of words such as ‘shall’ or ‘must’ indicates the legislature’s intent to enact a mandatory requirement.”) (citations omitted).

DISCUSSION

In this case, the Respondent does not dispute that she did not file her 2022 mortgage log by the March 31, 2023, deadline. Rather, she argues that she is a new licensee who was confused by or not fully aware of the filing requirements and made a mistake. The Respondent contends that the penalty is unreasonable and asks this court for leniency with respect to the amount imposed by the Department. Though the court is inclined to agree that the monetary penalty imposed in this case for a new licensee with no prior disciplinary infractions seems disproportionate to the Appellant’s conduct in this case, as set forth below, the court regrettably finds that it lacks discretion to reduce the penalty.

Pursuant to Section 40-58-65(A) of the South Carolina Code, licensees “*shall* pay a fine of one hundred dollars a day for late or incomplete data submissions.” S.C. Code Ann. § 40-58-65(A) (emphasis added). The statute does not provide for any lesser or alternative penalties, and the use of the word “shall” implies a mandatory requirement. *See S.C. Dep’t of Highways and Pub. Transp.*, 288 S.C. at 191, 341 S.E.2d at 135 (citation omitted); *Collins*, 352 S.C. at 470-71, 574 S.E.2d at 743. Thus, this court is without authority to alter the mandatory statutory penalty of one hundred dollars (\$100) a day for late submissions.

Here, the Respondent does not dispute that she failed to timely file her 2022 mortgage log and offers no explanation for this failure other than a lack of experience and some confusion regarding the filing requirements. While it is clear that the Respondent's omission in this case was due in large part to her inexperience, the court is without discretion to reduce or alter the penalty in any way given the statute's mandatory language. Consequently, the court is constrained to uphold the \$9,000.00 penalty imposed by the Department on the Respondent for her failure to timely file her 2022 mortgage log.

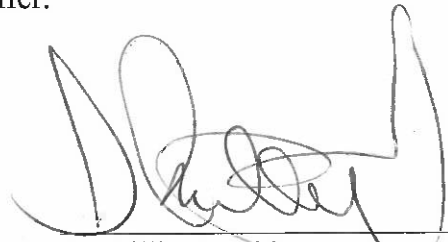
ORDER

Based upon the foregoing findings of fact and conclusions of law, the court finds that the Department's decision to impose a \$9,000.00 fine for the Respondent's failure to timely file her mortgage log must be upheld.

IT IS THEREFORE ORDERED that the Respondent shall pay the Department the penalty imposed in the amount of \$9,000.00, subject any payment plan, penalty modifications, or alternative arrangements the Department may offer.²

AND IT IS SO ORDERED.

August 2, 2024
Columbia, South Carolina

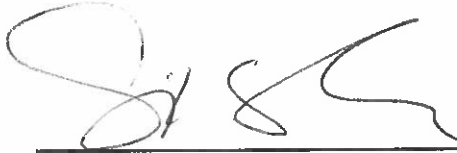


S. Phillip Lenski
Administrative Law Judge

² The court appreciates the candor of Ms. Green and is sympathetic to the financial difficulties resulting from the imposition of such a substantial fine. Following closing argument, the court asked counsel for the Department for its position on the penalty amount and whether leniency was allowed under the statute. The Department took the position that it was just enforcing the statute as written and had no authority to deviate from the one hundred dollar (\$100) per day penalty imposed by the statute. While the court's ability to offer leniency in this case is foreclosed by the mandatory statutory language regarding the penalty, the court rejects the idea that the Department—as the licensing authority in this matter—could not stipulate to a reduced number of days as part of settlement negotiations with the Respondent, suspend some portion of the penalty, or offer a long-term payment option to her. Given the facts of this case, the Respondent's neophyte status and her otherwise clean record, the court encourages the Department to work with the Respondent so as not to create an unsurmountable financial barrier to her returning to practice as a mortgage broker.

CERTIFICATE OF SERVICE

I, Erika S. Easler, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).

A handwritten signature in black ink, appearing to be 'Erika S. Easler', written over a horizontal line.

Erika S. Easler
Judicial Law Clerk

August 2, 2024
Columbia, South Carolina



OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT DIVISION
Docket No. 23-ALJ-30-0335-CC

South Carolina Department)
of Consumer Affairs,)
)
Petitioner,)
)
v.)
)
Lavisha Green,)
)
Respondent.)
-----)

ADMINISTRATIVE HEARING

Tuesday, November 14, 2023
10:15 a.m. - 12:04 p.m.

The hearing before the Honorable Sebastian Phillip Lenski was taken at the Edgar A. Brown Building, 1205 Pendleton Street, Suite 224, Columbia, South Carolina, on the 14th day of November 2023, before Cortney N. Glover, RPR, Certified Court Reporter and Notary Public in and for the State of South Carolina.



CREEL COURT REPORTING, INC.
1230 Richland Street / Columbia, SC 29201
(803) 252-3445 / contact@creelreporting.com

007

1 **MR. PASSMORE:** Yes, your Honor, I am.

2 **THE COURT:** Okay.

3 **OPENING STATEMENT:**

4 **MR. PASSMORE:** Good morning, your Honor.

5 **THE COURT:** Good morning.

6 **MR. PASSMORE:** My name is Zach Passmore. May it
7 please the Court. And this is my co-counsel,
8 Jim Copeland, and we represent the Department
9 of Consumer Affairs. The Department is the
10 State's consumer protection agency. Its
11 mission it to protect consumers from inequities
12 in the marketplace through advocacy, mediation,
13 enforcement, and education. And one of the
14 ways the Department is able to accomplish its
15 mission is through its regulatory authority
16 over certain industries such as mortgage
17 brokers.

18 The Mortgage Broker Act begins at Section
19 40-58-10 of the South Carolina Code of Laws,
20 and the industry is also governed by Regulation
21 28-400 of the South Carolina Code of
22 Regulations. The case before you today is a
23 simple one. One of the requirements to
24 maintain a mortgage broker license in
25 South Carolina is to submit a mortgage log that



1 contains data on all the mortgage applications
2 and loans the mortgage broker processed during
3 the reporting year.

4 Code Section 40-58-65 requires mortgage
5 brokers to submit their annual mortgage log to
6 the Department by March 31st each year, and the
7 General Assembly requires the Department to
8 provide a report to it by June 30th of each
9 year. The General Assembly clearly stated that
10 licensees shall pay a fine of \$100 a day for
11 late or incomplete data submissions.

12 The Department will show that Ms. Green,
13 as a component of her pre-license education
14 curriculum, was instructed on her requirement
15 to submit an annual mortgage log to the
16 Department and the resulting penalty for
17 noncompliance. Instruction on the requirement
18 is also included in the curriculum for her
19 annual continuing education that mortgage
20 brokers are required to complete. The
21 Department maintains an industry-specific
22 webpage providing licensees with all the
23 information needed to maintain their license.
24 Additionally, your Honor will see that Fab
25 Seven, LLC, was reminded three times leading up



1 to the March 31st deadline.

2 Despite these notices sent to the email
3 address the licensees provided, the Department
4 did not receive Fab Seven, LLC's, mortgage log
5 by the deadline, which prompted to the
6 Department to issue yet another advisory email
7 to her a week later. Likewise, this final
8 notice did not prompt Ms. Green to submit Fab
9 Seven, LLC's, log even though it was explicitly
10 made aware of the accruing fine.

11 The Department did not receive Fab Seven,
12 LLC's, mortgage log until July 10th, 2023,
13 after receiving my June 30th notice of the
14 Department's final action imposing the \$9,000
15 fine. The Department believes that the fine
16 imposed on Fab Seven, LLC, is consistent with
17 the black letter law and therefore respectfully
18 request that this Court affirm the Department's
19 decision. Thank you, your Honor.

20 **THE COURT:** Thank you.

21 Ms. Green, this is your opportunity to
22 give me an opening statement if you wish to do
23 so. That is not the presentation of your case.
24 It's just sort of an explanation or a beginning
25 of what you intend to show when it's your time



1 to present your case. So you don't have to
2 give me an opening statement. But if you have
3 a brief opening statement, just like we heard
4 from the petitioner in this matter, you're
5 welcome to do so at this time.

6 **MS. GREEN:** No.

7 **THE COURT:** Okay. You're just gonna wait till it's
8 your turn to present your evidence?

9 **MS. GREEN:** Yes.

10 **THE COURT:** All right. That's fine. No problem at
11 all. The respondent waives opening.

12 And so at this time, Petitioner, are you
13 ready to proceed with your case?

14 **MR. PASSMORE:** Yes, your Honor.

15 **THE COURT:** All right. Good.

16 **PETITIONER'S CASE IN CHIEF**

17 **MR. PASSMORE:** Your Honor, the State calls
18 Ms. Kerri Boyer Hawley to the stand.

19 **THE COURT:** All right. Ms. Hawley, could you
20 please face the court reporter and be sworn
21 in before you sit down?

22 **COURT REPORTER:** Do you solemnly swear that the
23 testimony you give today will be the truth,
24 the whole truth, and nothing but the truth,
25 so help you God?



1 MS. BOYER HAWLEY: I do.

2 KERRI BOYER HAWLEY, having been duly sworn,
3 testifies as follows:

4 THE COURT: Please be seated and make yourself
5 comfortable.

6 While we're waiting, could you just go
7 ahead and give us your full name for the
8 record?

9 MS. BOYER HAWLEY: Sure. It's Kerri, K-E-R-R-I,
10 Boyer, B as in boy, O-Y-E-R, Hawley,
11 H-A-W-L-E-Y.

12 THE COURT: Thank you.

13 MR. PASSMORE: Your Honor, may I approach the
14 witness?

15 THE COURT: You certainly may.

16 MR. PASSMORE: Thank you, sir. Just handing over
17 the exhibits for Ms. Boyar Hawley to observe,
18 and I have a -- copies here for you as well,
19 your Honor.

20 THE COURT: Yes. Thank you. You can just ---

21 MR. PASSMORE: Just approach?

22 THE COURT: Yeah. That's fine. Thank you.

23 MS. BOYER HAWLEY - DIRECT EXAMINATION BY MR.

24 PASSMORE:

25 Q: Good morning. Could you please state your



1 name for the record?

2 A: Sure. It is Kerri Boyer Hawley.

3 Q: Thank you. And where are you currently
4 employed?

5 A: At the South Carolina Department of Consumer
6 affairs.

7 Q: And what is your current title?

8 A: Licensing attorney.

9 Q: How long have you been with the Department?

10 A: A little over four years. Since
11 September 2019.

12 Q: And how long have you been in your current
13 role?

14 A: That entire time.

15 Q: Can you describe your job duties at the
16 Department?

17 A: I am the -- again, the licensing attorney for
18 all of the Department's regulated industries.
19 So I assist the license examiners with
20 compliance issues with applicants, issues of
21 compliance with renewals of applicants. I
22 respond to various inquiries from the
23 industry. I respond to the majority of the
24 industry inquiries regarding various
25 compliance issues for all of our regulated



1 industries, one of which would be mortgage
2 brokers.

3 Q: Okay. So as you just described, the
4 Department does license mortgage broker that
5 operate in South Carolina?

6 A: Yes, we do.

7 Q: Is Ms. Green's company, Fab Seven, LLC, a
8 licensed mortgage broker?

9 A: Yes, it is.

10 Q: And was it issued its initial license on July
11 1st, 2021?

12 A: Yes, it was.

13 Q: Has it been licensed continually since?

14 A: Yes.

15 Q: Can you please give us a quick overview of
16 the licensing process for mortgage brokers.

17 A: Yes. Since the real estate bust of the late
18 2000s, the mortgage licensing goes through a
19 system called NMLS, which formerly stood for
20 Nationwide Mortgage Licensing System, and it
21 now stands for Nationwide Multistate Licensing
22 System. But the Dodd Frank Act after the
23 real estate issues and around 2008-'09 led to
24 the creation of this kind of licensing
25 clearinghouse. And all applicants file their



1 applications through NMLS, and we review the
2 applications on NMLS. And all communication
3 typically regarding a license are through
4 NMLS.

5 Q: Do mortgage brokers have any annual reporting
6 requirements?

7 A: They do. They have two annual reports that
8 they're required to submit.

9 Q: Is one of these annual reporting requirements
10 the submission of a mortgage log?

11 A: Yes.

12 **MR. PASSMORE:** Your Honor, at this time I'd like to
13 enter in Exhibit 1 for the State that I have
14 handed to Ms. Boyer Hawley.

15 **(Petitioner's Exhibit Number 1 was referenced at**
16 **this time.)**

17 **THE COURT:** All right. Ms. Boyer [sic], have you
18 seen Exhibit 1 that he intends to offer? Do
19 you have any objection to that document?

20 **OBJECTION BY THE RESPONDENT**

21 **MS. GREEN:** Yeah. I -- he sent it to me yesterday.
22 I objected because I told him it wasn't
23 relevant to the case.

24 **THE COURT:** Okay.

25 **MS. GREEN:** And I didn't want it to be presented.



1 And the reason why I feel like it's not
2 relevant to the case is because I accepted
3 the fine.

4 **THE COURT:** Okay. Just -- you did receive the --
5 you did receive notice from the Department
6 that this would be introduced as an exhibit,
7 did you not?

8 **MS. GREEN:** And I objected it.

9 **THE COURT:** Right. And you said was irrelevant.

10 **MS. GREEN:** Yes.

11 **COURT'S DECISION ON OBJECTION:**

12 **THE COURT:** Right. Okay. Objection overruled.
13 The exhibit may be admitted.

14 **(Petitioner's Exhibit Number 1 was admitted into**
15 **evidence.)**

16 **MR. PASSMORE:** Thank you, your Honor.

17 Q: So Ms. Boyer Hawley, I just handed you
18 State's Exhibit 1. Could you please describe
19 to the Court what it is?

20 A: It is a -- it is the mortgage broker page on
21 the Department of Consumer Affairs website.

22 Q: Okay. Would you mind looking at State's
23 Exhibit 2, please, and describe to the Court
24 what it is.

25 **(Petitioner's Exhibit Number 2 was referenced at**



1 **this time.)**

2 A: This is the first page of the mortgage -- the
3 South Carolina mortgage log instructions
4 and -- the first page of the mortgage log
5 instructions.

6 Q: And these instructions are linked to that
7 website?

8 A: Right. They are -- there's a link to them on
9 the website.

10 Q: Thank you. Would you please take a look at
11 Exhibit 3 and describe to the Court what it
12 is.

13 **(Petitioner's Exhibit Number 3 was referenced at**
14 **this time.)**

15 **MR. PASSMORE:** Oh, I apologize, your Honor. At
16 this time I'd like to move Exhibit 2 into
17 evidence as well.

18 **THE COURT:** Okay. Well, we were talking about
19 Exhibit 1, weren't we?

20 **MR. PASSMORE:** I apologize, your Honor. I moved
21 from Exhibit 1 and led into Exhibit 2.

22 **THE COURT:** Okay. Exhibit 2 is ---

23 **MR. PASSMORE:** They're kind of related.

24 **THE COURT:** Okay, okay.

25 So, Ms. Hawley -- Ms. Green, Exhibit 2,



1 and I'm going to let Exhibit 2 into evidence.

2 And now 3.

3 **(Petitioner's Exhibit Number 2 was admitted into**
4 **evidence.)**

5 **MR. PASSMORE:** Thank you, your Honor.

6 **THE COURT:** We're at 3?

7 **MS. GREEN:** Yes, sir. We're on State's Exhibit 3.

8 **THE COURT:** So 1, 2, and 3 are in evidence. Thank
9 you.

10 **(Petitioner's Exhibit Number 3 was admitted into**
11 **evidence.)**

12 **MR. PASSMORE:** Yes, sir -- yes, your Honor.

13 **THE COURT:** And, Ms. Green, you keep objecting if
14 you have a problem with an exhibit. Don't --
15 make sure you put your objections on the
16 record, okay, so if you ---

17 **MS. GREEN:** Okay. Your Honor, can I say something,
18 your Honor?

19 **THE COURT:** You may.

20 **MS. GREEN:** I think that's Exhibit 4 -- I mean,
21 Exhibit 5 justifies what I say when I
22 responded. It was about continuing education.
23 It wasn't about anything else.

24 **THE COURT:** Okay. Let's -- how about we wait till
25 we get to Exhibit 5.



1 **MS. GREEN:** Okay.

2 **THE COURT:** And then I'm gonna let you put all that
3 on the record, okay?

4 **MS. GREEN:** Okay.

5 **THE COURT:** Yes, ma'am. I'ma just keep things
6 tight in the record, okay?

7 **MS. GREEN:** Okay.

8 **THE COURT:** Thank you.

9 Go ahead.

10 **MR. PASSMORE:** Thank you, your Honor.

11 Q: Exhibit 3; correct?

12 **THE COURT:** Ms. Hawley --

13 Back to Ms. Hawley; right?

14 **MR. PASSMORE:** Yes, your Honor.

15 **THE COURT:** All right.

16 Q: Ms. Hawley, would please take a look at
17 State's Exhibit 3 and describe to the Court
18 what it is.

19 **(Petitioner's Exhibit Number 3 was referenced at**
20 **this time.)**

21 A: This is a page from -- NMLS has a page called
22 the regulator resources. And this page has
23 the links with all of the documents -- or all
24 of the -- you can click on a state and the
25 State can see what NMLS is giving to vendors



1 who do continuing education because NMLS
2 administers continuing education and
3 pre-licensing education. And this is the
4 list of all the information they have
5 gathered from the State regulators to give to
6 potential vendors.

7 **MR. PASSMORE:** Okay. At this time, your Honor, I'd
8 like to enter that into State's evidence?

9 **THE COURT:** This is 3; right?

10 **MR. PASSMORE:** Yes, your Honor.

11 **THE COURT:** Okay. And subject to Ms. Green's
12 objections, which I believe are the same with
13 all these documents ---

14 **MR. PASSMORE:** Yes, your Honor.

15 **THE COURT:** --- Exhibit 3 is admitted.

16 **(Petitioner's Exhibit Number 3 was admitted into**
17 **evidence.)**

18 **MR. PASSMORE:** Thank you, your Honor.

19 Q: Ms. Hawley, could you please take a look at
20 Exhibit 4 and describe to the Court what it
21 is.

22 **(Petitioner's Exhibit Number 4 was referenced at**
23 **this time.)**

24 A: Yes. This is the document part. It's for
25 the Board of Financial Institutions and the



1 Department of Consumer Affairs. We have the
2 same education requirements, so we do it
3 jointly.

4 This is a document that NMLS has
5 prepared based on the information we have
6 given them. They send it to us, and we
7 review it. And then they give this to the
8 companies offering the pre-licensing
9 education.

10 **MR. PASSMORE:** Your Honor, at this time I'd like to
11 enter that in as State's evidence.

12 **THE COURT:** All right. Ms. Green, any objection to
13 Exhibit 4?

14 **OBJECTION BY THE RESPONDENT:**

15 **MS. GREEN:** Yes. Now that you've educated me, I
16 understand what you're saying. My objection
17 would be that it's really not relevant to the
18 case. Because when I responded, I responded
19 and stated that it does not -- the continuing
20 education does not educate you on the
21 submission for the mortgage call log.

22 I was stating that when it's being
23 presented when you're being educated, it's
24 stating that you have to submit the mortgage
25 call log report. So when it's being



1 further.

2 We're gonna go back on the record.

3 We're gonna assume Ms. Green, by her own
4 volition, has removed herself from this
5 proceeding and is no longer here, and I will
6 the Department go ahead and continue.

7 **MR. PASSMORE:** Thank you, your Honor.

8 **THE COURT:** Yes, sir. Thank you.

9 Q: Ms. Hawley, before our break we were
10 discussing Exhibit 4 that I had handed to
11 you. That document, Exhibit 4, is a
12 pre-licensing document; correct?

13 **(Petitioner's Exhibit Number 4 was referenced at**
14 **this time.)**

15 A: It is.

16 Q: Okay.

17 A: Pre-licensing education document, uh-huh.

18 Q: Yes. Thank you. Is the mortgage log
19 requirement addressed in that document?

20 A: It is on the top of the second page. It is.
21 It is there.

22 Q: Do all mortgage brokers have to complete this
23 training before they are issued a license?

24 A: They do.

25 Q: Did Ms. Green complete this training?



1 A: She did.

2 Q: Okay. I've have handed you previously
3 State's Exhibit 5. Could you please describe
4 to the Court what it is.

5 **(Petitioner's Exhibit Number 5 was referenced at**
6 **time.)**

7 A: It is a similar document to Exhibit 4, except
8 this one is for continuing education. So it
9 for the Board of Financial Institutions and
10 the Department of Consumer Affairs, and it is
11 the list of items that we require continuing
12 education companies to include for their
13 continuing education ---

14 **MS. GREEN:** I apologize. Sorry, your Honor.

15 **THE COURT:** All right. Let the record reflect that
16 the respondent Ms. Green has re-entered the
17 courtroom.

18 Ms. Green, we had kind of given up on
19 you, so I'm glad you're back. We had just
20 gone back on the record. Mr. Passmore was
21 examining the witness on Exhibit 4, which was
22 what we are talking about when we took the
23 recess that started all of this.

24 And so at this point, Mr. Passmore, if
25 it wouldn't be too much trouble if you could



1 just kind of maybe back up maybe, what, three
2 minutes we've been on the record.

3 **MR. PASSMORE:** Absolutely, your Honor.

4 **MS. GREEN:** I'm okay. I'm not gonna object because
5 I understood what you said earlier. But
6 thank you.

7 **THE COURT:** All right.

8 **MS. GREEN:** I'm not gonna object.

9 **THE COURT:** Okay. But he still needs to put it on
10 the record.

11 **MS. GREEN:** Okay.

12 **THE COURT:** And you -- and since you're now here
13 just -- if we could just go back to where we
14 were.

15 **MR. PASSMORE:** If we could back up to Exhibit 4,
16 your Honor?

17 **THE COURT:** About three minutes.

18 **MR. PASSMORE:** Yes, sir.

19 **THE COURT:** Yes, sir. Thanks, Mr. Passmore.

20 **MR. PASSMORE:** Yes, sir.

21 Q: So, yes, Ms. Hawley, could you please
22 describe again Exhibit 4.

23 **(Petitioner's Exhibit Number 4 was referenced at**
24 **this time.)**

25 A: Exhibit 4. This is the list of requirements



1 that the Board of Financial Institutions and
2 the Department of Consumer Affairs --
3 South Carolina -- had given -- have gave to
4 NMLS to create this document for companies
5 wanting to offer pre-licensing education for
6 license applicants.

7 Q: And it's correct that it is a pre-licensing
8 document, correct, regarding pre-licensing?

9 A: Uh-huh, pre-license education; yes.

10 Q: Okay. Is the mortgage log requirement
11 addressed in that document?

12 A: It is. The top of the second page it is
13 there.

14 Q: Do all mortgage brokers have to complete this
15 training before being issued a license?

16 A: Yes, they do.

17 Q: And did Ms. Green complete this training?

18 A: Yes, she did.

19 Q: Okay. So just proceeding to State's Exhibit
20 5 that I have handed to you, would you please
21 describe what that is?

22 **(Petitioner's Exhibit Number 5 was referenced at**
23 **this time.)**

24 A: This is a similar document to Exhibit 4. It
25 is for the Board of Financial Institutions



1 and the Department of Consumer Affairs. It
2 is the list of requirements, of items that
3 must be included in continuing education each
4 year.

5 Q: And that is a continuing education-related
6 document; correct?

7 A: It is.

8 **MR. PASSMORE:** Okay. At this time I'd like to
9 enter Exhibit 5 into the record.

10 **THE COURT:** Exhibit 5 is admitted.

11 **(Petitioner's Exhibit Number 5 was admitted into**
12 **evidence.)**

13 **MR. PASSMORE:** Thank you, your Honor.

14 Q: Is the mortgage log requirement addressed in
15 that document, Ms. Hawley?

16 A: It is. It is at the bottom of page 1.

17 Q: Do all mortgage brokers have to complete this
18 training before they can renew their license?

19 A: Yes, they do.

20 Q: And did Ms. Green complete this training?

21 A: Yes, she did.

22 Q: Were all of the sources of information in the
23 proceeding exhibits that I have -- that we've
24 discussed, are they available for mortgage
25 brokers to access prior to the mortgage log



1 deadline?

2 A: Not these education documents. But the
3 mortgage log instructions and those -- the
4 board -- the Department of Consumer Affairs
5 website. But these documents, no. These are
6 documents that we send to the vendors.

7 Q: Okay. Do you send the reminders to mortgage
8 brokers of the upcoming deadline to submit
9 their annual mortgage log report?

10 A: Yes.

11 **MR. PASSMORE:** Okay. May I approach the witness,
12 your Honor?

13 **THE COURT:** You may.

14 Q: Can I get these stack of exhibits from you,
15 please? Thank you. And I'll just place
16 these here.

17 Could you please explain your process
18 reminding the brokers of the mortgage log
19 requirement?

20 A: Yes. I send out reminder emails. I send one
21 out in January, one out in February, one out
22 in March, and then one the first week of
23 April after they've missed the deadline.

24 Q: I just handed you State's Exhibit 6. Could
25 you please describe to the Court what it is.



1 **(Petitioner's Exhibit Number 6 was referenced a**
2 **this time.)**

3 A: Yes. This is my January reminder email that
4 I sent from the mortgage log email box to all
5 licensees, all mortgage broker licensees.
6 That's the company. I send it to all
7 companies reminding them, notifying them of
8 the mortgage log requirement and the due date
9 and where they would find the instructions
10 and the data form.

11 Q: When did you send that first reminder?

12 A: January 23rd.

13 Q: Of 2023?

14 A: Of 2023, yes, sir.

15 Q: Thank you. Could you please take at a look
16 at Exhibit 7 and describe to the Court what
17 it is.

18 **(Petitioner's Exhibit Number 7 was referenced at**
19 **this time.)**

20 A: This is an email that I sent from the
21 mortgage log email box dated February 15th,
22 2023, and it's the second notice. And I send
23 it to those who have not yet submitted a
24 mortgage log.

25 Q: Would you please take a look at Exhibit 9 and



1 describe to Court what it is?

2 A: Exhibit 9.

3 Q: I apologize, Exhibit 8.

4 **(Petitioner's Exhibit Number 8 was referenced at**
5 **this time.)**

6 A: This is an email I sent from the mortgage log
7 mailbox dated March 14th, 2023, and it's the
8 final notice that I send to those who have
9 not yet submitted their mortgage log.

10 Q: Is Ms. Green's company on all of those
11 emails?

12 A: It is. It is.

13 Q: Thank you.

14 **MR. PASSMORE:** At this time, your Honor, I'd like
15 to move to enter Exhibits 7, 8, and 9 into
16 the record.

17 **THE COURT:** All right.

18 **MR. PASSMORE:** Admit 6 as well. I apologize.

19 **THE COURT:** All right. Ms. Green, the --

20 Mr. Passmore has moved 6 -- Exhibits 6, 7, 8,
21 and 9 into the record. Do you have any
22 objection to those documents?

23 **OBJECTIONS BY THE RESPONDENT:**

24 **MS. GREEN:** Yes, your Honor.

25 **THE COURT:** Okay. Go ahead. What are your



1 Q: Ms. Hawley, could you please take a look at
2 Exhibit 9 and explain to the Court what it
3 is?

4 **(Petitioner's Exhibit Number 9 was referenced at**
5 **this time.)**

6 A: This is a email I sent from the mortgage log
7 email box on April 6th, 2023, notifying all
8 those who had not submitted their mortgage
9 log that they have missed the deadline and to
10 hurry up because the fines were accruing.

11 Q: Thank you.

12 **MR. PASSMORE:** At this time I'd like to enter
13 Exhibit 9 into evidence.

14 **THE COURT:** All right. Exhibit 9, any objection to
15 Exhibit 9, Ms. Green?

16 **OBJECTION BY THE RESPONDENT:**

17 **MS. GREEN:** Again, it's outdated and I never
18 received it.

19 **THE COURT:** Okay. Same objections as before?

20 **MS. GREEN:** Yes.

21 **THE COURT:** All right. Mr. Passmore?

22 **RESPONSE BY THE PETITIONER:**

23 **MR. PASSMORE:** Same response as before, your Honor.
24 They were sent in 2023 concerning the 2022
25 mortgage log to the contact information



1 provided to the Department -- or provided to
2 NMLS that the Department then uses to contact
3 licensees.

4 **COURT'S DECISION ON OBJECTION:**

5 **THE COURT:** All right. So, Ms. Green, for the same
6 reason that I overruled your objections to 6,
7 7, and 8, I overrule your objection to
8 Exhibit 9. The Department asserts that those
9 were sent to you in 2023, again. They may
10 involve information about 2022, but they were
11 sent in 2023 and they were sent to the
12 address that the Department had for you,
13 which was apparently provided by you.

14 And so, again, you'll have a full and
15 fair opportunity to explore all that when you
16 get your chance to present your case. But I
17 am gonna overrule your objection and allow
18 Exhibit 9 into evidence.

19 All right. Go ahead, Mr. Passmore.

20 Q: Ms. Hawley, do you recall receiving any
21 notification from any of these emails that
22 you sent that they were returned undeliverable
23 from Ms. Green's address?

24 A: I did not receive an undeliverable notice.

25 Q: To your knowledge, did Fab Seven, LLC, submit



1 a mortgage log last year on time?

2 A: They did.

3 Q: To your knowledge, did Fab Seven, LLC, submit
4 a mortgage log this year on time?

5 A: They did not.

6 Q: Thank you, Ms. Hawley, I have no further
7 questions. But please answer any the Court
8 or Ms. Green may have.

9 **THE COURT:** All right. Ms. Green, this is your
10 opportunity to cross-examine the witness.
11 Again, this isn't your time to present your
12 case in full, but you have the -- this is
13 your time to now examine and ask questions of
14 Ms. Hawley about anything that she has
15 testified to so far.

16 **MS. GREEN:** Well ---

17 **THE COURT:** Let me just clarify. Can you hear the
18 respondent from here? Does she need to move?

19 All right. So at -- the Court's fine
20 with you remaining in your seat if you're
21 comfortable doing that, Ms. Green.

22 **MS. GREEN:** Yes.

23 **MS. HAWLEY - CROSS-EXAMINATION BY MS. GREEN:**

24 Q: Ms. Hawley, normally when you send me an
25 email, I respond back to you. Did you



1 receive any responses back to me this year?

2 A: Well, send this in a mass email. I send out
3 to 1200 people -- 1200 companies.

4 Q: All right. In 2022 when you sent it out, did
5 you receive a response back from me when you
6 would send a notification?

7 A: Well, I received your mortgage log in 2022.

8 Q: When you sent the final notification in 2022,
9 did I respond back to you and ask you is
10 there something I was missing and you advised
11 that I needed to send a mortgage log over to
12 SC -- consumer affairs?

13 A: I don't recall. Do you have the document?

14 Q: Yes.

15 A: Okay. I'm sure I probably did.

16 Q: Would you like to see it?

17 A: I mean, that's sounds reasonable that that
18 happens quite a bit.

19 **MS. GREEN:** And would you like to see it or no?

20 **MR. PASSMORE:** Yes, we would like to see it, your
21 Honor.

22 **MS. GREEN:** I'm sorry. Give me just a second.

23 It's taking me a minute.

24 I can't find the other page, but this is
25 the one where I sent over -- I sent this to



1 **MS. GREEN:** No. Don't ---

2 **THE COURT:** --- before you start testifying, which
3 I am gonna do. But you're not ready to
4 testify yet.

5 You just -- at this point you've given
6 Ms. Hawley this document. What questions do
7 you have of Ms. Hawley about this document?

8 **MS. GREEN:** I ask her ---

9 **THE COURT:** You can ask her those questions.

10 Q: That's the last question I asked you. Did
11 you -- did I respond back to you when you
12 sent me the final notice in 2022?

13 A: This was the second notice. And it was --
14 this was a mass mailing I send to the list.
15 And you did. And you wrote back and asked me
16 what this was.

17 **MS. GREEN:** Okay. That was my question.

18 **THE COURT:** Did you have any further questions of
19 this witness either about that document or
20 anything else? This is your chance to ask
21 her about any questions you have about what
22 she's just told the Court.

23 Q: Did I communicate with you at all in 2023?

24 A: I don't recall. I do have -- there's
25 thousands. And I don't mean that to



1 disparage any -- with the licensees, there's
2 just so many. But a majority of the people
3 whom I do send the mass mailing to don't
4 reply. They just -- they'll just send a
5 mortgage log.

6 **MS. GREEN:** That's it. No more questions.

7 **THE COURT:** No more questions.

8 All right. Any redirect?

9 **MR. PASSMORE:** Just a second, your Honor.

10 **THE COURT:** That's fine.

11 **MR. PASSMORE:** Your Honor, we would like to
12 redirect ---

13 **THE COURT:** Go ahead.

14 **MR. PASSMORE:** --- just briefly.

15 **THE COURT:** You may proceed.

16 **MS. BOYER HAWLEY - REDIRECT EXAMINATION BY MR.**

17 **PASSMORE:**

18 Q: Ms. Hawley, this is just so we're clear. The
19 exhibits that we discussed were pertaining to
20 the mortgage log submission that was due in
21 2023 and that -- Ms. Green's exhibit that she
22 just submitted to you was for her submission
23 that was due in 2022 ---

24 A: Yes, correct.

25 Q: --- correct?



1 Who provides email contact information
2 to NMLS?

3 A: The companies put their email address into
4 the NMLS system, and I generate a report
5 that's -- regulators can generate various
6 reports. So I generate one that's called
7 Companies by Contact Information. I generate
8 that report in January. And whatever email
9 is in the NMLS system is the email address
10 that it spits out.

11 Q: And whose responsibility is it to change
12 their contact information?

13 A: It's the licensee's.

14 Q: Thank you.

15 **MR. PASSMORE:** No further questions, your Honor.

16 **THE COURT:** All right. Thank you.

17 Ms. Hawley, you can return to your seat.
18 Thank you very much.

19 **(Witness excused.)**

20 **MR. PASSMORE:** And I'll just add this to this
21 stack, your Honor.

22 **THE COURT:** Yes. Okay. If you'll call your next
23 witness?

24 **MR. PASSMORE:** No further witnesses, your Honor.

25 **THE COURT:** No further witnesses. All right.



1 Anything further?

2 **MR. PASSMORE:** Nothing further.

3 **THE COURT:** So the Department rests?

4 **MR. PASSMORE:** The Department rests.

5 **THE COURT:** All right.

6 **MR. PASSMORE:** Yes, sir.

7 **THE COURT:** Thank you very much.

8 All right. So now, Ms. Green, the
9 Department has rested its case. And it is
10 now your turn to present your case. Are you
11 ready to go?

12 **MS. GREEN:** Yes.

13 **THE COURT:** Okay. So before we begin, I'm gonna
14 have you placed under oath because you're now
15 gonna be testifying. And so if you would
16 just stand and raise your hand to be sworn in
17 by the court reporter. You can stand right
18 there.

19 **COURT REPORTER:** Do you solemnly swear that the
20 testimony you give today will be the truth,
21 the whole truth, and nothing but the truth,
22 so help you God?

23 **MS. GREEN:** Yes.

24 **LAVISHA GREEN,** having been duly sworn, testifies as
25 follows:



1 **THE COURT:** Okay. Thank you. And now, Ms. Green,
2 the court porter's indicated she can take
3 your -- she can get your testimony at -- from
4 her seating position. So if you are more
5 comfortable remaining in your seat rather than
6 standing, that's fine. You -- but however
7 you're more comfortable, you can -- you may
8 tell the Court whatever you would like for us
9 to hear -- me to hear.

10 **RESPONDENT'S CASE IN CHIEF**

11 **MS. GREEN - TESTIMONY BY MS. GREEN:**

12 **MS. GREEN:** This is my second year in the business.
13 The continuing education information that's
14 available for us, it is confusing for me,
15 being new in the business and also having two
16 point of contacts at the consumer affairs
17 office. My point of contacts normally would
18 be --

19 Is it pronounced Brian, Byron?

20 **MR. GIBBS:** Bryon.

21 **MS. GREEN:** --- and Kerri. Normally when something
22 comes through to me, I would immediately
23 respond to them. In this case, I did
24 immediately respond because the only document
25 I received was the document that stated that



1 the \$9,000 was due. I never received the
2 other emails.

3 When I received the document, I reached
4 out to my main point of contact and I asked
5 him can he help me because I did not
6 understand what the fee was -- why I was
7 receiving the charge. Then I had started
8 communicating through email with Attorney
9 Copeland and Attorney Passmore.

10 And I continued to explain to them, hey,
11 it was a mistake. And I asked them can we
12 negotiate on this fee so I can close it out.
13 I really don't want to fight about it.
14 Clearly the rules are the rules. I made a
15 mistake.

16 As time went by, we just continued
17 communicating with one another. And he
18 stated that the reason why I received it in
19 90 days is because they have a small group
20 that's working in the office so the \$9,000
21 fee would be the fee that I would have to
22 pay. And I just feel like the time frame of
23 receiving this documentation was unreasonable;
24 the dollar amount that's being requested is
25 unreasonable and unfair.



1 Because it appears when I received the
2 notification letter, it should have been
3 another dollar amount presented to say \$9,000,
4 but it appears as if it should have been
5 another dollar amount presented with more time
6 and then if I did not pay, I would be
7 charged. Like, if you're late ten days,
8 you're notified that you're being charged X
9 amount of dollars. In this case, I received
10 this 90 days. And it's like your fee is
11 \$9,000. And I just think that the timing was
12 unreasonable.

13 **THE COURT:** Anything else?

14 **MS. GREEN:** No.

15 **THE COURT:** No further questions. All right. So
16 now Mr. Passmore is gonna ask you some
17 cross-examination questions.

18 Mr. Passmore, are you ready to proceed?

19 **MR. PASSMORE:** Yes.

20 **MS. GREEN - CROSS-EXAMINATION BY MR. PASSMORE:**

21 **Q:** Ms. Green, hi there. When you filed your
22 request for a contested case hearing, you
23 provided the email that I sent regarding this
24 fine to the address that is in question to
25 realtorlavishagreen@gmail.com; is this



1 correct?

2 A: I communicated with you guys through
3 sevenmortgagelg, but the contested case, no,
4 it was lgreen@fabsevenllcbrokerage.com.

5 Q: Well, what I'm asking is the -- as a part of
6 your submission for the request for a
7 contested case hearing, you're required to
8 submit an agency decision with that request.
9 You attached an email regarding the agency's
10 decision dated July 3rd, 2023. And that
11 email address that received it was
12 realtorlavishagreen@gmail.com; is that
13 correct?

14 A: The notification, yes. The correspondence
15 with the late fee?

16 Q: Uh-huh.

17 A: Yes, it was received at that email. But then
18 that's why I explained to you guys that I no
19 longer use that email.

20 And the only reason why it caught my
21 attention is because of the \$9,000. I don't
22 even know why I was there, but I used two
23 different emails. When I submitted my
24 mortgage call log the year when I was on
25 time, I entered a different email address.



1 It was sevenmortgagelg@gmail.com.

2 Q: Can you provide any evidence showing that you
3 changed your contact email with NMLS prior to
4 my June 30th letter that you received on
5 July 3rd through email?

6 A: No. But my mortgage call log from 2022, it
7 does show the sevenmortgagelg@gmail.com email
8 address. And I changed -- well, you know, I
9 did change my email address. It's two -- I
10 had to change it twice because of my loan
11 origination number and the business
12 origination number. So I changed it for the
13 business -- no. I changed it for my
14 personal -- my loan origination ---

15 Q: Uh-huh.

16 A: --- to my business email. And I did not know
17 that I needed to change it for the business.
18 So when you sent information to
19 realtorlavishagreen.com, I do receive it. I
20 receive -- but I never received the late
21 fees. I would have immediately reached out
22 to one of them because they would have helped
23 me and told me exactly what I needed to do.

24 Kerri, I'm sorry. Not one of them.

25 **MR. PASSMORE:** No further questions, your Honor.



1 **THE COURT:** Thank you, Ms. Green.

2 **MS. GREEN:** You're welcome.

3 **THE COURT:** All right. Based on those questions
4 that you were asked, Ms. Green, did you have
5 anything further you want the Court to
6 consider?

7 **MS. GREEN - TESTIMONY BY MS. GREEN:**

8 **MS. GREEN:** The time frame that I received the
9 correspondence stating that the \$9,000 would
10 be the fee, I received that 90 days after the
11 due date. And I feel as if I should have
12 received it before then. So I'm not
13 disputing the fact that that fine is valid.
14 Because now I've been educated, I'm actually
15 asking for the fee to be reduced, if that
16 makes sense.

17 **THE COURT:** All right. Okay. Thank you,
18 Ms. Green.

19 At this time do you have a rebuttal case
20 or anything?

21 **MR. PASSMORE:** No, your Honor.

22 **THE COURT:** All right. No case rebuttal. The
23 parties have both closed, concluded their
24 presentation of evidence. I'll -- if the
25 parties would like to make closing remarks,



1 I'll hear those now.

2 **MR. PASSMORE:** Yes, your Honor. I have a brief
3 closing argument.

4 **THE COURT:** Okay.

5 **CLOSING ARGUMENTS:**

6 **MR. PASSMORE:** Your Honor, the evidence has shown
7 that information regarding the mortgage log
8 requirement is ready available to licensees.
9 Furthermore, it has been demonstrated that
10 Ms. Green has received instruction on this
11 requirement as part of her pre-licensing
12 education and her continuing education.

13 On top of this, the Court as seen that
14 as courtesy Ms. Hawley sent three reminders
15 of the mortgage log deadline starting in
16 January before the March 31st deadline to
17 submit it. She also sent a reminder out less
18 than a week after the deadline had occurred.

19 Code Section 40-58-65 explicitly defines
20 the penalty for a late or incomplete mortgage
21 log submission and it's set at \$100 per day.
22 The Department simply enforced the law as it
23 is written. It was finally the imposition of
24 this fine on June 30th that led Ms. Green to
25 finally submit Fab Seven, LLC's, mortgage log



1 on July 10th.

2 Again the Department believes that the
3 fine imposed upon Fab Seven, LLC, is
4 consistent with the law as it is written and
5 respectfully asks this Court to affirm the
6 Department's decision to do so. Thank you,
7 your Honor.

8 **THE COURT:** Thank you.

9 Ms. Green, did you have a closing
10 statement you wanted to make to the Court?

11 **MS. GREEN:** Yes. Is it okay if I sit from my
12 chair, or do you want ---

13 **THE COURT:** Yes, ma'am. You can go ahead from your
14 chair.

15 **CLOSING ARGUMENTS:**

16 **MS. GREEN:** Again, I am not opposing the fine. I
17 understand it through education after the
18 fact. Before, I was not aware. I've never
19 received the late emails. My -- whenever I
20 receive any correspondence from Consumer
21 Affairs, I immediately respond back. I
22 presented evidence that showed the
23 communication between Kerri -- Ms. Kerri and
24 I. Also in addition do that, the
25 communication between Mr. King and I. Any



1 time that they would contact me or I'm aware
2 that there is something that's going on, I
3 immediately respond to them to correct the
4 issue. Because I am new. I am learning.
5 Now that I am fully aware of all the rules of
6 law, it is not happen again, and I'm just
7 asking for lenience on the fee. And that's
8 it.

9 **QUESTIONS AND FINAL REMARKS:**

10 **THE COURT:** That you, Ms. Green. Before we
11 conclude, I wanted to ask the parties, does
12 the Department seek any way that this Court
13 was moved to think that a lesser amount would
14 be appropriate? Is there any -- do you see
15 any latitude in the statute in the ability
16 for the Court to award a fine of a smaller
17 amount? It really just needs to come down to
18 the size of the fine.

19 And the respondent here is admitting
20 while she does dispute some about notice --
21 of whether she got the notice and her address
22 changed -- and, of course, that's up for the
23 Court to consider all of that -- but, you
24 know, what I'm hearing from the respondent is
25 clearly that she's -- she doesn't disagree



1 that it was her error and that she is more
2 than ready to resolve this if there would be
3 some way for a lesser amount of fine to be
4 levied in lieu of what's being proposed.
5 What say you?

6 **MR. PASSMORE:** Yes, your Honor. Well, it's our
7 position, the Department, that we are just
8 enforcing the law as it is written. We do
9 not believe that it gives us the discretion
10 to lower fine without a higher authority.
11 We're enforcing statute as set at \$100 a day.
12 We have offered previously and are still
13 willing to accept a payment plan to pay the
14 fine over time.

15 **THE COURT:** And I believe, in perusing the statute,
16 there was something to the effect of a
17 person's license is held in abeyance until --
18 I guess, it's actually -- I think the term be
19 "revoked" until the fine's been satisfied.
20 If there's some kind of payment plan to be
21 worked out with the Department, did you -- do
22 you believe the Department would have the
23 ability to relicense the individual so that
24 then they can continue practicing while they
25 over time paid off the fine?



1 **MS. GREEN:** Yes, your Honor, so long they are
2 adhering to the payment plan that is set out
3 and they've agreed to it.

4 **THE COURT:** Yes, sir. All right. Thank you for
5 answering that question.

6 Ms. Green, thank you very much. I'm
7 sorry about your parking issue. I'm sorry
8 that that happened. I hope you got that
9 resolved. But thank you for presenting
10 everything, and I will take everything into
11 consideration and I will have my question
12 shortly. Thank you very much. Have a great
13 day.

14 **(There being no further matters, the hearing**
15 **concluded at 12:04 p.m.)**



You can [file a complaint](#) and submit applications for [licensing online](#). Filings you do not wish to make, or that are not available, online can be submitted via mail for processing.

Department staff is available to assist with any questions at (800) 922-1594 (toll free in SC) or 803-734-4200 8:30 a.m. until 5 p.m. Monday through Friday excluding State holidays. You can also email general questions to scdca@scconsumer.gov.

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Mortgage Brokers

The Mortgage Broker Act requires that all businesses offering mortgage brokerage services, includes loan correspondents, table-funding and independent contractor (third party) loan processors and underwriters, in the State file with the S.C. Department of Consumer Affairs using the NMLS. The current Initial Filing Fee is \$750. Renewal Fee is \$550. **NMLS processing fees are not included.**

All licensees and new applicants must submit all filings through the [Nationwide Mortgage Licensing System and Registry \(NMLS\)](#). Additional instructions for the NMLS can be found at the [NMLS Resource Center](#).

A recent change in South Carolina's Mortgage Lending Act and Mortgage Broker Act goes into effect September 16, 2017. For information, see our [press release \(PDF\)](#).

If you submit your application before midnight on September 15, 2017, you will have to comply with existing requirements including:

- Taking the South Carolina state-specific test
- Providing a state criminal background check

If you submit your application after midnight on September 15, 2017, you will need to complete three hours of pre-licensing education. *However*, you will NOT have to (1) take South Carolina state-specific test, or (2) provide a state criminal background check.

Please note the Department's new physical address is 293 Greystone Blvd., Ste. 400 | Columbia, SC | 29210

****Mailings may still be sent to PO Box 5757 | Columbia, SC | 29250-5757****

General Information

- [COVID Guidance Rescission \(PDF\)](#) (Updated 7/22/2022)
- [Interim Guidance for Mortgage Brokers Re. Working Remotely from Unlicensed Location & Mortgage Log Submission \(PDF\)](#) (Updated 7/30/2020)

Mortgage Log 2022

****NOTE:** Completed Mortgage Logs are due by **March 31, 2023** **

- [Mortgage Log Data Entry Form \(XLSX\)](#)
- [Mortgage Log Instructions & FAQs \(PDF\)](#)

<https://consumer.sc.gov/business-resources/laws/licensing/mortgage-broker>

Helpful Links

 Resource Center

 consumer access

 BUSINESS RESOURCES

 GET LATEST FROM DCA

 RESPOND TO A COMPLAINT

Questions?

Licensing Examiner
(803) 734-4249

[Deborah Friday Lockard](#)
Licensing Supervisor
(803) 734-4209

- [How to Export from HMDA Software \(PDF\)](#)
- [HMDA Loan Application Register Code Sheet \(PDF\)](#)

*When opening the Excel file, you must choose "Save As" and save it to your computer.

Law

- [Senate Bill 355 - Amendments to the Mortgage Lending Act and Mortgage Broker Act](#)
- [Statute - S.C. Code Ann. §§40-58-10 - 40-58-130](#)
- [Regulation 28-400 Effective 6/26/2015 \(PDF\)](#)
- [High Cost and Consumer Home Loan Act](#)
- [Financial Identity Fraud and Identity Theft Protection Act](#)
- [Secure and Fair Enforcement for Mortgage Licensing Act of 2009 \(SAFE Mortgage Licensing Act of 2009\)](#)

Licensing Instructions and Forms

- [Mortgage Broker Forms](#)
- [Pre-licensing Education \(PE\) and Continuing Education \(CE\)](#)
- [Review and Advisory Board Fee Worksheet for Determining High Cost Loan \(PDF\)](#)
- [High Cost Loan Checklist \(PDF\)](#)
- [Mortgage Broker Advertising Standards and Guidelines \(PDF\)](#)
- [Referral Fees Prohibited](#)

Reports

- View the Mortgage Log [Reports](#) and DCA's 2007 Mortgage Fraud [Report](#).

Additional Information

- [U.S. Department of Housing and Urban Development Letter \(PDF\)](#)

DITCH THE PITCH

Checkout DCA's guide for guarding against scams

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BUSINESS LOOKUP

Find information or complaints on a specific business

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South Carolina Department of Consumer Affairs
293 Graystone Boulevard, Ste. 400
Columbia, SC 29210
(803) 734-4300

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SOUTH CAROLINA MORTGAGE LOG INSTRUCTIONS

To assist licensees with filing the annual mortgage log, the Department of Consumer Affairs has developed this detailed set of instructions that contain the definition of each data element, the instructions for entering the data element correctly, and an example that shows the correct format of the data entry. The examples show the correct format and not necessarily the correct answer or value (code) that must be submitted. The correct answer or value (code) is based on the licensee's specific loan and/or application data.

South Carolina law requires all mortgage brokers and mortgage lenders/servicers to file a mortgage log each year directly with the State of South Carolina. **This log is separate from the mortgage call report filed with the Nationwide Multistate Licensing System & Registry ("NMLS"), and the HMDA report that lenders file with the CFPB.** The mortgage log submitted must be in the format determined by the South Carolina Department of Consumer Affairs ("DCA") and the South Carolina Board of Financial Licensees ("BOFI"). BOFI instructs its licensees to file directly with DCA. The following guidance is provided to assist licensees in completing and submitting the mortgage log to DCA.

Who has to file?

- All licensed **mortgage brokers** must file pursuant to S.C. Code Ann. § 40-58-65 regardless of the number of loan originations made in 2022. The mortgage log data must include all data required by S.C. Code Ann. § 40-58-65 and identified in 12 CFR Part 1003 et seq., on South Carolina residential mortgage applications and loans, including loans in process, closed loans, turndowns, denials, and withdrawals. If no credit decision was made during 2022 by the licensee or the lender on any South Carolina residential mortgage loan applications, the company must submit a written attestation of "No Activity." Third Party Processors and Underwriters should also submit a written attestation of "No Activity – Third Party Processor/Underwriter."
- All licensed **mortgage lenders/servicers** must file pursuant to S.C. Code Ann. § 37-22-210 regardless of the number of loan originations made in 2022. The mortgage log data must include the data required by S.C. Code Ann. § 37-22-210 and identified in 12 C.F.R. Part 1003, et seq., on South Carolina residential mortgage applications and loans. If no credit decision was made during 2022 by the licensee or the lender on any South Carolina residential mortgage loan applications, the company must submit a written attestation of "No Activity." Mortgage Servicers should also submit a written attestation of "No Activity – Mortgage Servicer."

When is the mortgage log due?

A complete mortgage log must be submitted no later than March 31, 2023. Pursuant to S.C. Code Ann. § 40-58-65 for mortgage brokers and § 37-22-210 for mortgage lenders/servicers, there is a fine of **\$100 per day** for late or incomplete data submissions.

How do I submit the mortgage log?

Email the completed form to mortgagelog@seconsumer.gov with the file name in the following format:

Company NMLS # – Company Name *Example:* 12345 – ABC Mortgage Company, LLC

What if information changes after I submit the report?

All licensees are required to correct and submit a correcting amendment if any information contained in the original filing becomes inaccurate or incomplete in any material way.

Who is available to answer questions about the mortgage log data submission?

After searching these instructions, state laws, and supplemental federal regulation information, licensees may contact DCA by calling (803) 734-4256 or emailing mortgagelog@seconsumer.gov.

Home News & Events State Licensing Professional Standards Course Providers Electronic Surety Bond Reports Resources & Support NMLS M

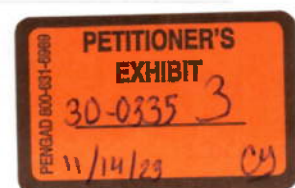
Approved Topics
 State Education Notices
 Professional Specifications
 Policies & Notices
 Course Resources
 Rules of Conduct for
 Students
 T&E Agreements, EAP
 and Enforcement Actions
 Provider Working Group
 Late CE Approval
 Comments to Questions

NMLS Resource Center > Course Providers > State Education Notices

State Education Notices

Education Notices

Arizona PE State Specific Education Notice	Arizona Department of Insurance and Financial Institutions (AZ-DI) Education (PE) Notice outlines the required topics to be covered in pre-licensure education (PE) requirement.
California-DFPI PE State Specific Education Notice	California Department of Financial Protection and Innovation (CA-DFPI) Education (PE) Notice outlines the required topics to be covered in pre-licensure education (PE) requirement.
Colorado PE State Specific Education Notice	Colorado Department of Regulatory Agencies (DORA) Pre-licensure Education (PE) Notice outlines the required topics to be covered in the 2 hour state specific pre-licensure education (PE) requirement.
Connecticut PE State Specific Education Notice	Connecticut Department of Banking (CT-DOB) Pre-licensure Education (PE) Notice outlines the required topics to be covered in the 1 hour state specific pre-licensure education (PE) requirement.
Connecticut CE State Specific Education Notice	Connecticut Department of Banking (CT-DOB) Continuing Education (CE) Notice outlines the required topics to be covered in the 1 hour state specific continuing education (CE) requirement.
District of Columbia PE State Specific Education Notice	District of Columbia Department of Insurance, Securities and Bank Regulation (DC-DBIR) Education (PE) Notice outlines the required topics to be covered in pre-licensure education (PE) requirement.
Florida PE State Specific Education Notice	Florida Office of Financial Regulation (FL-OFR) Pre-Licensure Education (PE) Notice outlines the required topics to be covered in the 2 hour state specific pre-licensure education (PE) requirement.
Florida CE State Specific Education Notice	Florida Office of Financial Regulation (FL-OFR) Continuing Education (CE) Notice outlines the required topics to be covered in the 1 hour state specific continuing education (CE) requirement.
Hawaii PE State Specific Education Notice	Hawaii Division of Financial Institutions (HI-DFI) Pre-licensure Education (PE) Notice outlines the required topics to be covered in the 3 hour state specific pre-licensure education (PE) requirement.
Idaho PE State Specific Education Notice	Idaho Department of Finance (ID-DOF) Pre-licensure Education (PE) Notice outlines the required topics to be covered in the 2 hour state specific pre-licensure education (PE) requirement.
Indiana SOS PE State Specific Education Notice	Indiana Secretary of State (IN-SOS) Pre-licensure Education (PE) Notice outlines the required topics to be covered in the 2 hour state specific pre-licensure education (PE) requirement.
Kentucky CE State Specific Education Notice	Kentucky Department of Financial Institutions (KY-DFI) Continuing Education (CE) Notice outlines the required topics to be covered in the 1 hour state specific continuing education (CE) requirement.
Maryland PE State Specific Education Notice	Maryland Department of Labor, Licensing, and Regulation (MD-DLRL) Education (PE) Notice outlines the required topics to be covered in pre-licensure education (PE) requirement.
Massachusetts PE State Specific Education Notice	Massachusetts Division of Banks (MA-DOB) Pre-Licensure Education (PE) Notice outlines the required topics to be covered in the 3 hour state specific pre-licensure education (PE) requirement.
Michigan PE State Specific Education Notice	Michigan Department of Insurance and Financial Services (MI-DIFS) Education (PE) Notice outlines the required topics to be covered in pre-licensure education (PE) requirement.
Minnesota CE State Specific Education Notice	Minnesota Department of Commerce (MN-DOC) Continuing Education (CE) Notice outlines the required topics to be covered in the 1 hour state specific continuing education (CE) requirement.
Mississippi PE State Specific Education Notice	Mississippi Department of Banking and Consumer Finance (MS-DBCF) Education (PE) Notice outlines the required topics to be covered in pre-licensure education (PE) requirement.
Missouri CE State Specific Education Notice	Missouri Division of Finance (MO-DOF) Continuing Education (CE) Notice outlines the required topics to be covered in the 1 hour state specific continuing education (CE) requirement.
Montana PE State Specific Education Notice	Montana Division of Banking and Financial Institutions (MT-DBFI) Education (PE) Notice outlines the required topics to be covered in the 4 hour state specific pre-licensure education (PE) requirement.



Nebraska PE State Specific Education Notice	Nebraska Department of Banking & Finance (NDBF) Pre-Licensure outlines the required topics to be covered in the 2 hour state specific education (PE) requirement.
Nevada PE State Specific Education Notice	Nevada Division of Mortgage Lending Pre-Licensure Education (P) required topics to be covered in the 4 hour state specific pre-licensure requirement.
NV Qualified Employees CE State Specific Education Notice	Qualified Employees are required to complete 1 hour Nevada specific preceding 12 months to their designation. This notice outlines the this 1 hour state specific continuing education (CE) requirement.
New Hampshire PE State Specific Education Notice	New Hampshire Banking Department (NHBD) Pre-Licensure Education outlines the required topics to be covered in the 2 hour state specific education (PE) requirement.
New York PE State Specific Education Notice	New York Department of Financial Services (NYDFS) Pre-Licensure outlines the required topics to be covered in the 3 hour state specific education (PE) requirement.
North Carolina PE State Specific Education Notice	North Carolina Commissioner of Banks Office (NCCOB) Pre-Licensure Notice outlines the required topics to be covered in the 4 hour state education (PE) requirement.
Ohio PE State Specific Education Notice	Ohio Division of Financial Institutions Consumer Finance Section Education (PE) Notice outlines the required topics to be covered in pre-licensure education (PE) requirement.
Oklahoma PE State Specific Education Notice	Oklahoma Department of Consumer Credit (OK-DCCC) Pre-Licensure Notice outlines the required topics to be covered in the 1 hour state education (PE) requirement.
Oregon PE State Specific Education Notice	Oregon Department of Consumer and Business Services (OR-DCBS) Education (PE) Notice outlines the required topics to be covered in pre-licensure education (PE) requirement.
Oregon CE State Specific Education Notice	Oregon Department of Consumer and Business Services (OR-DCBS) (CE) Notice outlines the required topics to be covered in the 2 hour education (CE) requirement.
Pennsylvania PE State Specific Education Notice	Pennsylvania Department of Banking and Securities (DOBBS) Pre-Licensure Notice outlines the required topics to be covered in the 3 hour state education (PE) requirement.
Rhode Island PE State Specific Education Notice	Rhode Island Division of Banking Regulation (RI-DBR) Pre-Licensure outlines the required topics to be covered in the 3 hour state specific education (PE) requirement.
Rhode Island CE State Specific Education Notice	Rhode Island Division of Banking Regulation (RI-DBR) Continuing Education outlines the required topics to be covered in the 1 hour state specific (CE) requirement.
South Carolina PE State Specific Education Notice	South Carolina BFI and DCA Pre-Licensure Education (PE) Notice outlines the required topics to be covered in the 3 hour state specific PE requirement. It has its own course approval.
South Carolina CE State Specific Education Notice	South Carolina DCA and BFI Continuing Education (CE) Notice outlines the required topics to be covered in the 1 hour state specific continuing education (CE) requirement. It has its own course approval.
Tennessee PE State Specific Education Notice	Tennessee Department of Financial Institutions (TDFI) Pre-Licensure outlines the required topics to be covered in the 2 hour state specific pre-licensure requirement.
Texas PE State Specific Education Notice	Texas Department of Savings and Mortgage Lending (TX-SML) Pre-Licensure (PE) Notice outlines the required topics to be covered in the 3 hour pre-licensure education (PE) requirement.
Utah Post Licensure CE State Specific Education Notice	UT-DRE Post Licensure Continuing Education Notice outlines the required topics to be covered in the 5 hour state specific post licensure continuing education requirement.
Utah 2023 CE State Specific Education Notice	Utah Division of Real Estate (UT-DRE) Continuing Education (CE) Notice outlines the required topics to be covered in the 2023 1 hour state specific (CE) requirement.
Vermont PE State Specific Education Notice	Vermont Department of Financial Regulation (VT-DFR) Pre-Licensure outlines the required topics to be covered in the 2 hour state specific education (PE) requirement.
Washington PE State Specific Education Notice	Washington Department of Financial Institutions (WA-DFI) Pre-Licensure Notice outlines the required topics to be covered in the 4 hour state education (PE) requirement.
Washington CE State Specific Education Notice	Washington Department of Financial Institutions (WA-DFI) requires Assistance (DPA) flyer be provided as a resource to those completing Washington state-specific CE.
West Virginia PE State Specific Education Notice	West Virginia Division of Financial Institutions Pre-Licensure Education outlines the required topics to be covered in the 4 hour state specific pre-licensure requirement.
West Virginia CE State Specific Education Notice	West Virginia Division of Financial Institutions Continuing Education outlines the required topics to be covered in the 2 hour state specific continuing education requirement.

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**South Carolina State Board of Financial Institutions (SC-BFI)
South Carolina Department of Consumer Affairs (SC-DCA)
Pre-Licensure Education (PE) Notice**

Purpose

The purpose of this notice is to inform NMLS approved course providers of the required topics to be covered in the 3-hour state specific pre-licensure education (PE) requirement which must be met as a condition for obtaining a mortgage loan originator (MLO) license with either the South Carolina State Board of Financial Institutions or the South Carolina Department of Consumer Affairs.

PE requirements are as follows:

- 3 hours of Federal law;
- 3 hours of Ethics;
- 2 hours of non-traditional mortgage lending;
- 9 hours of general electives;
- 3 hours of South Carolina state-specific defined electives

Total PE: 20 Hours

SC-BFI and SC-DCA have established the following required learning objectives and topics list for the 3 hours of state-specific PE.

Required Learning Objectives:

- Understand the mission of SC-BFI and SC-DCA and be familiar with different business entities and license types each oversees.
- Know when to provide the attorney insurance preference form to consumers and ascertain the consumer's preference as required by S.C. Code Ann. § 37-10-102.
- Identify where NMLS ID numbers are required on documentation as required by S.C. Code Ann. § 37-22-110, et seq. and S.C. Code Ann. § 40-58-10, et seq.
- Understand how to comply with required provisions of S.C. Code Ann. § 37-22-140(K) when licensed mortgage lenders act as a mortgage broker.
- Explain how to disclose fees properly on mortgage broker fee agreement and the timeline in which the mortgage broker fee agreement must be provided (S.C. Code Ann. § 40-58-75).
- Understand the consequences associated with failure to properly sign application forms.
- Articulate the requirements associated with the disclosure that identifies the agency designated to receive complaints or inquiries from the consumer (S.C. Code Ann. § 37-23-70).
- Describe how state law is different from federal law regarding prohibited activities and mortgage broker fee agreement (S.C. Code Ann. § 40-58-70, 75 & 78; S.C. Code Ann. § 37-22-190).

- Understand the mortgage log requirement (S.C. Code Ann. § 37-22-210; S.C. Code Ann. § 40-58-65).

Required Topics:

- General Provisions of the Department's and the Board's Structure and Supervision
- Licensing and Operation of Mortgage Brokers
- Licensing and Operation of Mortgage Lenders
- Examinations
- Surety Bond Requirements
- Escrow Accounts
- Disclosures and Advertising
- Amendments to Mortgage Broker Act and Mortgage Lending Act effective September 16, 2017, including definitions, licensing a residence, and when a mortgage lender also needs a mortgage broker license
- Enforcement
- Disciplinary Actions
- Prohibited Acts; Penalties

References:

Main Industry Statutes

- Mortgage Lending Act (S.C. Code Ann. § 37-22-110, et seq.)
- Licensing of Mortgage Brokers Act (S.C. Code Ann. § 40-58-10, et seq.)
- High-Cost and Consumer Home Loans Act (S.C. Code Ann. § 37-23-10, et seq.)
- Mortgages and Deeds of Trust Generally (S.C. Code Ann. § 29-3-10, et seq.)
- Reverse Mortgages (S.C. Code Ann. § 29-4-10, et seq.)
- Attorney-Preference Statute (S.C. Code Ann. § 37-10-102)
- Remedies and Penalties (S.C. Code Ann. § 37-5-101, et seq.)

Peripheral Industry Statutes

- State Agency Rule Making and Adjudication of Contested Cases (S.C. Code Ann. § 1-23-10 et seq.)
- Consumer Protection Code—Loans (S.C. Code Ann. § 37-3-101 et seq.)
- Consumer Protection Code—Administration (S.C. Code Ann. § 37-6-101 et seq.)
- Financial Identity Theft Protection Act
 - S.C. Code Ann. § 37-20-110
 - S.C. Code Ann. § 39-1-90
- Consumer Credit Counseling
 - S.C. Code Ann. § 37-7-101 et seq.

Regulations

- Licensing of Mortgage Brokers (S.C. Code Ann. Regs. 28-400)
- Mortgage Lending Act Regulations (S.C. Code Ann. Regs. 15-64)

ALERT: Each agency is required to have its own course approval. Course must be approved for SC-BFI and SC-DCA separately.

NMLS Approving Authority

In accordance with the SAFE Act, NMLS is the approval authority for courses that are intended to satisfy the PE & CE requirement for an MLO to be licensed by a state agency. Courses intending to satisfy these requirements must also meet NMLS course approval standards as detailed in the *Functional Specification for All NMLS Approved Courses*.

Legislative Updates

Course providers are responsible for keeping abreast of changes made to the applicable statutes, regulations and rules.

**South Carolina State Board of Financial Institutions (SC-BFI)
South Carolina Department of Consumer Affairs (SC-DCA)
Continuing Education (CE) Notice**

Purpose

The purpose of this notice is to inform NMLS approved course providers of the required topics to be covered in the 1-hour state specific Continuing Education (CE) requirement which must be met as a condition for maintaining a mortgage loan originator (MLO) license with either the South Carolina State Board of Financial Institutions or the South Carolina Department of Consumer Affairs.

CE requirements are as follows:

- 3 hours of Federal law;
- 2 hours of Ethics;
- 2 hours of non-traditional mortgage lending;
- 1 hour of South Carolina state-specific defined electives

Total CE: 8 Hours

SC-BFI and SC-DCA have established the following required learning objectives and topics list for the 1 hour of state-specific CE.

Required Learning Objectives:

- Know when to provide the attorney insurance preference form to consumers and ascertain the consumer's preference as required by S.C. Code Ann. § 37-10-102
- Identify where NMLS ID numbers are required on documentation as required by S.C. Code Ann. § 37-22-110, et seq. and S.C. Code Ann. § 40-58-10, et seq.
- Understand how to comply with required provisions of S.C. Code Ann. § 37-22-140(K) when licensed mortgage lenders act as a mortgage broker.
- Explain how to disclose fees properly on mortgage broker fee agreement and the timeline in which the mortgage broker fee agreement must be provided (S.C. Code Ann. § 40-58-75).
- Understand the consequences associated with failure to properly sign application forms
- Articulate the requirements associated with the disclosure that identifies the agency designated to receive complaints or inquiries from the consumer (S.C. Code Ann. § 37-23-70).
- Describe how state law is different from federal law regarding prohibited activities and mortgage broker fee agreement (S.C. Code Ann. § 40-58-70, 75 & 78; S.C. Code Ann. § 37-22-190).
- Understand the mortgage log requirement (S.C. Code Ann. § 37-22-210; S.C. Code Ann. § 40-58-65).



Required Topics:

- Cover the changes in Mortgage Broker Act and Mortgage Lending Act effective September 16, 2017, including definitions, licensing a residence, and when a mortgage lender also needs a mortgage broker license.
- Examinations
- Escrow Accounts
- Disclosures and Advertising
- Enforcement
- Disciplinary Actions
- Prohibited Acts; Penalties

References:**Main Industry Statutes**

- Mortgage Lending Act (S.C. Code Ann. § 37-22-110, et seq.)
- Licensing of Mortgage Brokers Act (S.C. Code Ann. § 40-58-10, et seq.)
- High-Cost and Consumer Home Loans Act (S.C. Code Ann. § 37-23-10, et seq.)
- Mortgages and Deeds of Trust Generally (S.C. Code Ann. § 29-3-10, et seq.)
- Reverse Mortgages (S.C. Code Ann. § 29-4-10, et seq.)
- Attorney-Preference Statute (S.C. Code Ann. § 37-10-102)
- Remedies and Penalties (S.C. Code Ann. § 37-5-101, et seq.)

Peripheral Industry Statutes

- State Agency Rule Making and Adjudication of Contested Cases (S.C. Code Ann. § 1-23-10 et seq.)
- Consumer Protection Code—Loans (S.C. Code Ann. § 37-3-101 et seq.)
- Consumer Protection Code—Administration (S.C. Code Ann. § 37-6-101 et seq.)
- Financial Identity Theft Protection Act
 - S.C. Code Ann. § 37-20-110
 - S.C. Code Ann. § 39-1-90
- Consumer Credit Counseling
 - S.C. Code Ann. § 37-7-101 et seq.

Regulations

- Licensing of Mortgage Brokers (S.C. Code Ann. Regs. 28-400)
- Mortgage Lending Act Regulations (S.C. Code Ann. Regs. 15-64)

ALERT: Each agency is required to have its own course approval. Course must be approved for SC-BFI and SC-DCA separately.

NMLS Approving Authority

In accordance with the SAFE Act, NMLS is the approval authority for courses that are intended to satisfy the PE & CE requirement for an MLO to be licensed by a state-agency. Courses intending to satisfy these requirements must also meet NMLS course approval standards as detailed in the *Functional Specification for All NMLS Approved Courses*.

Legislative Updates

Course providers are responsible for keeping abreast of changes made to the applicable statutes, regulations and rules.

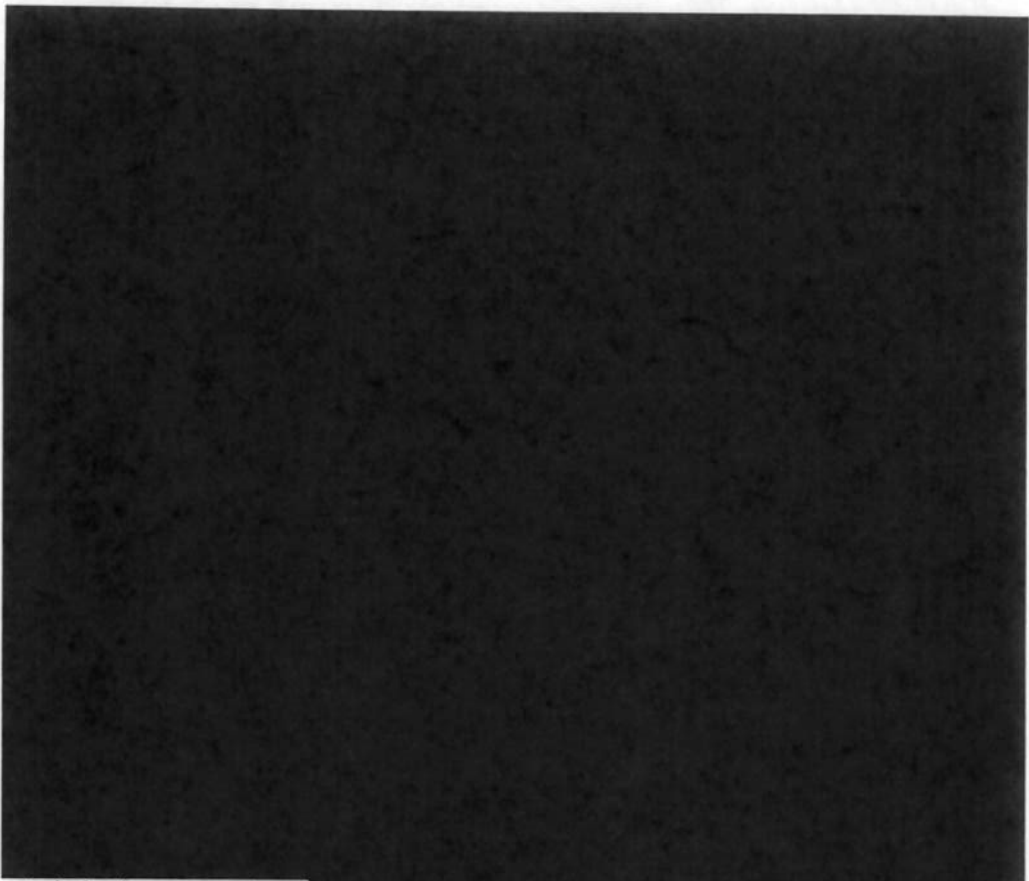
From:
To:
Bcc:

Mortgage Log.
Mortgage Log.

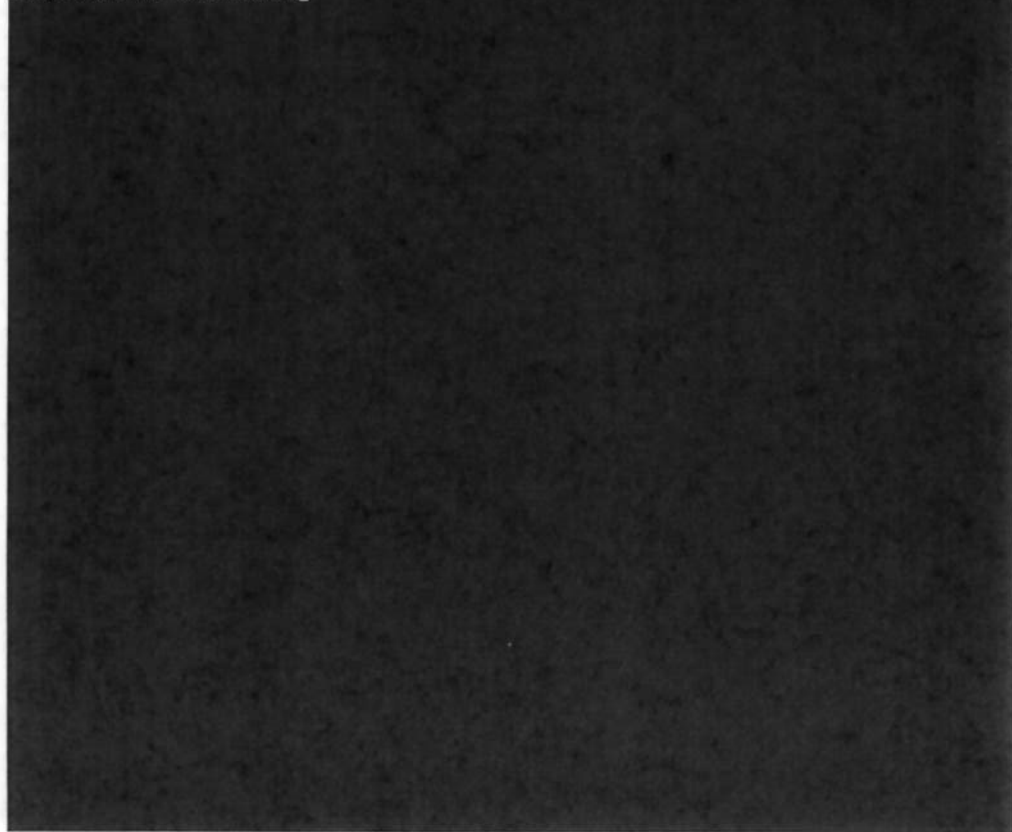
6

062





Realtorlavishaagreen@gmail.com;



Subject: South Carolina Mortgage Log Due by March 31, 2023

Date:

Monday, January 23, 2023 4:28:00 PM

South Carolina law requires all licensed mortgage brokers and mortgage lenders/servicers to file a mortgage log each year directly with the South Carolina Department of Consumer Affairs. The mortgage log includes data required by S.C. Code Ann. § 40-58-65 (for mortgage broker licensees) and S.C. Code Ann. § 37-22-210 (for mortgage lender/servicer licensees) along with the data identified in 12 CFR Part 1003, et seq., the Home Mortgage Disclosure Act (HMDA). **The deadline to file a mortgage log with the South Carolina Department of Consumer Affairs is Thursday, March 31, 2023.** If no credit decision was made during 2022 by the licensee or the lender on any South Carolina residential mortgage loan applications, the company must submit a written attestation of "No Activity."

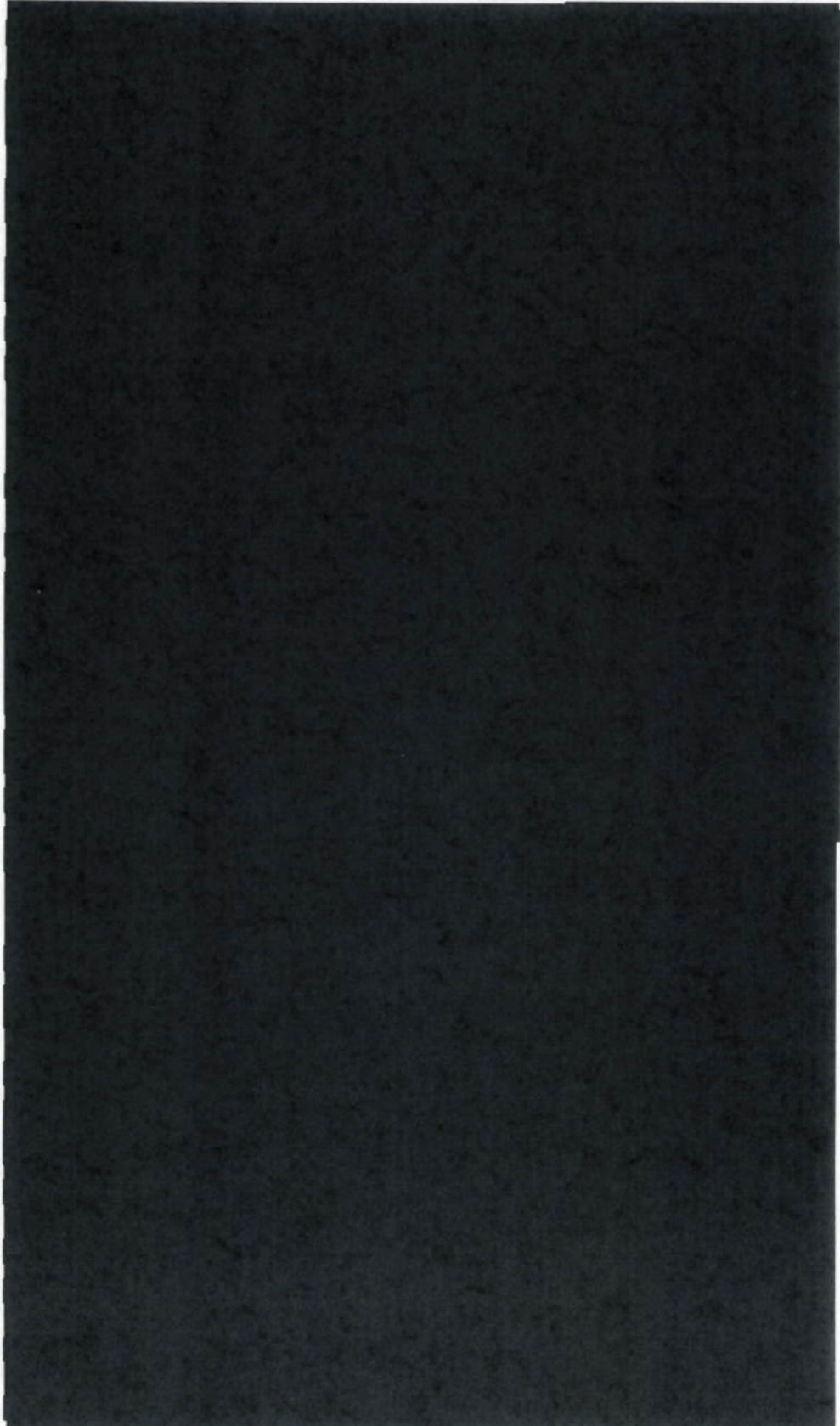
If you were licensed at any time in 2022, up to and including December 31, 2022, you must submit a mortgage log or statement of no activity.

The 2022 Mortgage Log Data Form can be found [here](#) (please scroll down to the Section titled Mortgage Log) and the Instructions are found [here](#). If you have any questions or concerns after reviewing these documents, please email mortgagelog@scconsumer.gov or call 803-734-4256.

*If you have already submitted your mortgage log, please disregard this email. We will begin reviewing mortgage log submissions shortly.

South Carolina Department of Consumer Affairs
803-734-4200 | 800-922-1594 (in SC) | 803-734-4229 (fax)
293 Greystone Blvd., Suite 400
PO Box 5757 Columbia, SC 29250
www.consumer.sc.gov

From: Mortgage Log.
To: Mortgage Log.
Bcc:



realtorayvishaygreen@gmail.com

Subject: SECOND NOTICE South Carolina Mortgage Log Due by March 31, 2023
Date: Wednesday, February 15, 2023 10:25:00 AM

2ND NOTICE

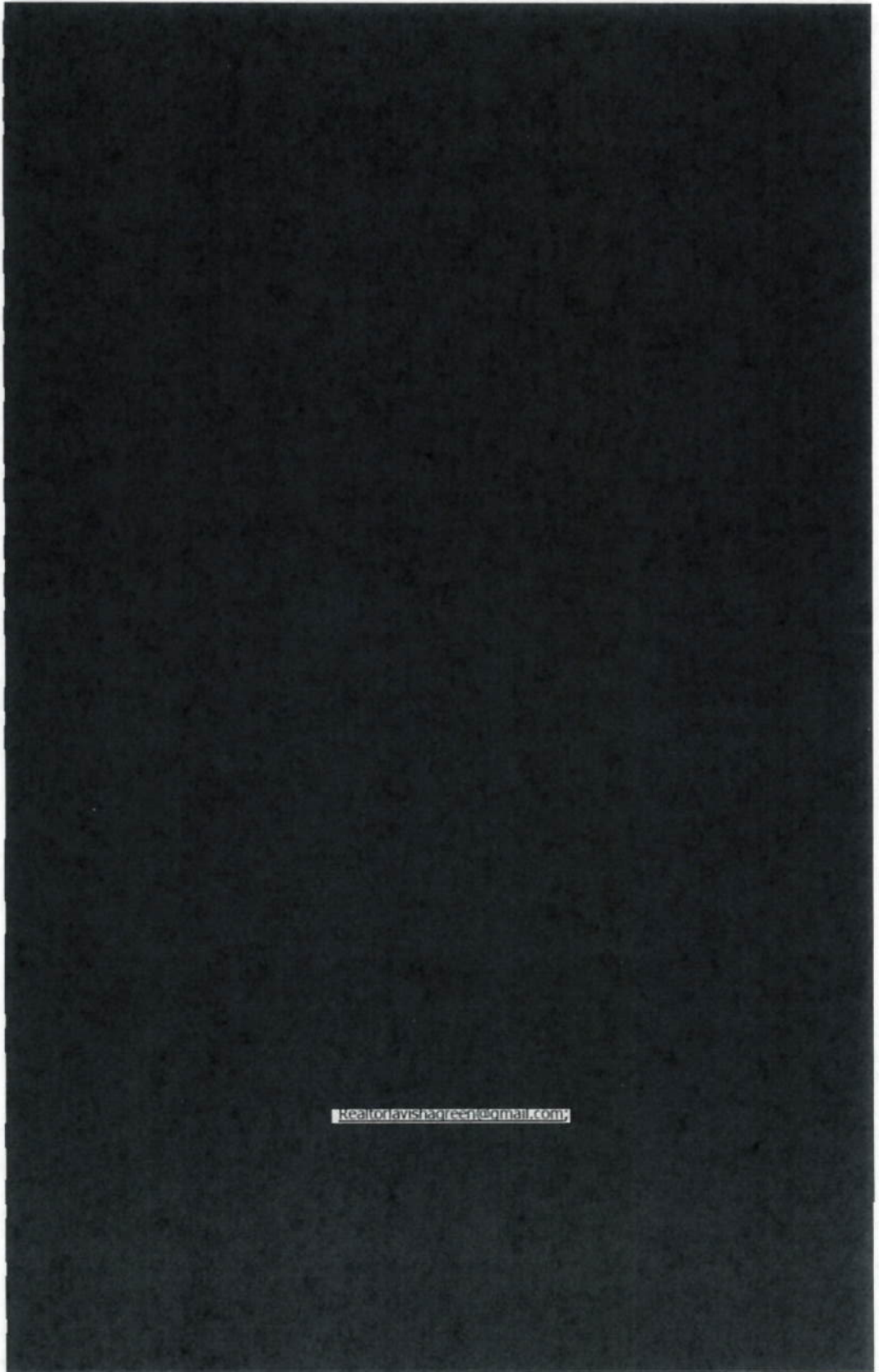
South Carolina law requires all licensed mortgage brokers and mortgage lenders/servicers to file a mortgage log each year directly with the South Carolina Department of Consumer Affairs. The mortgage log includes data required by S.C.

Code Ann. § 40-58-65 (for mortgage broker licensees) and S.C. Code Ann. § 37-22-210 (for mortgage lender/servicer licensees) along with the data identified in 12 CFR Part 1003, et seq., the Home Mortgage Disclosure Act (HMDA). The deadline to file a mortgage log with the South Carolina Department of Consumer Affairs is Friday, March 31, 2023. If no credit decision was made during 2022 by the licensee or the lender on any South Carolina residential mortgage loan applications, the company must submit a written attestation of "No Activity."

The 2022 Mortgage Log Data Form and Instructions are found on the Department's website [here](#). If you have any questions or concerns after reviewing these documents, please email mortgagelog@scconsumer.gov or call 803-734-4256.

South Carolina Department of Consumer Affairs
803-734-4200 | 800-922-1594 (in SC) | 803-734-4229 (fax)
293 Greystone Blvd. Suite 400
PO Box 5757 Columbia, SC 29250
www.consumer.sc.gov

From: Mortgage Log.
To: Mortgage Log.
Bcc:



Realtonavisnao@comail.com

[REDACTED]

Subject: FINAL NOTICE South Carolina Mortgage Log Due by March 31, 2023
Date: Tuesday, March 14, 2023 11:45:00 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

FINAL NOTICE

South Carolina law requires all licensed mortgage brokers and mortgage lenders/servicers to file a mortgage log each year directly with the South Carolina Department of Consumer Affairs. The mortgage log includes data required by S.C. Code Ann. § 40-58-65 (for mortgage broker licensees) and S.C. Code Ann. § 37-22-210 (for mortgage lender/servicer licensees) along with the data identified in 12 CFR Part 1003, et seq., the Home Mortgage Disclosure Act (HMDA). The deadline to file a mortgage log with the South Carolina Department of Consumer Affairs is **Friday, March 31, 2023**. If no credit decision was made during 2022 by the licensee or the lender on any South Carolina residential mortgage loan applications, the company must **submit** a written attestation of "No Activity."

****Pursuant to South Carolina law, there is a fine of \$100 per day for late or incomplete data submissions.****

The 2022 Mortgage Log Data Form and Instructions are found [here](#). If you have any questions or concerns after reviewing these documents, please email mortgagelog@scconsumer.gov or call 803-734-4256.

South Carolina Department of Consumer Affairs
803-734-4200 | 800-922-1594 (in SC) | 803-734-4229 (fax)
293 Greystone Blvd. Suite 400
PO Box 5757 Columbia, SC 29250
www.consumer.sc.gov



From: [Mortgage Log](#)
To: [Mortgage Log](#)
Bcc:

RealtorLavisRipstein@gmail.com

Subject: South Carolina Mortgage Log
Date: Thursday, April 6, 2023 1:04:00 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

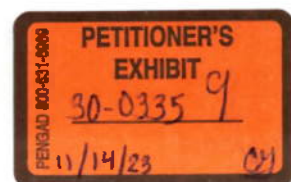
****IMMEDIATE ATTENTION REQUIRED****

The South Carolina Department of Consumer Affairs has not received your completed mortgage log for 2022. As a reminder, the late filing fee for the South Carolina mortgage log is \$100 per day.

If no credit decision was made during 2022 by the licensee or the lender on any South Carolina residential mortgage loan applications, the company must submit a written attestation of "No Activity."

If you have questions or believe you have received this email in error, please email mortgagelog@sccconsumer.gov or call 803-734-4256.

070



SC DEPARTMENT OF CONSUMER AFFAIRS

293 Greystone Blvd., Suite 400

PO Box 5757 | Columbia, SC | 29250-5757

800.922.1594 | 803.734.4256 | 803.734.4287 (F)

If you have had positive experiences with the Department of Consumer Affairs,
please share your story with the House Legislative Oversight Committee.

For more information go to: <https://consumer.sc.gov/about-us/share-your-experience>.



Hello Bryon,

How are you? Hope this email finds you well. I am reaching out to see if you could assist me with this outrageous request. This is my first penalty; can you guide me through this process or think of a better solution? I do not have this money and will not make this mistake again.

Thank you,

[Quoted text hidden]

--

Lavisha Green
Fab Seven LLC
Mortgage & Real Estate Broker
NMLS#2000258
NMLS#2166372
BIC#107839
Cell:843-312-7272
3255 Landmark Dr. Bldg. 200 Ste.204
North Charleston, SC 29418

2 attachments

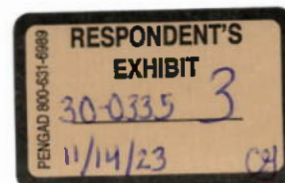


Gibbs, Bryon <BGibbs@scconsumer.gov>
To: Lavisha Green <realtorlavishagreen@gmail.com>

Wed, Jul 5, 2023 at 9:10 AM

Hi Lavisha, I just tried to call you...did not leave a voicemail. You can call me back when you get a chance at 803 734 4242

[Quoted text hidden]



072



Lavisha Green <realtorlavishagreen@gmail.com>

SECOND NOTICE South Carolina Mortgage Log Due by March 31, 2022

5 messages

Mortgage Log, <MortgageLog@scconsumer.gov>
To: "Mortgage Log," <MortgageLog@scconsumer.gov>

Thu, Feb 24, 2022 at 11:49 AM

2ND NOTICE

South Carolina law requires all licensed mortgage brokers and mortgage lenders/servicers to file a mortgage log each year directly with the South Carolina Department of Consumer Affairs. The mortgage log includes data required by S.C. Code Ann. § 40-58-65 (for mortgage broker licensees) and S.C. Code Ann. § 37-22-210 (for mortgage lender/servicer licensees) along with the data identified in 12 CFR Part 1003, et seq., the Home Mortgage Disclosure Act (HMDA). The deadline to file a mortgage log with the South Carolina Department of Consumer Affairs is Thursday, March 31, 2022. If no credit decision was made during 2021 by the licensee or the lender on any South Carolina residential mortgage loan applications, the company must submit a written attestation of "No Activity."

The 2021 Mortgage Log Data Form and Instructions are found on the Department's website [here](#). If you have any questions or concerns after reviewing these documents, please email mortgagelog@scconsumer.gov or call 803-734-4256.

South Carolina Department of Consumer Affairs

803-734-4200 | 800-922-1594 (in SC) | 803-734-4229 (fax)

[293 Greystone Blvd. Suite 400](#)

PO Box 5757 Columbia, SC 29250

www.consumer.sc.gov

Lavisha Green <realtorlavishagreen@gmail.com>
To: "Boyer, Kerri" <KBoyer@scconsumer.gov>

Thu, Feb 24, 2022 at 12:12 PM

Hello Kerri,

Hope this email finds you well. I completed my Mortgage Call Report in November. Is it another one due or did I miss something?

Best Regards,
[Quoted text hidden]

--

Lavisha Green

073

Cell:843-312-7272

Boyer, Kerri <KBoyer@scconsumer.gov>
To: Lavisha Green <realtorlavishagreen@gmail.com>

Thu, Feb 24, 2022 at 1:46 PM

This is something completely different. The South Carolina Mortgage Log is done outside of NMLS. Please look at the directions and form on our website in the link in the email below. There is a \$100/day late fee, so do look at it soon.

Kerri L. Boyer | Licensing Attorney

SC Department of Consumer Affairs

293 Greystone Blvd., Suite 400

PO Box 5757 | Columbia, SC | 29250-5757

800.922.1594 | 803.734.4256 | 803.734.4287 (F)



[Quoted text hidden]

Lavisha Green <realtorlavishagreen@gmail.com>
To: "Boyer, Kerri" <KBoyer@scconsumer.gov>

Thu, Feb 24, 2022 at 2:55 PM

Will do, thank you! Have a great day!

[Quoted text hidden]

Lavisha Green <realtorlavishagreen@gmail.com>
To: "Gibbs, Bryon" <BGibbs@scconsumer.gov>

Wed, Jul 5, 2023 at 9:48 AM

Forwarded Conversation

Subject: SECOND NOTICE South Carolina Mortgage Log Due by March 31, 2022

From: **Mortgage Log**, <MortgageLog@scconsumer.gov>
Date: Thu, Feb 24, 2022 at 11:49 AM
To: Mortgage Log, <MortgageLog@scconsumer.gov>

2ND NOTICE

South Carolina law requires all licensed mortgage brokers and mortgage lenders/servicers to file a mortgage log each year directly with the South Carolina Department of Consumer Affairs. The mortgage log includes data required by S.C. Code Ann. § 40-58-65 (for mortgage broker licensees)

074

and S.C. Code Ann. § 37-22-210 (for mortgage lender/servicer licensees) along with the data identified in 12 CFR Part 1003, et seq., the Home Mortgage Disclosure Act (HMDA). The deadline to file a mortgage log with the South Carolina Department of Consumer Affairs is Thursday, March 31, 2022. If no credit decision was made during 2021 by the licensee or the lender on any South Carolina residential mortgage loan applications, the company must submit a written attestation of "No Activity."

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South Carolina Department of Consumer Affairs

803-734-4200 | 800-922-1594 (in SC) | 803-734-4229 (fax)

293 Greystone Blvd. Suite 400

PO Box 5757 Columbia, SC 29250

www.consumer.sc.gov

From: **Lavisha Green** <realtorlavishagreen@gmail.com>
Date: Thu, Feb 24, 2022 at 12:12 PM
To: Boyer, Kerri <KBoyer@scconsumer.gov>

Hello Kerri,

Hope this email finds you well. I completed my Mortgage Call Report in November. Is it another one due or did I miss something?

Best Regards,

--

Lavisha Green
Cell:843-312-7272

From: **Boyer, Kerri** <KBoyer@scconsumer.gov>
Date: Thu, Feb 24, 2022 at 1:46 PM
To: Lavisha Green <realtorlavishagreen@gmail.com>

This is something completely different. The South Carolina Mortgage Log is done outside of NMLS. Please look at the directions and form on our website in the link in the email below. There is a \$100/day late fee, so do look at it soon.

Kerri L. Boyer | Licensing Attorney

075

SC Department of Consumer Affairs

293 Greystone Blvd., Suite 400

PO Box 5757 |Columbia, SC |29250-5757

800.922.1594| 803.734.4256 |803.734.4287 (F)



From: **Lavisha Green** <realtorlavishagreen@gmail.com>

Date: Thu, Feb 24, 2022 at 2:55 PM

To: Boyer, Kerri <KBoyer@scconsumer.gov>

[Quoted text hidden]

--
Lavisha Green

Fab Seven LLC

Mortgage & Real Estate Broker

NMLS#2000258

NMLS#2166372

BIC#107839

Cell:843-312-7272

3255 Landmark Dr. Bldg. 200 Ste.204

North Charleston, SC 29418

RECEIVED

Sep 25 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
S. Phillip Lenski, Administrative Law Judge

Case No. 23-ALJ-30-0335-CC

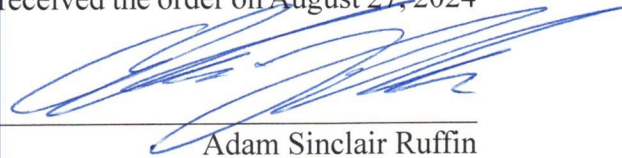
South Carolina Department of Consumer Affairs, Respondent,

v.

Lavisha Green, Appellant.

NOTICE OF APPEAL

Lavisha Green appeals from the final order and decision of the Honorable S. Phillip Lenski, Administrative Law Judge, dated August 2, 2024. Appellant received the order on August 27, 2024 via email. The final order under appeal is attached.



Adam Sinclair Ruffin
SC Bar No. 101350
1320 Main Street, Suite 300
Columbia, SC 29201
(803) 470-5629
adam@ruffinappeals.com

Attorney for Lavisha Green

Other Counsel of Record

South Carolina Department of Consumer Affairs

Zachary A. Passmore, Esq.
James C. Copeland, Esq.
293 Greystone Blvd.
Columbia, SC 29250
(803) 734-0349

Attorneys for Respondent

RECEIVED

Sep 25 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
S. Phillip Lenski, Administrative Law Judge

Case No. 23-ALJ-30-0335-CC

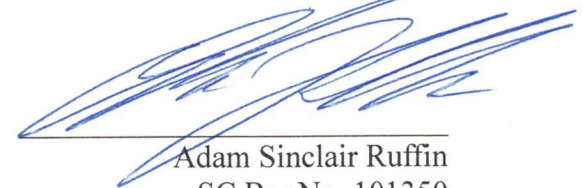
South Carolina Department of Consumer Affairs, Respondent,

v.

Lavisha Green, Appellant.

PROOF OF SERVICE

Pursuant to Rules 262(a)(3) and 262(c)(3), SCACR, undersigned counsel hereby certifies that a true copy of the notice of appeal in the above-referenced case has been served upon Zachary Passmore, James Copeland, and the Honorable S. Phillip Lenski at the primary e-mail address listed in the Attorney Information System (AIS) on September 25, 2024. Undersigned further certifies that a copy of the notice of appeal was served on the Administrative Law Court by depositing a copy in the mail addressed to 1205 Pendleton Street, Suite 224, Columbia, SC 29201 on September 25, 2024.



Adam Sinclair Ruffin
SC Bar No. 101350
1320 Main Street, Suite 300
Columbia, SC 29201
(803) 470-5629
adam@ruffinappeals.com

Attorney for Lavisha Green

From: [Adam Ruffin](#)
To: zpassmore@scconsumer.gov; jcopeland@scconsumer.gov; plenski@scalco.net
Subject: Department of Consumer Affairs v. Lavisha Green Notice of Appeal, 23-ALJ-30-0335-CC
Date: Wednesday, September 25, 2024 12:42:23 PM
Attachments: [Dept Consumer Affairs v. Green - NOA and POS.pdf](#)
[Final Order - Lavisha Green 23a0335 \(1\).pdf](#)
[Outlook-l0psstpy.png](#)

Good afternoon,

Please find attached for service the notice of appeal and proof of service in the above-referenced case which will be filed in the Court of Appeals shortly.

Adam Ruffin
Ruffin Law Firm, LLC
<https://ruffinappeals.com>
adam@ruffinappeals.com
(803) 470-5629



South Carolina Administrative Law Court (SC ALC)
Request for Contested Case Hearing FORM
Mail to: 1205 Pendleton St., Suite 224, Columbia, SC 29201

Last Name: Green First: Lavisha Middle: Docket No. (To Be Completed by ALC)
Mailing Address: 3255 Landmark Drive Ste. 204 City: North Charleston State and Zip: SC 29418
Home Number: Work Number: 843-312-7272 Cell Number: *E-Mail Address: lgreen@fabsevenllcbrokerage.com

*By providing your e-mail address, you consent to receive court orders and notices via electronic transmission

REPRESENTATION

Are you representing yourself? ☒ Yes ☐ No

Are you represented by an Attorney? ☐ Yes ☐ No

Attorney Mailing Address:

Name of Attorney:

City, State and Zip:

Attorney Work Number and Cell Number:

Attorney E-Mail Address:

CASE INFORMATION

Name of Agency that Issued the Decision: (Example - Dept. of Revenue, Dept. of Insurance, DHEC)

In order to have your case processed, **you must attach the agency decision.** Is it attached? ☒ Yes ☐ No If no, please explain:

Date the decision was issued: 7/3/23

Date the decision was received: 8/3/23

Please provide a brief statement regarding why the hearing is being requested and the relief sought:

I am requesting a hearing to negotiate my \$9000 Mortgage Call Log fine and pay a lesser amount.

Payment (applicable **filing fee pursuant to ALC Rule 71**) is being submitted today to the Administrative Law Court

via ☐ Check ☒ Money Order ☐ Cash

via ☒ U.S. Postal Service ☐ Hand-delivery

☒ Your Signature or Signature of Attorney

Date

PROOF OF SERVICE (MUST BE COMPLETED)

Your Name: Lavisha Green

Date: 8/3/2023

City: North Charleston State: SC

I hereby certify that on the date and place listed above, I served a copy of the foregoing Request for Contested Case Hearing on all other parties to this matter by depositing the same in the United States Mail, postage paid, and addressed as follows (use the reverse side for any additional names):

Dept
SC Consumer Affairs PO Box 5157
Name and/or Agency Name Address

Columbia SC 29250
City, State and Zip

Name and/or Agency Name

Address

City, State and Zip

Lavisha Green

☒ Your Signature or Signature of Attorney

8/3/23
Date

Attention: All cases filed in the Administrative Law Court are subject to the Rules of Procedure found at the Court's website or from the Clerk of Court. Failure to follow these rules may result in dismissal of your case.



Lavisha Green <realtorlavishagreen@gmail.com>

Requirement to Pay Statutory Fine for Failure to Submit Mortgage Log by March 31 Deadline

Passmore, Zachary <ZPassmore@scconsumer.gov>

Mon, Jul 3, 2023 at 9:49 AM

To: "Realtorlavishagreen@gmail.com" <Realtorlavishagreen@gmail.com>



South Carolina
DEPARTMENT OF CONSUMER AFFAIRS

Boulevard Suite 400

P. O. BOX 5757

COLUMBIA, SC 29250-5757

PROTECTING CONSUMERS SINCE 1975

Carri Grube Lybarker

Administrator

Consumer Advocate

293
Greyst
one

Commissioners

David Campbell

Chair

Columbia

W. Fred
Pennington, Jr.

Vice Chair

Simpsonville

Mark Hammond

Secretary of State

Columbia

William Geddings

Florence

James E. Lewis

Myrtle Beach

Renee I. Madden

Columbia

Jack Pressly

Columbia

Lawrence D.
Sullivan

Summerville

June 30, 2023

Via Email and U.S. Mail

Lavisha Green

Fab Seven LLC

3255 Landmark Drive, Building 200 Suite 204

North Charleston, SC 29418

**RE: REQUIREMENT TO PAY STATUTORY FINE FOR FAILURE TO SUBMIT
MORTGAGE LOG BY MARCH 31 DEADLINE**

Dear Lavisha Green:

South Carolina Code of Laws Section 40-58-65(A) requires persons holding a Mortgage Broker license in South Carolina to submit a mortgage log by March thirty-first of each year. South Carolina Code of Laws Section 40-58-65(A) requires persons holding a Mortgage Broker license in South Carolina to pay a fine of \$100 per day the mortgage log is late.

The mortgage log is a separate requirement from the mortgage call report filed with the Nationwide Multistate Licensing System & Registry ("NMLS"), and the HMDA report that lenders file with the Consumer Financial Protection Bureau ("CFPB"). If no credit decision was made during 2022 by Fab Seven LLC on any South Carolina residential mortgage loan applications, Fab Seven LLC must submit a written attestation of "No Activity." This attestation is still subject to the daily fine as required by state law.

The Department has not received Fab Seven LLC's mortgage log as of the date of this letter. As a result, Fab Seven LLC has failed to comply with state law and an increasing late fee is accruing in the amount of \$100 per day since March 31, 2023. A jurisdictional requirement has been placed on your license on NMLS regarding the fine.

Fab Seven LLC must immediately file their mortgage log or attestation of no activity. To resolve this non-compliance, the Department will accept a non-negotiable fine of \$9,000.00 if paid within thirty (30) days of this letter. Otherwise, the Department will seek the full amount of the penalty, which would be \$100.00 multiplied by the number of days until the Department receives your report or attestation of no activity.

If the fine is not paid within thirty (30) days of this letter, an order suspending or revoking Fab Seven LLC's license for failure to pay the fine may be issued pursuant to S.C. Code Ann. § 40-58-80(A)(2)(i). Thereafter, Fab Seven LLC will not be able to conduct any further business in South Carolina until the fine is paid.

Please make payment of the fine by check to the following address:

By Private Carrier:

South Carolina Department of Consumer Affairs
ATTN: Zachary A. Passmore
293 Greystone Boulevard, Suite 400
Columbia, South Carolina 29210

By Regular Mail:

South Carolina Department of Consumer Affairs
ATTN: Zachary A. Passmore
P.O. Box 5757
Columbia, South Carolina 29250

NOTICE OF RIGHT TO A HEARING

The violations set forth in this letter establish that Fab Seven LLC failed to comply with the provisions of South Carolina Code of Laws Section 40-58-65(A). The issuance of this violations letter represents a final agency decision by the Department. You have the right to contest the Department's decision by requesting a contested case hearing with the South Carolina Administrative Law Court ("ALC"). The hearing is requested through the ALC, using its forms and rules of procedure. Contact the ALC Clerk of Court at 803-734-0550 or obtain the forms and rules from their website at www.scalc.net. The hearing must be requested within thirty (30) days of receipt of this letter. Pursuant to Rule 71 of the South Carolina Administrative Law Court Rules of Procedure, a filing fee of \$150 is required for requesting a contested case hearing payable to the Administrative Law Court.

At the same time that you submit your written request to the Administrative Law Court, you must serve a written copy of your request for a contested case hearing on each party, including, but not limited to, the Department. A copy of your request must be mailed to the Department at the following address:

By Private Carrier:

South Carolina Department of Consumer Affairs
ATTN: Zachary A. Passmore
293 Greystone Boulevard, Suite 400
Columbia, South Carolina 29210

By Regular Mail:

South Carolina Department of Consumer Affairs
ATTN: Zachary A. Passmore
P.O. Box 5757
Columbia, South Carolina 29250

Should you have any questions or need any further information, you may contact me at (803) 734-0349, or zpassmore@scconsumer.gov.

Regards,

S.C. DEPARTMENT OF CONSUMER AFFAIRS



Zachary A. Passmore

Enforcement Attorney

2 attachments

 image002.png
137K

 image004.emz
3K

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Lavisha Green

Docket No. -ALJ-

Appellant/Petitioner,

PROOF OF SERVICE

vs.

SC Dept Of Consumer Affairs

Respondent.

I hereby certify that I have served the Request for Contested Case Hearing
(Description of the document) in the above-captioned matter by depositing it in the For
United State Mail, postage prepaid, on August 3, 2023 (Month/Day/Year) to the
below named parties at their address of record:

Zachary A Passmore

Name

P.O. Box 5757

Address

Columbia, SC 29250

City/State/Zip

Name

Address

City/State/Zip

Name

Address

City/State/Zip

Name

Address

City/State/Zip

Lavisha Green

(Print Your Name)

Lavisha Green

(Your Signature)

3255 Landmark Dr.

(Street)

N. Charleston, SC 29418

(City, State, Zip Code)

Passmore, Zachary

From: Erika S. Easler <eeasler@scalc.net>
Sent: Friday, August 2, 2024 11:04 AM
To: lgreen@fabsevenllcbrokerage.com; Passmore, Zachary; Copeland, James
Subject: [External] Final Order-SC Dept of Consumer Affairs v. Lavisha Green 23a0335
Attachments: Final Order - Lavisha Green 23a0335.pdf

Ms. Green/Gentlemen,

Good morning!

Please find attached the Final Order in the above referenced case.

Thank you.

V/R,

Erika S. Easler
Judicial Law Clerk to the Honorable S. Phillip Lenski
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, S.C. 29201

Any views or opinions expressed in this email are those of the author and do not necessarily represent those of the SC Administrative Law Court.

CONFIDENTIALITY NOTICE: This email (including any attachments) contains information from the South Carolina Administrative Law Court that may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, you are not authorized to read, copy, retain or distribute this message. If you have received this email in error, please notify the sender immediately by "reply to sender only" email and destroy all electronic and hard copies of the communication, including attachments. Please contact HelpDeskIT@scalc.net if you are unsure the email is legitimate.

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

South Carolina Department of Consumer
Affairs,

Petitioner.

vs.

Lavisha Green,

Respondent.

Docket No. 23-ALJ-30-0335-CC

FINAL ORDER AND DECISION

APPEARANCES: For the Petitioner:

Zachary A. Passmore, Esq.
James C. Copeland, Esq.

For the Respondent:

Pro se

STATEMENT OF THE CASE

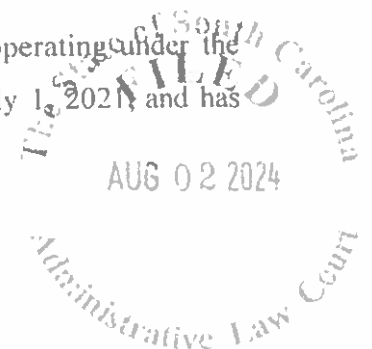
This case is before the Administrative Law Court (ALC or court) pursuant to a request for a contested case hearing filed by Lavisha Green (Respondent) on August 8, 2023. The Respondent challenges the determination of the South Carolina Department of Consumer Affairs (Department) that she failed to timely submit her mortgage log and its decision to impose a \$9,000.00 fine as a result. Generally, the Respondent does not dispute that she failed to timely file the mortgage log but maintains that it was an innocent mistake as a new broker and that the penalty imposed is excessive under the circumstances.

A hearing in this matter was held on November 14, 2023, at the ALC in Columbia, South Carolina. After careful consideration of the evidence presented, the applicable law, and the arguments of the parties, the court upholds the penalty imposed by the Department.

FINDINGS OF FACT

Having carefully considered all testimony, exhibits, and arguments presented at the hearing in this matter, and considering the credibility and accuracy of the evidence, the court makes the following findings of fact by a preponderance of the evidence:

1. The Respondent has a mortgage broker license in South Carolina, operating under the entity Fab Seven, LLC. That entity was first issued its license on July 1, 2021, and has been continuously licensed since.



2. On January 23, 2023, the Department notified the Respondent via email at "realtorlavishagreen@gmail.com" informing her that she is required by law to file a mortgage log by March 31, 2023.
3. On February 15, 2023, the Department again notified the Respondent at the aforementioned email address that a mortgage log or a written attestation of "no activity" needed to be submitted by the March 31st deadline.
4. On March 14, 2023, the Department once again notified the Respondent via email that she was required to file a mortgage log by March 31st. This notice further provided that, pursuant to South Carolina law, a fine of \$100 per day would be imposed for late or incomplete submissions.
5. On April 6, 2023, the Department notified the Respondent that it had not received her mortgage log for 2022. The notice included a reminder regarding the \$100 per day late fee imposed for failing to timely file mortgage logs.
6. By email to the Respondent dated June 30, 2023, the Department notified the Petitioner that it did not receive her mortgage log by the March 31, 2023, deadline. The notice provided that the Department had imposed a statutory penalty of \$100 for each day the mortgage statement was late, resulting in a \$9,000.00 accrued fine as of the date of the notification. This email was sent to the same "realtorlavishagreen@gmail.com" email address used by the Department for its earlier correspondence to the Respondent regarding her mortgage log. The email also indicates that this notice was sent via U.S. mail as well.
7. By email dated July 5, 2023, the Respondent reached out to the Department seeking assistance regarding the penalty imposed. As part of this correspondence, the Respondent forwarded emails from 2022 between her and the Department expressing confusion over the mortgage log filing process. The email address used by the Respondent in the 2022 emails is the same email address used by the Department in their notices regarding her mortgage log submission for 2023.¹
8. Thereafter, on August 8, 2023, the Respondent filed a request for a contested case hearing with this court.
9. At the hearing, Karri Boyer Hawley testified on behalf of the Department. Ms. Hawley is a licensing attorney at the Department and assists license examiners with compliance issues

¹ It is unclear from the exhibit submitted which email the Respondent used to send the July 5, 2023, correspondence.

and application renewals. She testified to the requirements regarding the annual submission of a mortgage log and the training that mortgage broker licensees participate in regarding that requirement, among other things. Ms. Hawley testified that the Respondent was sent notices regarding the requirement in January, February, March, and April. She stated that the notices were sent to the email provided to the Department, and to the Multiple Listing Service (MLS), by Ms. Green and that she received no indication that the notices were undeliverable. Ms. Hawley noted that the Respondent timely submitted her 2021 mortgage log in 2022, which would have been the first year she was required to file a log following her licensure in 2021.

10. Ms. Green also testified at the hearing. She did not dispute that she failed to submit her mortgage log by the March 31st deadline, but noted that it was only her second year in business and that she was confused by the continuing education materials regarding the requirement. Ms. Green also testified that she changed her email since she filed the prior year, but acknowledged receiving the June 30, 2023, notice regarding the fine and conceded that she did not update her email in the MLS system. She argued that the fine was unreasonable, particularly given the fact that she was not notified of the fine until after ninety (90) days had passed and \$9,000.00 in penalties had accrued. Given that, she asked for the fine to be reduced.

CONCLUSIONS OF LAW

Based upon the above findings of fact, the court concludes the following as a matter of law:

1. Section 1-23-600 of the South Carolina Code grants jurisdiction to this court to hear contested cases under the Administrative Procedures Act. S.C. Code Ann. § 1-23-600 (Supp. 2023). Specifically, Section 40-58-90 grants the AIC the authority to hold contested case hearings in matters arising from the Department. S.C. Code Ann. § 40-58-90(A) (2011).
2. Unless otherwise required by law, the standard of proof in an administrative proceeding, such as this, is by a preponderance of the evidence. S.C. Code Ann. § 1-23-600(A)(5) (Supp. 2023); *Anonymous (M-156-90) v. State Bd. of Med. Examiners*, 329 S.C. 371, 375, 496 S.E.2d 17, 19 (1998) (citation omitted). A “preponderance of the evidence” is evidence which convinces as to its truth. *Frazier v. Frazier*, 228 S.C. 149, 168, 89 S.E.2d 225, 235 (1955).

3. In this state, the Department is charged with regulating mortgage broker licensees, and every person acting as a mortgage broker in South Carolina must be licensed by the Department. *See* S.C. Code Ann. § 40-58-30(A) (2011).
4. Licensed mortgage brokers must submit a mortgage log containing certain information to the Department by March 31st of each year. *See* S.C. Code Ann. § 40-58-65(A) (Supp. 2023); *see also* S.C. Code Ann. Regs. 28-400(D)(1) (Supp. 2023) (noting the requirement for mortgage brokers to file a mortgage log with the Department).
5. Pursuant to statute, “[t]he licensee *shall* pay a fine of one hundred dollars a day for late or incomplete data submissions.” S.C. Code Ann. § 40-58-65(A) (emphasis added). “Ordinarily, the use of the word ‘shall’ in a statute means that the action referred to is mandatory.” *S.C. Dep’t of Highways and Pub. Transp. v. Dickinson*, 288 S.C. 189, 191, 341 S.E.2d 134, 135 (1986) (citation omitted); *see also Collins v. Doe*, 352 S.C. 462, 470-71, 574 S.E.2d 739, 743 (“Under the rules of statutory interpretation, use of words such as ‘shall’ or ‘must’ indicates the legislature’s intent to enact a mandatory requirement.”) (citations omitted).

DISCUSSION

In this case, the Respondent does not dispute that she did not file her 2022 mortgage log by the March 31, 2023, deadline. Rather, she argues that she is a new licensee who was confused by or not fully aware of the filing requirements and made a mistake. The Respondent contends that the penalty is unreasonable and asks this court for leniency with respect to the amount imposed by the Department. Though the court is inclined to agree that the monetary penalty imposed in this case for a new licensee with no prior disciplinary infractions seems disproportionate to the Appellant’s conduct in this case, as set forth below, the court regrettably finds that it lacks discretion to reduce the penalty.

Pursuant to Section 40-58-65(A) of the South Carolina Code, licensees “*shall* pay a fine of one hundred dollars a day for late or incomplete data submissions.” S.C. Code Ann. § 40-58-65(A) (emphasis added). The statute does not provide for any lesser or alternative penalties, and the use of the word “shall” implies a mandatory requirement. *See S.C. Dep’t of Highways and Pub. Transp.*, 288 S.C. at 191, 341 S.E.2d at 135 (citation omitted); *Collins*, 352 S.C. at 470-71, 574 S.E.2d at 743. Thus, this court is without authority to alter the mandatory statutory penalty of one hundred dollars (\$100) a day for late submissions.

Here, the Respondent does not dispute that she failed to timely file her 2022 mortgage log and offers no explanation for this failure other than a lack of experience and some confusion regarding the filing requirements. While it is clear that the Respondent's omission in this case was due in large part to her inexperience, the court is without discretion to reduce or alter the penalty in any way given the statute's mandatory language. Consequently, the court is constrained to uphold the \$9,000.00 penalty imposed by the Department on the Respondent for her failure to timely file her 2022 mortgage log.

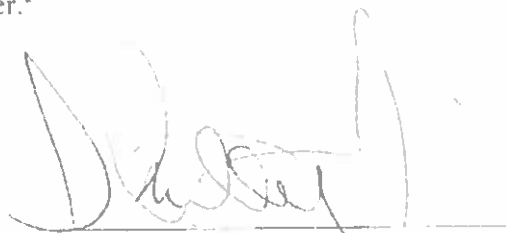
ORDER

Based upon the foregoing findings of fact and conclusions of law, the court finds that the Department's decision to impose a \$9,000.00 fine for the Respondent's failure to timely file her mortgage log must be upheld.

IT IS THEREFORE ORDERED that the Respondent shall pay the Department the penalty imposed in the amount of \$9,000.00, subject any payment plan, penalty modifications, or alternative arrangements the Department may offer.²

AND IT IS SO ORDERED.

August 2, 2024
Columbia, South Carolina


S. Phillip Lenski
Administrative Law Judge

² The court appreciates the candor of Ms. Green and is sympathetic to the financial difficulties resulting from the imposition of such a substantial fine. Following closing argument, the court asked counsel for the Department for its position on the penalty amount and whether leniency was allowed under the statute. The Department took the position that it was just enforcing the statute as written and had no authority to deviate from the one hundred dollar (\$100) per day penalty imposed by the statute. While the court's ability to offer leniency in this case is foreclosed by the mandatory statutory language regarding the penalty, the court rejects the idea that the Department—as the licensing authority in this matter—could not stipulate to a reduced number of days as part of settlement negotiations with the Respondent, suspend some portion of the penalty, or offer a long-term payment option to her. Given the facts of this case, the Respondent's neophyte status and her otherwise clean record, the court encourages the Department to work with the Respondent so as not to create an unsurmountable financial barrier to her returning to practice as a mortgage broker.

CERTIFICATE OF SERVICE

I, Erika S. Easler, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).



Erika S. Easler
Judicial Law Clerk

August 2, 2024
Columbia, South Carolina



Passmore, Zachary

From: Erika S. Easler <eeasler@scalcn.net>
Sent: Wednesday, August 28, 2024 4:18 PM
To: L Green; Passmore, Zachary; Copeland, James
Subject: [External] RE: Final Order-SC Dept of Consumer Affairs v. Lavisha Green 23a0335

Ms. Green,

Good afternoon!

I mailed a hard copy to address that was provided to the court:

3255 Landmark Drive Suite 204
North Charleston, SC 29418

Thank you.

Erika

From: L Green <lgreen@fabsevenllcbrokerage.com>
Sent: Wednesday, August 28, 2024 3:55 PM
To: Erika S. Easler <eeasler@scalcn.net>; Passmore, Zachary <zpassmore@scconsumer.gov>; Copeland, James <JCopeland@scconsumer.gov>
Subject: Re: Final Order-SC Dept of Consumer Affairs v. Lavisha Green 23a0335

Hello,

I never received a copy in the mail, received this message yesterday. I am appealing the decision and hiring legal representation. Please send all communications directly through the mail to my home address:

154 Buchanan Cir
Goose Creek, SC 29445

Thank you,

From: Erika S. Easler <eeasler@scalcn.net>
Sent: Friday, August 2, 2024 11:04 AM
To: L Green <lgreen@fabsevenllcbrokerage.com>; Passmore, Zachary <zpassmore@scconsumer.gov>; Copeland, James <JCopeland@scconsumer.gov>
Subject: Final Order-SC Dept of Consumer Affairs v. Lavisha Green 23a0335

Ms. Green/Gentlemen,

Good morning!

Please find attached the Final Order in the above referenced case.

Thank you.

V/R,

Erika S. Easler

Judicial Law Clerk to the Honorable S. Phillip Lenski

South Carolina Administrative Law Court

1205 Pendleton Street, Suite 224

Columbia, S.C. 29201

Any views or opinions expressed in this email are those of the author and do not necessarily represent those of the SC Administrative Law Court.

. . . CONFIDENTIALITY NOTICE: This email (including any attachments) contains information from the South Carolina Administrative Law Court that may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, you are not authorized to read, copy, retain or distribute this message. If you have received this email in error, please notify the sender immediately by "reply to sender only" email and destroy all electronic and hard copies of the communication, including attachments. Please contact HelpDeskIT@scalac.net if you are unsure the email is legitimate.

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only" email and destroy all electronic and hard copies of the communication, including attachments. Please contact HelpDeskIT@scalco.net if you are unsure the email is legitimate.

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

SEP 11 2024

Lavisha Green

Appellant/Petitioner,

VS.

SC Department of Consumer Affairs

Respondent.

Docket No. 23-AJC-30-0335-CC

PROOF OF SERVICE

I hereby certify that I have served the Motion of Continuance
(Description of the document) in the above-captioned matter by depositing it in the
United State Mail, postage prepaid, on September 6, 2024 (Month/Day/Year) to the
below named parties at their address of record:

Zachary A. Passmore & James C. Copeland

Name

283 Greystone Blvd #400

Address

Columbia SC 29210

City State Zip

Enka S. Easter

Name

1205 Pendleton St Ste 224

Address

Columbia SC 29201

City State Zip

Name

Address

City State Zip

Name

Address

City State Zip

Lavisha Green

(Print Your Name)

Lavisha Green

(Your Signature)

3236 Landmark Dr Ste 108

(Street)

North Charleston, SC 29418

(City, State, Zip Code)

Lavisha Green
3236 Landmark Dr. St. 108
North Charleston SC, 29418
843-312-7272
sevenmortgagelg@gmail.com

9/6/2024

State of SC Administrative Law Court
1205 Pendleton St. Ste. 224
Columbia, SC 29201

RE: Request for Continuance
Case Number: 23-AJ-30-0335-CC
Appellant: Lavisha Green
Respondent: SC Dept of Consumer Affairs

Dear Clerk of Court,

Pursuant to Rule 240 of the South Carolina Appellate Court Rules (SCACR), I am respectfully requesting a continuance of 30 days in the above-referenced appeal. Due to my limited familiarity with the legal process, I am in the process of securing legal counsel to properly represent me in this matter. However, I require additional time to finalize the hiring of an attorney.

I respectfully ask that the court grant this continuance to allow for proper legal representation and to ensure that my rights are adequately protected during the appeal process. I am making every effort to retain counsel promptly and anticipate completing this process within the requested extension period.

Thank you for your consideration of this request.

Sincerely,
Lavisha Green

Lavisha Green

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
S. Phillip Lenski, Administrative Law Judge

Lower Court Case No. 23-ALJ-30-0335-CC

South Carolina Department of Consumer Affairs, Respondent,

v.

Lavisha Green, Appellant.

Appellate Case No. 2024-001652

AFFIDAVIT OF LAVISHA GREEN

Personally appeared before me, Lavisha Green, after first being duly sworn, do hereby swear,
make oath, and affirm as follows:

1. I represented myself in the contested case hearing before the Administrative Law Judge in this matter and did not have a lawyer.
2. I received the final decision of the ALJ on August 27, 2024, via email only.
3. I have never received a paper copy of this final decision through the U.S. mail or otherwise. The final order has never been personally delivered to me.
4. On August 28, 2024, the day after I received the ALJ's final order via email, I emailed Judge Lenski's law clerk, Erika Easler, to inform her that I wished to appeal the decision of the ALJ.
5. On 9/9/24 @ 10:34 am, ^{Jana Shealy called me and I} ~~I~~ ^{called the Administrative Law Court to inform them} ~~her~~ that I wanted to appeal the decision of the ALJ and asked them what steps needed to be taken to do that. I

BW / 11/15/2024

was informed by Jana Shealy, the Clerk of Court for the Administrative Law Court, that if I wanted to appeal the decision of the ALJ I had to do so with the South Carolina Court of Appeals. The Clerk did not inform me that I had to file a motion to reconsider with the ALJ before I could file a notice of appeal with the Court of Appeals.

6. On September 6, 2024, I mailed a letter to the ALC asking for additional time to file an appeal so that I could hire an attorney.
7. I was never informed that I had to file a motion to reconsider with the ALJ prior to appealing the decision to the Court of Appeals. I was never informed that the ALC changed its rule to require motions for reconsideration prior to appealing the decision to the Court of Appeals.
8. Based on the information I received from Jana Shealy, On September 9, 2024, I sent a letter to the South Carolina Court of Appeals requesting an extension of time to file the notice of appeal while I sought legal counsel.
9. I retained Adam Ruffin on September 24, 2024 to represent me in my appeal to the Court of Appeals.

Lavisha Green 11/15/24
Lavisha Green Date

Sworn to before me this 15th day of November, 2024

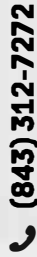
[Signature]
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission expires: 01/24/2025



USAGE DETAILS

For information only - charges are shown in the One-Time Charges section.



(843) 312-7272

Fab Seven Llc | Voice

TALK

When	Who	Description	Type	Min	Cost
Aug 22	11:05 AM IN	Blocked NBR	F	1	-
	12:45 PM IN	(877) 536-3631	-	1	-
	4:11 PM OUT	(803) 552-0087 to Aiken/SC	F	6	-
	4:56 PM IN	(843) 442-5526	F	1	-
Aug 23	5:16 PM IN	(877) 536-3631	-	1	-
	8:45 AM IN	(843) 820-8008	-	5	-
	1:53 PM IN	(843) 442-5526	F	5	-
	1:58 PM IN	(843) 442-5526	F	2	-
Aug 24	9:27 AM IN	(854) 800-5798	-	4	-
	3:31 PM IN	(843) 637-0144	W	1	-
	8:30 AM IN	(864) 807-7309	-	1	-
	8:36 AM IN	(864) 807-7309	-	2	-
Aug 26	9:52 AM IN	(854) 800-5798	-	1	-
	10:48 AM OUT	(854) 800-5798 to Charleston/SC	-	1	-
	10:52 AM OUT	(854) 800-5798 to Charleston/SC	-	2	-
	10:55 AM OUT	(843) 225-5065	-	2	-
Aug 27	11:43 AM IN	(313) 751-9808	-	2	-
	10:02 AM OUT	(800) 214-6094	-	1	-
	11:40 AM OUT	(805) 458-8574 to San Luis Ob CA	-	2	-
	12:27 PM OUT	(888) 407-0359	-	3	-
Aug 28	12:29 PM OUT	(888) 407-0359	-	1	-
	12:30 PM OUT	(888) 407-0359	-	39	-
	1:32 PM IN	(980) 294-1374	-	1	-
	1:39 PM OUT	(803) 734-0550	-	1	-
Aug 29	1:40 PM OUT	(803) 734-0550	-	3	-
	2:16 PM IN	(704) 376-3030	-	3	-
	2:28 PM IN	(843) 937-8000	-	2	-
	2:30 PM IN	(843) 472-0967	-	1	-
Aug 30	2:54 PM IN	(844) 472-0967	-	3	-
	3:42 PM OUT	(803) 252-3300	-	14	-
	4:06 PM OUT	(800) 232-6643	-	2	-
	4:34 PM OUT	(843) 727-2650	-	1	-
Aug 31	5:22 PM IN	(843) 490-3318	F	1	-
	9:26 AM IN	(803) 252-4800	-	1	-
	10:04 AM IN	(843) 560-5627	-	1	-
	10:06 AM OUT	(803) 252-4800	-	1	-
Aug 1	1:03 PM OUT	(803) 252-4800	-	1	-
	1:03 PM OUT	(803) 252-4800	-	3	-
	3:08 PM OUT	(803) 533-9248	-	3	-
	3:28 PM IN	(803) 730-3550	-	20	-
Aug 2	5:14 PM OUT	(803) 552-0087	F	2	-
	5:31 PM IN	(803) 552-0087	F	2	-
	10:08 AM OUT	(803) 252-4800	-	9	-
			-		-

099

...CONTINUED- (843) 312-7272, TALK

When	Who	Description	Type	Min	Cost
Sep 04	10:17 AM OUT	(803) 799-7100	-	5	-
	10:22 AM OUT	(843) 203-3847	-	2	-
	10:25 AM OUT	(843) 216-7728	-	4	-
	10:31 AM OUT	(843) 884-8146	-	5	-
Sep 05	10:59 AM IN	(843) 701-8806	-	1	-
	11:45 AM OUT	(803) 850-0912	-	3	-
	11:50 AM OUT	(843) 884-8146	-	2	-
	11:53 AM IN	(843) 266-8112	W	4	-
Sep 06	2:44 PM IN	(843) 701-8809	-	1	-
	2:46 PM IN	(214) 306-7295	-	11	-
	4:57 PM OUT	(803) 614-0269	-	2	-
	5:26 PM IN	(843) 216-7728	-	7	-
Sep 07	5:43 PM IN	(803) 614-0269	-	1	-
	5:55 PM IN	(803) 614-0269	-	1	-
	5:57 PM IN	(803) 614-0269	-	12	-
	7:33 PM IN	(803) 614-0269	-	3	-
Sep 08	9:24 AM OUT	(803) 387-7334	W	6	-
	9:29 AM OUT	(803) 928-9690	-	1	-
	9:30 AM OUT	(803) 387-7334	-	3	-
	9:38 AM IN	(843) 983-6573	-	21	-
Sep 09	9:50 AM OUT	(803) 614-0269	-	8	-
	10:16 AM IN	(313) 751-9808	-	8	-
	11:06 AM IN	(803) 928-9690	-	1	-
	3:37 PM OUT	(803) 614-0269	-	56	-
Sep 10	5:03 PM IN	(803) 614-0269	-	1	-
	5:05 PM OUT	(803) 347-4339	-	2	-
	5:07 PM OUT	(803) 614-0269	-	4	-
	5:28 PM IN	(803) 614-0269	-	29	-
Sep 11	9:35 AM OUT	(800) 984-9123	-	3	-
	9:38 AM OUT	(800) 984-9123	-	7	-
	9:36 AM OUT	(888) 531-6664	H	7	-
	1:22 PM IN	(843) 637-0144	-	1	-
Sep 12	8:39 AM IN	(803) 928-9690	-	3	-
	8:50 AM IN	(803) 928-9690	-	6	-
	8:58 AM IN	(803) 928-9690	-	5	-
	9:13 AM IN	(803) 928-9690	-	8	-
Sep 13	9:21 AM OUT	(803) 928-9690	-	3	-
	10:07 AM IN	(803) 928-1863	-	3	-
	10:23 AM IN	(843) 983-6572	-	3	-
	2:53 PM IN	(877) 351-7469	-	2	-
Sep 14	3:00 PM OUT	(843) 577-5083	W	2	-
	3:02 PM OUT	(843) 577-4000	-	4	-
	3:13 PM OUT	(803) 255-9525	-	2	-
	3:14 PM OUT	(800) 868-2284	-	6	-
Sep 15	3:19 PM OUT	(864) 990-5378	-	4	-
	3:47 PM OUT	(800) 727-8496	-	30	-
	4:49 PM IN	(803) 552-0087	F	1	-
	5:28 PM OUT	(844) 937-7567	-	16	-
Sep 16	5:51 PM OUT	(888) 842-6328	-	35	-
	8:45 PM IN	(843) 490-3318	F	1	-
			-		-
			-		-

Lavisha Green
3236 Landmark Dr.Ste.108
North Charleston, SC 29418
843-312-7272
sevenmortgagelg@gmail.com

September 9, 2024

Court of Appeals
1220 Senate St.
Columbia, SC 29201

Subject: Request for Extension of Time to Submit Appeal Due to Improper Service of Final Decision

Dear Court of Appeals,

I hope this letter finds you well. I am writing to formally request an extension of time to submit an appeal regarding the decision in Case Number: 23-ALJ-30-0335-CC.

South Carolina law under Section 1-23-380 of the South Carolina Code of Laws requires that a final decision be served to all parties in a proper and timely manner. However, I believe that I was not properly served with the final decision as required by law. I only recently became aware of the decision, and therefore, I have not had the opportunity to file an appeal within the normal timeframe.

Due to the improper service of the final decision, I am currently in the process of securing legal counsel to represent me in this matter. As such, I am respectfully requesting an extension of time to ensure that I can adequately prepare and submit my appeal with the assistance of my attorney.

I kindly ask that you confirm the extension as soon as possible and provide guidance on any additional documentation or steps required to formalize this request.

Thank you for your time and understanding. I look forward to your prompt response.

Sincerely,

Lavisha Green