

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BARNWELL COUNTY
Court of Common Pleas

J. Martin Harvey, Special Referee

Appellate Case No. 2016-001214

Circuit Court Case No. 2015-CP-06-00070

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AUG 18 2017

SC Court of Appeals

Quicken Loans, Inc.,Appellant,

v.

Wayne D. Wilson; Calvin O. Wilson, III; Any other Heirs-In-Law or devisees of Ezekiel (Ellen) T. Wilson, deceased, their heirs, personal representatives, administrators, successors and assigns, and all other persons entitled to claim through them; all unknown persons with any right, title or interests in the real estate described herein; also any persons who may be in a class designated as John Doe; any unknown minors or persons under a disability being a class designated as Richard Roe; Park Sterling Bank, Respondents.

**PETITION AND MOTION FOR LEAVE TO APPEAR AS AMICUS CURIAE
FROM THE SOUTH CAROLINA DEPARTMENT OF CONSUMER AFFAIRS**

**SOUTH CAROLINA DEPARTMENT OF
CONSUMER AFFAIRS**

Carolyn Grube Lybarker, Esquire
Administrator/ Consumer Advocate

Kelly H. Rainsford, Esquire
*Deputy of Regulatory Enforcement/
General Counsel*

Post Office Box 5757
Columbia, SC 29250-5757

Pursuant to Rule 213 of the South Carolina Appellate Court Rules, the South Carolina Department of Consumer Affairs (“the Department”) hereby respectfully moves before the South Carolina Court of Appeals in the exercise of its jurisdiction for leave to appear in this case as *amicus curiae* and to submit its brief on certain issues raised in the appeal filed in this matter.

The Department is the state’s consumer protection agency. Established in 1974, the Department regulates the consumer credit marketplace; helps to formulate and modify consumer laws, policies and regulations; resolves complaints arising out of the production, promotion or sale of consumer goods or services in South Carolina, whether or not credit is involved; and promotes a healthy competitive business climate with mutual confidence between buyers and sellers. By and through its duly appointed Administrator, the Department is required to administer, interpret and enforce the South Carolina Consumer Protection Code, Section 37-1-101 et seq. The purposes of the Consumer Protection Code include: (a) to further consumer understanding of the terms of credit transactions; (b) to protect consumer buyers, lessees and borrowers against unfair practices by some suppliers of credit, having due regard for the interests of legitimate and scrupulous creditors; and (c) to permit and encourage the development of fair and economically sound credit practices. S.C. Code Ann. § 37-1-102(c)–(e).

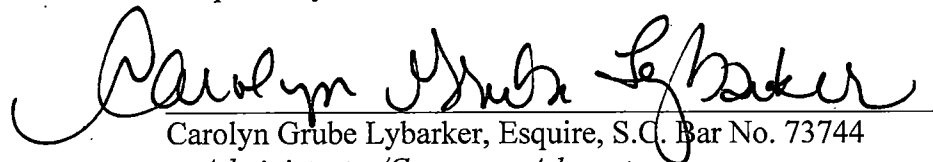
The Department is the sole state agency designated by the General Assembly to construe and provide official legal interpretations of the Consumer Protection Code, of which the attorney insurance preference statute has been a part since 1982. See S.C. Code Ann. §§ 37-6-104(1)(b); 37-6-506; 37-10-102. Such interpretations of law are afforded deference by the courts and persons relying upon them are provided a safe harbor for compliance unless and until the interpretations are changed or deemed invalid. Lexington Law Firm v. S.C. Dep’t of Consumer

Affairs, 382 S.C. 580, 677 S.E.2d 591 (2009); see S.C. Code Ann. §§ 37-6- 104(4) and 37-6-506(3).

Several matters are currently pending before the Department pertaining to compliance with S.C. Code Ann. Section 37-10-102. Further, several cases concerning the interpretation of the attorney insurance preference statute are pending in South Carolina courts, both state and federal. In doing research for the ongoing matters, the Department became aware of this appeal on August 16, 2017. Due to the prevalence of the issue, the Department desires to contribute a brief prior to a ruling being made.

The Department has an interest in the orderly administration of the Consumer Protection Code and in fulfilling its purposes in protecting consumers in the credit marketplace. Moreover, as the agency required to administer and enforce the Consumer Protection Code the Department has expertise which may assist the Court in the resolution of issues before it. As such, the Department respectfully requests the Court grant its motion to appear as *amicus curiae* and file a brief.

Respectfully submitted,



Carolyn Grube Lybarker, Esquire, S.C. Bar No. 73744

Administrator/Consumer Advocate

Kelly H. Rainsford, Esquire, S.C. Bar No. 15907

Deputy of Regulatory Enforcement/ General Counsel

Post Office Box 5757

Columbia, South Carolina 29250-5757

(803)734-4236

CLybarker@scconsumer.gov

KRainsford@scconsumer.gov

August 18, 2017
Columbia, South Carolina

**Attorneys for South Carolina Department of Consumer
Affairs**

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PROOF OF SERVICE

I, the undersigned employee of the South Carolina Department of Consumer Affairs, hereby certify that one copy of the Petition and Motion for Leave to Appear as Amicus Curiae from the South Carolina Department of Consumer Affairs in the above-referenced matter was served on the following counsel of record via United States mail, postage prepaid, as well as e-mail at the addresses listed below:

B. Rush Smith, III, Esquire
A. Mattison Bogan, Esquire
Carmen Harper Thomas, Esquire
Brian M. Barnwell, Esquire
Nelson Mullins Riley & Scarborough, LLP

Charles L. Dibble, Esquire
Dibble Law Offices
Post Office Drawer 1240
Columbia, SC 29202-1240
dibblelaw@msn.com

Post Office Box 11070
Columbia, SC 29201
rush.smith@nelsonmullins.com
matt.bogan@nelsonmullins.com
carmen.thomas@nelsonmullins.com
brian.barnwell@nelsonmullins.com

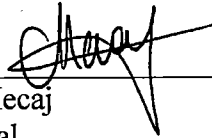
Attorneys for Appellant

Daniel W. Williams, Esquire
Bedingfield & Williams
Post Office Box 616
Barnwell, SC 29812-0606
dan@danwilliamsllaw.com

C. Bradley Hutto, Esquire
Williams & Williams
Post Office Box 1084
Orangeburg, SC 29116-1084
cbhutto@williamsattys.com

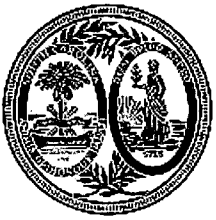
Steven W. Hamm, Esquire
Jo Anne Wessinger Hill, Esquire
Richardson Plowden & Robinson, P.A.
1900 Barnwell Street
Columbia, SC 29201
shamm@richardsonplowden.com
jhill@richardsonplowden.com

Attorneys for Respondents



Eliza Mecaj
Paralegal

August 18, 2017
Columbia, South Carolina



The State of South Carolina Department of Consumer Affairs

2221 DEVINE STREET, STE 200
PO BOX 5757
COLUMBIA, SC 29250-5757

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Columbia
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Administrator/
Consumer Advocate

Celebrating Over 40 Years of Public Service

August 18, 2017

Via Hand Delivery

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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SC Court of Appeals

RE: Quicken Loans, Inc. v. Wayne D. Wilson, et al.
Appellate Case No. 2016-001214

Dear Ms. Kitchings:

Enclosed please find an original and seven (7) copies of a Petition and Motion for Leave to Appear as Amicus Curiae from the South Carolina Department of Consumer Affairs along with a Proof of Service. In addition, please find enclosed our check in the amount of \$25.00 for payment of the filing fee.

Please file the original and six copies and return the extra filed copy to our courier. If you have any questions, please do not hesitate to call me.

Best regards,

Kelly H. Rainsford

- cc: B. Rush Smith, III, Esquire
- A. Mattison Bogan, Esquire
- Carmen Harper Thomas, Esquire
- Brian M. Barnwell, Esquire
- Charles L. Dibble, Esquire
- Daniel W. Williams, Esquire
- C. Bradley Hutto, Esquire
- Steven W. Hamm, Esquire
- Jo Anne Wessinger Hill, Esquire

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| ADMINISTRATOR Tel.: 803-734-4233 Fax: 803-734-4060 | PUBLIC INFORMATION Tel.: 803-734-4296 Fax: 803-734-4060 | CONSUMER ADVOCACY Tel.: 803-734-4200 Fax: 803-734-4287 | ENFORCEMENT/ INVESTIGATORS Tel.: 803-734-4200 Fax: 803-734-4287 | CONSUMER COMPLAINTS Tel.: 803-734-4200 Fax: 803-734-4286 | ID THEFT UNIT Tel.: 803-734-4200 Fax: 803-734-4229 | PROCUREMENT & ACCOUNTING Tel.: 803-734-0366 Fax: 803-734-4299 |
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