

SOUTH CAROLINA REAL ESTATE APPRAISERS BOARD

Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 202
Columbia, South Carolina 29210
Minutes

Thursday, August 27, 2009

10:00 a.m.

Called To Order:

Herbert Sass, Chairman, called the regular meeting of the Real Estate Appraisers Board to order at 10:00 a.m. Other members present for the meeting included: Andrew Johnson, Ann King, Rhonwen Newton, Terrence O'Brien and Carlton Segars.

Staff members participating in the meeting included: Sheridan Spoon, General Counsel, Jay Pitts, Administrator, Angela Scott, Administrative Assistant, Laura Smith, Investigator, Beau Tiller, Education Manager, Sharon Wolfe, Chief Investigator, Office of Investigation and Enforcement, Bill Plunkett, Investigations and Lisa Hawsey, Office of Business and Building.

Others present participating in the meeting included: Bob Dufala, Dan King, Eddie Gilbert and John Tezza.

Herbert Sass, Chairman, announced that public notice of the meeting was properly posted on the bulletin boards at the main entrance of the Kingstree Building and by notice mailed to all requesting persons, organizations and news media in accordance with §30-4-80 of the South Carolina Freedom of Information Act.

Pledge of Allegiance:

All present recited the Pledge of Allegiance.

Introduction of Board Members and All Other Persons Attending

The Board members, staff and members of the public attending the meeting introduced themselves.

Members Absences:

NONE

Approval of Minutes:

MOTION:

Mr. Segars moved to approve the May 14, 2009, meeting minutes. Mr. Johnson seconded the motion, which carried unanimously.

Chairman's Remarks:

Chairman Sass expressed a concern regarding the moratorium that was put on the Home Evaluation Code of Conduct (HVCC).

Administrator's Remarks:

Staff Update - Mr. Pitts reported Laura Smith is responsible for license updates and investigations and Beau Tiller and Tracey McCarley are responsible for education. Sharon Wolfe handles investigations.

Appraisal Subcommittee Audit - Mr. Pitts commended staff for doing a great job in preparation for the audit.

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MOTION:

Mr. Segars made a motion to approve the recommendations of the Investigative Review Committee for August 2009. Mr. O'Brien seconded the motion, which carried unanimously.

Adjournment

Mr. Johnson moved the meeting be adjourned. Mr. O'Brien seconded the motion, which carried unanimously. The August 27, 2009, meeting of the South Carolina Real Estate Appraisers Board was adjourned at 10:15 a.m. Chairman Sass stated the meeting would be adjourned for a break and would reconvene at 10:30 a.m.

10:15 a.m. Break

10:30 a.m. Reconvene

Disciplinary Hearings:

(Jamie Saxon, Advice Attorney)

(Paula Magargle, Hearing Attorney)

Mr. John C. Tezza

Chairman Sass stated that the proceeding was being recorded and that all witnesses must be sworn before they give testimony. He said all questions should be directed to the Chair.

Following the presentation of Mr. Tezza's case, Chairman Sass stated that the Board would take the matter under advisement and called for a motion to go into executive session to seek legal advice.

MOTION:

Mr. O'Brien made a motion to enter into executive session to seek legal advice. Mr. Johnson seconded the motion, which carried unanimously.

MOTION:

Mr. Johnson made a motion to come out of executive session. Mrs. Newton seconded the motion, which carried unanimously.

Chairman Sass stated that while the Board was in executive session, there were no votes taken and no determinations made on the disposition of the case. He asked if there was a motion any of the Board Members cared to make.

MOTION:

Mrs. Newton made a motion, to adopt the Memorandum of Agreement presented and give Mr. Tezza a letter of caution. Mr. Segars seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

Mr. Eddie H. Gilbert

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Chairman Sass stated that the proceeding was being recorded and that all witnesses must be sworn before they give testimony. He said all questions should be directed to the Chair.

Following the presentation of Mr. Gilbert's case, Chairman Sass stated that the Board would take the matter under advisement and called for a motion to go into executive session to seek legal advice.

MOTION:

Mr. Johnson made a motion to enter into executive session to seek legal advice. Mr. O'Brien seconded the motion, which carried unanimously.

MOTION:

Mr. Johnson made a motion to come out of executive session. Mr. O'Brien seconded the motion, which carried unanimously.

Chairman Sass stated that while the Board was in executive session, there were no votes taken and no determinations made on the disposition of the case. He asked if there was a motion any of the Board Members cared to make.

MOTION:

Mr. Johnson made a motion, to adopt the Memorandum of Agreement presented. Mr. O'Brien seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

Mr. Michael Foster

Chairman Sass stated that the proceeding was being recorded and that all witnesses must be sworn before they give testimony. He said all questions should be directed to the Chair.

Mr. Foster was not present.

Following the presentation of Mr. Foster's case, Chairman Sass stated that the Board would take the matter under advisement and called for a motion to go into executive session to seek legal advice.

MOTION:

Mr. Segars made a motion to enter into executive session to seek legal advice. Mrs. King seconded the motion, which carried unanimously.

MOTION:

Mr. O'Brien made a motion to come out of executive session. Mr. Johnson seconded the motion, which carried unanimously.

Chairman Sass stated that while the Board was in executive session, there were no votes taken and no determinations made on the disposition of the case. He asked if there was a motion any of the Board Members cared to make.

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MOTION:

Mr. O'Brien made a motion, to suspend Mr. Foster's license until Mr. Foster appear before the Board. Mrs. Newton seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

Application Hearing:

Mr. Jim Austin

Chairman Sass stated that the proceeding was being recorded and that all witnesses must be sworn before they give testimony. He said all questions should be directed to the Chair.

Following the presentation of Mr. Austin's case, Chairman Sass stated that the Board would take the matter under advisement and called for a motion to go into executive session to seek legal advice.

MOTION:

Mr. Segars made a motion to enter into executive session to seek legal advice. Mrs. King seconded the motion, which carried unanimously.

MOTION:

Mr. O'Brien made a motion to come out of executive session. Mr. Johnson seconded the motion, which carried unanimously.

Chairman Sass stated that while the Board was in executive session, there were no votes taken and no determinations made on the disposition of the case. He asked if there was a motion any of the Board Members cared to make.

MOTION:

Mr. O'Brien made a motion, to suspend Mr. Austin's license indefinitely until Mr. Austin has met the licensing requirements. Mr. Johnson seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

Executive Session

None

Public Comments

None

Adjournment

Mr. Johnson moved the meeting be adjourned. Mrs. Newton seconded the motion, which carried unanimously. The August 27, 2009, meeting of the South Carolina Real Estate Appraisers Board was adjourned at 1:00 p.m.

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