

Minutes
South Carolina Real Estate Commission
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 201-03
September 19, 2007

Members attending: Jay Keenan, Chair; Manning Biggers, Vice Chair; Tony Cox; Buccie Harley; Scott Moseley; and Steve Sloop

Members absent: Robert Heos and Evelyn Young (Excused)

Staff attending: Robert Selman, LLR Assistant Deputy Director; Jay Pitts; Administrator; Ann Parris, Administrative Assistant; and Sheridon Spoon, LLR Staff Counsel

Chairman Keenan called the meeting to order at 10:15 am. He stated for the record the following South Carolina Freedom of Information statement. Public notice of this meeting was properly posted at the Real Estate Commission office, Synergy Business Park, Kingstree Building, Columbia, South Carolina, and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act. All conversations in the meeting room are being recorded and portions may be public in accordance with the Freedom of Information Act. A quorum was present at all times.

Board members and staff introduced themselves.

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Minutes approved as written on motion of Mr. Harley and second of Mr. Sloop. Motion unanimously carried.

Member Absent Excused

The absence of Ms. Young and Mr. Heos was approved on motion of Mr. Cox and second of Mr. Sloop. Motion unanimously carried.

Management Update – Jay Pitts, Administrator

Mandated Core Curriculum - Mr. Pitts stated the two-hour course recently was field tested. Reviews have come in and the revisions are being made. Mr. Pitts stated the four-hour course is to be field tested September 25th. There should be a report ready for the November 28th meeting.

Time Share Ad-Hoc Committee Report – Tony Cox

Mr. Cox stated that the legislation to increase the rescission period that was introduced last year was not passed; therefore, the law has not changed. He said the committee has discussed improving licensing requirements for the licensees by requiring MCE and precursing courses that would be specific for the time share industry, but that no action has been taken on this as yet. Mr. Pitts stated this is a work in progress and that the staff is

looking at this would require a legislative change and that he would keep the Commission informed about this matter.

North Carolina Reciprocal Agreement Update - Manning Biggers

Mr. Biggers stated he, Mr. Pitts, and Larry Outlaw, NC Real Estate Commission, continue to work on the reciprocal agreement between the states. He briefly reviewed the recent changes North Carolina has made to their license law regarding licensing categories which has resulted in problems with the current reciprocal agreement between South Carolina and North Carolina. He distributed and reviewed a comparison of NC and SC license status categories. There was a lengthy discussion about the differences and common ground. Chairman Keenan stated South Carolina probably needs to study the other states around them, particularly Georgia. It was decided to continue to work towards an agreement that both states could embrace.

ARELLO Report – Manning Biggers and Buccie Harley

Mr. Harley reported that he attended several meetings including the law committee, time share and fair housing. He said this was an excellent meeting. Mr. Biggers agreed it was a very interesting conference. He reviewed some of the topics and speakers that were on the program.

Sheridon Spoon – Advice Counsel

Mr. Spoon said he had some information that he would like to make the Board aware of but that it is strictly for information purposes only, no action is necessary (Mr. Selman and Mr. Pitts are aware of this).

He said several months ago, he received a call from Lisa Scanlon, attorney with the Department of Justice (DOJ) working with the Federal Trade Commission (FTC). He said The FTC and the DOJ have looked at various states practice acts for things that may or may not be considered anti-competitive.

Mr. Spoon said Ms. Scanlon had some very general inquiries about the South Carolina Real Estate Practice Act. After several conversations, which none of the questions were very specific, he requested that the questions be put in writing. Mr. Spoon said that once he received the written questions, he replied with South Carolina's responses in a letter. He stated there is a scheduled conference call tomorrow with Ms. Scanlon, Jay Pitts, Bob Selman and himself. He said that he, Mr. Pitts and Mr. Selman would try to reiterate South Carolina's responses to the questions, and that response is that the South Carolina real estate practice act does not prevent those things asked by the DOJ and the FTC. He offered the following example: Conveyance of an offer by the agent- question: Is the agent required to convey that offer or may the customer, the seller or the buyer say, "I want to convey the offer myself." We do not believe that prohibited is by the South Carolina Real Estate practice act. Mr. Spoon stated that he would keep the Board informed.

New Business – IRC report – Jay Pitts

Mr. Pitts explained that IRC stands for Investigative Review Committee. He explained the procedures regarding receipt of a complaint. He said once it is logged in at the LLR Office of Investigations, it is investigated and then sent to the IRC. The IRC review it and makes

recommendations to the Board for the disposition of the complaint. The Board is the final authority regarding complaints. The composition of the IRC is the Board administrator, Board counsel, investigator, and the public member. Mr. Spoon commented how the IRC operates. He said in a great number of cases, the IRC will come up with some parameters for Consent Agreements, about 8 out of 10.

Motion: Mr. Biggers moved to accept the IRC report and Mr. Cox seconded the motion. Motion carried.

Chairman Keenan called for a five-minute recess at 11:00 am.

License Application Appeals

Johnny E. Dobey

11:15 am

Chairman Keenan stated that the proceedings were being recorded; all witnesses must be sworn before they testify, and all remarks should be directed to the Chairman.

Mr. Dobey appeared before the Board without legal counsel to request that he be allowed to sit for the sales examination. He did not offer any witnesses. Following a brief presentation by Mr. Dobey, Chairman Keenan stated the Board would like to have a letter from a sponsoring broker or an appearance from a sponsoring broker who would be willing to employ him if Mr. Dobey successfully completed the sales examination. He stated Mr. Dobey may wish to withdraw his application and reschedule in the future to come back before the Board. Mr. Dobey stated he would like to withdraw his application today and reappear at a later date.

Brian Donnelly

11:25 am

Chairman Keenan stated that the proceedings were being recorded; all witnesses must be sworn before they testify, and all remarks should be directed to the Chairman.

Mr. Donnelly appeared before the Board without legal counsel to request that he be allowed to sit for the sales examination. He had three witnesses – Andrea Murphy, mother; Dionne Dixon, and Jack Murphy, father.

Following Mr. Donnelly's presentation, Chairman Keenan stated the Board would take the matter under advisement and called for a motion to go into executive session.

Executive Session

11:55 am

Motion: Mr. Biggers moved and Mr. Moseley seconded the motion to go into executive session. Motion carried.

Public Session

12:00 Noon

Motion: Mr. Biggers moved and Mr. Harley seconded the motion to come out of executive session. Motion carried.

Chairman Keenan 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 Board member cared to make.

Motion:

12:20 pm

Mr. Sloop moved that the Board allow Mr. Donnelly to continue with his application for his sales license but he would not be allowed to take the examination until he submits documentation from the appropriate parties that he has been completely released from any probation or parole requirements whatever the terms may be. Once that documentation has been received (by staff) and documented then Mr. Donnelly would be allowed to take the examination. The motion was seconded by Mr. Cox and unanimously carried.

Chairman Keenan called for a break. Board reconvened the application appearances at 12:45 pm.

Aaron W. Ligon

12:45 pm

Chairman Keenan stated that the proceedings were being recorded; all witnesses must be sworn before they testify, and all remarks should be directed to the Chairman.

Mr. Ligon appeared before the Board without legal counsel to request that he be allowed to obtain a reciprocal sales license (NC). He had one witness, Don Ligon, Father.

Following Mr. Ligon's presentation, Chairman Keenan stated the Board would take the matter under advisement and called for a motion to go into executive session.

Executive Session

1:15 pm

Motion: Mr. Biggers moved and Mr. Cox seconded the motion to go into executive session. Motion carried.

Public Session

1:20 pm

Motion: Mr. Moseley moved and Mr. Cox seconded the motion to come out of executive session. Motion carried.

Chairman Keenan 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 Board member cared to make.

Motion: Mr. Biggers moved that Mr. Ligon be granted a reciprocal provisional sales license and furnish any proof of completion of parole as required by the Real Estate Commission staff. Mr. Sloop seconded the motion. Motion unanimously carried.

Darrell Jerod Waring

1:35 pm

Chairman Keenan stated that the proceedings were being recorded; all witnesses must be sworn before they testify, and all remarks should be directed to the Chairman.

Mr. Waring appeared before the Board without legal counsel to request that he be allowed to sit for the real estate license. He had two witnesses: Sheree Brown Waring, husband, and Lance Woodley.

Following Mr. Waring's presentation, Chairman Keenan stated the Board would take the matter under advisement and called for a motion to go into executive session.

Executive Session

1:45 pm

Motion: Mr. Biggers moved and Mr. Harley seconded the motion to go into executive session. Motion carried.

Public Session

1:50 pm

Motion: Mr. Cox moved and Mr. Biggers seconded the motion to come out of executive session. Motion carried.

Chairman Keenan 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 Board member cared to make.

Motion: Mr. Harley moved to permit Mr. Waring to sit for the sales examination and that Mr. Waring must provide proof of no probation to the Commission. Mr. Moseley seconded the motion. Motion unanimously carried.

Chairman Keenan told Mr. Waring he needed to get a letter from his sponsoring broker-in-charge.

There was discussion on modifying the language in the initial letter that is sent to applicants who are applying to obtain a real estate license but because of a felony charge are required to appear before the Board for hearings. Modify second paragraph on page two to include: Please note: As a minimum of consideration for a hearing you must submit to the SC Real Estate Commission, an official letter from the Department of Corrections stating your probation period has been completed. Also, if restitution or payments to victims was part of the sentence, written proof must be shown that the restitution has been made. You either must have a sponsoring broker at the hearing that would be willing to testify that if you pass the examination you would be allowed to be associated with that firm, or a letter from him/her stating you would be allowed to be associated with that firm. This does not ensure that the Board will authorize approval for you to sit for the examination, but it does offer important information for their consideration.

Adjourned on motion of Mr. Cox and second of Mr. Harley at 2:00 pm.

Submitted,



John R. Pitts
Administrator