

**LLR – REAL ESTATE COMMISSION**  
**Synergy Business Park, Kingtree Building**  
**110 Centerview Drive, Kingtree Building, Room 108**  
**Columbia, South Carolina 29210**  
**MINUTES**

**Monday, July 20, 2009**

**10:00 A.M.**

**Welcome And Call To Order:**

Tony Cox, Chairman, called the regular meeting of the Real Estate Commission to order at 10:00 a.m. Other members present for the meeting included: Manning Biggers, Vice Chairman; Evelyn Young, Secretary; Carl Edwards, Buccie Harley, R. Scott Moseley and Sarah Takacs.

Tony Cox, Chairman, announced that the meeting was held in accordance with §30-4-80 of the South Carolina Freedom of Information Act by notice mailed to all requesting persons, organizations, and news media. In addition, notice was posted on the bulletin boards at the main entrance of the Kingtree Building. Staff responded affirmatively. It was noted that all conversations in the meeting room were being recorded and portions may be made public in accordance with the SC Freedom of Information Act. A quorum was present at all times.

Staff members participating in the meeting included: Sharon Dantzler, Deputy General Counsel; Jamie Saxon, Hearing Advisor; Paula Magargle, Staff Attorney; Jay Pitts, Administrator; Beau Tiller, Education Manager; Angela Scott, Administrative Assistant; Sandra Dickert, Administrative Assistant; Wanda Brasington, Administrative Assistant; Sharon Wolfe, Office of Investigations and Enforcement; Tony Kennedy, Office of Investigations and Enforcement; and Connie Huffsettler, Supervisor, Customer Care Center.

Others present participating in the meeting included: Jenny Cockrell; Jenny Daphino, Paul Daphino, Richard MarCaskie, Mike Cockrell, David Smith; and John Sowell

**Pledge of Allegiance**

**Introduction of Board Members and All Other Persons Attending**

**Member Absences**

None

**Minutes – March 18, 2009**

**MOTION:**

Ms. Young moved to accept the minutes of the March 18, 2009, meeting as written. Mrs. Takacs seconded the motion, and it unanimously carried.

**Approval of Agenda:**

*Monday, July 20, 2009*

Mr. Pitts reported the following agenda changes:

- Wanted to have some dialog with the Commission regarding the Online Newsletter;
- Discussion of the Communication Meeting held on July 9, 2009;
- Mr. Dwight Hayes was unable to attend the meeting because of a scheduling conflict. Mr. Hayes was placed on the agenda to discuss Consent Agreements;
- Mr. David Christian was unable to attend the meeting because of a scheduling conflict. Ms. Connie Huffstetler was present to give a description of the Customer Care Center; and
- Ms. Patricia Bourgoins hearing was continued.

**Chairman's Remarks:**

*Tony Cox*

Chairman Cox thanked Staff for doing a great job on the Online Newsletter.

**Administrator's Remarks:**

*Jay Pitts*

**Online Newsletter**

Mr. Pitts reported that Mr. Randall Bryant, Assistant Deputy Director of Building and Business, has mandated that all Boards and Commissions publish an Online Newsletter. Staff has put forward a lot of work and time to produce the newsletter and he wanted the Commission's input regarding what they would like to see produced in the newsletter. The Commission recommended the following:

- Disciplinary Actions – List the Applicant's name, City, State and link it the Order
- Request Commissioners to submit articles to be placed in newsletters
- A Chairman's Column

Mr. Pitts reported that there were approximately 18,000 newsletters emailed.

**Update on Communications Meeting, July 9, 2009:**

*Jay Pitts*

Mr. Pitts reported that Office of Licensure has informed him that all real estate licensees will be renewed on the same renewal cycle which is every two years. He reported that the licensees were not notified prior to the change and this matter will be discussed at a later date.

Mr. Pitts reported that he attended a meeting via satellite with the Association, and it was a very productive meeting. The Commission expressed the following concerns:

- Why was the licensing renewal period changed
- What are the duties of the Board's staff
- Whether there will be a cost reduction to licensees
- The number of investigators on staff
- The amount of revenue the Commission generates per year

Mrs. Sharon Wolfe reported that the Office of Investigations and Enforcement conducts all investigations within LLR. There is one full-time investigator assigned to the Commission, and the remainder of the cases is divided between two other employees who investigate other Boards.

Mr. Pitts reported that the Board's licensing renewal cycle was divided so all the Boards would be on the same renewal cycle. Real estate licensees will renew every two years on the even year. The Board's staff handles board issues and applications that have "yes" answers, and Mr. Tiller handles education. He reported that Office of Licensure handles all licensing issues and telephone calls. Mr. Pitts reported that the Board has fewer employers with more job duties.

Chairman Cox reported that the Commission is complaint driven and it hard to protect the public with one investigator. He reported that the Association was present at that meeting.

**Update on Renewals and Licensing**

Mr. Pitts reported the licensing numbers as of today:

**Total Licensees:** 48,226 (Includes Inactive Licensees)

**Brokers:** 5,095

**Brokers In Charge:** 7,583

**Inactive Brokers:** 2,288

**Inactive Property Managers:** 570

**Inactive Salespersons:** 9377

**Property Managers In Charge:** 853

**Property Managers:** 1060

**Salesman:** 20,355

**Salesperson Provisional Licensees:** 964

Chairman Cox asked what was the highest number of licensees the Commission licensed and requested that the licensing information be placed in the newsletter.

Mr. Pitts reported 52,000 was the highest number of licensees the Commission licensed.

Number of Investigations and Open Complaint Cases:

Mrs. Wolfe reported the number of investigations and open complaints cases as of today:

**Complaint Cases Received as of January 2009 – present: 199 Open Complaint Cases: 112  
Complaint Cases Received from July 2008 – July 2009: 400**

Mrs. Wolfe reported that it takes approximately 120-130 days from start to end to resolve a complaint.

Chairman Cox asked staff to post all disciplinary actions on the website. He stated that the case involving the use of unlicensed personnel marketing a builder's subdivision would be a great article for the newsletter. In addition, he requested that an article dealing with timeshares be placed in the newsletter. Mr. Cox reported that he received a Consent Agreement from Office of Investigations and Enforcement which contained several errors and writing in the margins. He reported that the Findings and Facts on the Consent Agreements should be more detailed.

**Unfinished Business:**

Discussion and Update On Proposed Legislation:

Mr. Pitts reported that no legislation was prefiled with the House and Senate. He asked the Commission to review the draft legislation proposal and make a decision whether to leave it as it is, rewrite or amend the regulations. Mr. Pitts reported that the Commission decided in May 2008, not to take any action regarding the legislation. He expressed how important it is for the Commission to be on one accord. Mrs. Young asked whether the legislation could be amended to be applicable to North Carolina's legislation.

**New Business:**

Customer Care Center:

Mrs. Connie Huffstetler reported that the Customer Care Center is a part of the Office of Communication and briefed the Commission on the services it will provide. The staff comes from different areas within the agency and brings forth a very broad range of knowledge, skills and experience in customer service and different program areas. They have had technical, board specific and customer service training. The Customer Care Center began taking calls for three Boards and will eventually accept all calls that come into the agency. Some calls may be referred to Board Administrators for technical assistance or the licensing section. Mrs. Huffstetler presented the Commissioners with the Customer Care Center Telephone Listing and informed them if the staff of the Customer Care Center could be of assistance to them please do not hesitate to contact them.

Presentation of Office of Licensure and Compliance:

Mr. Christian was unable to attend.

Approval of IRC Report:

The Commission reviewed and discussed the IRC Reports for April, May, and June 2009.

**MOTION:**

Mr. Moseley made a motion to approve April, May, and June 2009, IRC Reports. Mrs. Young seconded the motion which carried unanimously.

**Election of Member-At-Large:**

Mr. Pitts reported that there were two candidates for the Member-at-Large seat, Ms. Dianna Brouthers and Ms. Nell G. Postell.

**MOTION:**

Chairman Cox called for nominations from the floor for Member-at-Large. Mrs. Young moved to nominate Ms. Brouthers to serve as the Member-at-Large. Mr. Harley moved to nominate Ms. Nell Postell to serve as the Member-at-Large. Mr. Moseley seconded the motion. There being no further nominations, the nominations were closed. Mrs. Dianna Brouthers was elected by acclamation.

**Continuing Education:**

Mr. Beau Tiller asked how the Commission was going to address the licensees whom recently renewed and will need four hours of Continuing Education before June 30, 2010. The other licensees will have to take Continuing Education from June 1, 2009 – June 30, 2010.

Chairman Cox recommended that Continuing Education Requirements be placed in the newsletter.

**Adjournment:**

Mr. Harley moved the meeting be adjourned. Mr. Biggers seconded the motion which carried unanimously. The July 20, 2009, meeting of the South Carolina Real Estate Commission was adjourned at 12:00 p.m. Chairman Cox stated the meeting would be adjourned for a break and would reconvene at 12:30 p.m.

12:00 p.m. Break

12:30 p.m. Reconvene

**Disciplinary Hearings:**

*Jenny L. Cockrell*

Chairman Cox 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. The following witnesses were present to give testimony: Tony Kennedy, Jenny Dapheno, Paul Dapheno, Richard MarCaskie and Mike Cockrell.

Following the presentation of Mrs. Cockrell's case, Chairman Cox stated that the Commission would take the matter under advisement and called for a motion to go into executive session to seek legal advice.

**MOTION:**

Mr. Edwards made a motion to enter into executive session to seek legal advice. Mr. Harley seconded the motion which carried unanimously.

**MOTION:**

Mr. Edwards made a motion to come out of executive session. Mrs. Young seconded the motion which carried unanimously.

Chairman Cox stated that while the Commission 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. Biggers move to give Mrs. Cockrell a public reprimand because she violated the Real Estate Practice Act and that she must take two courses--contract law and ethics. If the courses are not completed within six months, Mrs. Cockrell's license will be suspended. Mrs. Young 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.)*

*David E. Smith*

Chairman Cox 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. The following witness was present to give testimony: John Sowell

Following the presentation of Mrs. Smith's case, Chairman Cox stated that the Commission would take the matter under advisement and called for a motion to go into executive session to seek legal advice.

**MOTION:**

Mrs. Takacs made a motion to enter into executive session to seek legal advice. Mr. Moseley seconded the motion which carried unanimously.

**MOTION:**

Mr. Edwards made a motion to come out of executive session. Mrs. Young seconded the motion which carried unanimously.

Chairman Cox stated that while the Commission 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. Biggers made a motion to issue Mr. Smith a letter of caution and dismiss all charges. Mr. Smith must have all the charges against him in North Carolina rectified within sixty (60) days. Mr. Harley seconded the motion which carried unanimously.

**Date of Next Meeting:**

Mr. Pitts reported that the Commission will meet September 16<sup>th</sup> and September 23<sup>rd</sup>.

**Adjournment:**

Mr. Moseley moved the meeting be adjourned. Mr. Edwards seconded the motion which carried unanimously. The July 20, 2009, meeting of the South Carolina Real Estate Commission was adjourned at 4:30 p.m.

Yours truly,

Jay Pitts  
Administrator