

## **MINUTES**

### **South Carolina Real Estate Commission**

**Wednesday, November 12, 2014, 10:00am**

Synergy Business Park, Kingstree Building, Conference Room 105

110 Centerview Drive, Columbia, South Carolina 29210

#### **Meeting Called to Order:**

Chairman Cox called the meeting of the South Carolina Real Estate Commission to order at 10:00 a.m. Board members participating in this meeting included:

Tony Cox – Chair, 7<sup>th</sup> Congressional District  
David Crigler – Vice-Chair - 4th Congressional District  
Candace Pratt – 1<sup>st</sup> Congressional District  
David C. Lockwood, III, 2<sup>nd</sup> Congressional District  
Carl Edwards – 3<sup>rd</sup> Congressional District  
Buccie Harley – 6<sup>th</sup> Congressional District  
G. Hamlin O’Kelley – Public Member  
Wayne Poplin – At-Large Member  
Johnathan Stackhouse – Public Member

Staff members participating during the meeting included Roderick Atkinson, Board Administrator; Wanda Cooke, Administrative Assistant; Georgia Lewis, Office of Advice Counsel; Sharon Wolfe, Office of Investigations; Lauren Kearney, Office of Disciplinary Counsel.

#### **Public Notice:**

Chairman Cox announced that public notice of this meeting was properly posted at the S.C. Real Estate Commission Office, Synergy Business Park, Kingstree Building, 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.

#### **Pledge of Allegiance:**

The Pledge of Allegiance was recited by all present.

#### **Invocation**

Invocation was offered by Carl Edwards.

#### **Introduction of Board Members and Staff**

#### **Excused Absences:**

Manning Biggers – 5<sup>th</sup> Congressional District

#### **MOTION:**

Ms. Pratt made a motion to approve the absence of Mr. Biggers. Mr. Edwards seconded the motion, which carried unanimously.

**Approval of Agenda:**

**MOTION:**

Ms. Pratt made a motion to approve the Agenda. Mr. Crigler seconded the motion, which carried unanimously.

**Approval of the Meeting Minutes from October 15, 2014**

**MOTION:**

Mr. O’Kelley made a motion to approve the minutes of the October 15, 2014, meeting. Mr. Harley seconded the motion, which carried unanimously.

**Chairman’s Remarks:**

*Tony Cox*

**Administrator’s Remarks:**

*Rod Atkinson*

Mr. Atkinson gave the Commission a brief update on the bidding process for selecting the vendor for providing criminal background checks for applicants.

**1. Licensure Update** as of November 6, 2014

• Broker	5279
• Broker In Charge	7516
• Property Manager	1361
• Property Manager In Charge	1175
• Salesman	18137
• Salesman (Provisional)	1829
<b>TOTAL ACTIVE</b>	<b>35,297</b>
• Inactive Broker	1652
• Inactive Property Manager	541
• Inactive Salesman	5227
<b>TOTAL INACTIVE</b>	<b>7,420</b>

**TOTAL CURRENT LICENSES  
AS OF 11/6/14 42,717**

**2. Budget** update for October 2014 was reviewed.

**3. Investigations and Enforcement**

Sharon Wolfe, Office of Investigations and Enforcement, presented the Commission with an overview of the opened and closed cases from January 1, 2014 – November 5, 2014, as well as for the previous year.

**4. IRC Report -** The Commission reviewed the IRC report from November 3, 2014.

**MOTION:**

Mr. Lockwood made the motion to approve the IRC report from November 3, 2014. Ms. Pratt seconded the motion, which carried unanimously.

**DISCIPLINARY HEARINGS**

***Robert Fowler***

The Commission held a Disciplinary Hearing regarding Mr. Robert Fowler. Mr. Fowler was present and was represented by Mr. Paul deHolczer, legal counsel. Lauren Kearney, Office of Disciplinary Counsel, represented the State and presented the case. Ms. Kearney advised the Commission that Mr. Fowler had signed a Memorandum of Agreement and presented a copy of same to the Commission members. Discussion ensued.

**MOTION:**

Mr. Edwards made a motion to enter Executive Session. Mr. Lockwood seconded the motion, which carried unanimously.

**MOTION:**

Mr. Stackhouse made a motion to enter Open Session. Ms. Pratt seconded the motion, which carried unanimously.

**MOTION:**

Mr. Crigler made a motion to accept the signed Memorandum of Agreement, citing violations of Sections 40-57-145 (A) (1) and 40-1-110- (1) (d); to issue a public reprimand, and a six (6) month suspension, automatically stayed and placed on probation until April 1, 2015. Mr. Fowler will also be required to complete three courses as referenced in the Consent Agreement with the North Carolina Real Estate Commission. Mr. Lockwood seconded the motion, which carried unanimously.

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

***Ark Grabara***

The Commission held a Disciplinary Hearing regarding Ark Grabara. Mr. Grabara was present, however, he waived his right to legal counsel. Lauren Kearney, Office of Disciplinary Counsel, represented the State and presented the case. Discussion ensued.

**MOTION:**

Mr. Poplin made a motion to enter Executive Session. Mr. O’Kelley seconded the motion, which carried unanimously.

**MOTION:**

Mr. Crigler made a motion to enter Open Session. Mr. Edwards seconded the motion, which carried unanimously.

**MOTION:**

Mr. O’Kelley made a motion to revoke Mr. Grabara’s license #11620. Mr. Crigler seconded the motion, which carried unanimously.

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

***Jeremy Ware***

The Commission held a Disciplinary Hearing regarding Mr. Jeremy Ware. Mr. Ware was present, and was represented by Michael Jeffcoat, legal counsel. Lauren Kearney, Office of Disciplinary Counsel, represented the State. Ms. Kearney advised the Commission that Mr. Ware had signed a Memorandum of Agreement and presented a copy of same to the Commission members. Discussion ensued.

**MOTION:**

Mr. Edwards made a motion to enter Executive Session. Mr. O’Kelley seconded the motion, which carried unanimously.

**MOTION:**

Mr. Lockwood made a motion to enter Open Session. Ms. Pratt seconded the motion, which carried unanimously.

**MOTION:**

Mr. Edwards made a motion that Mr. Ware received a Public Reprimand, a fine of \$500, to be paid within forty-five (45) days, and, should he decide to reactivate his license, it will be on probation for a period of one year. Mr. Crigler seconded the motion, which carried with one abstention.

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

***Sonny Ninan***

The Commission held a Disciplinary Hearing regarding Mr. Sonny Ninan. Mr. Ninan was present, and was represented by James O'Connell, legal counsel. Lauren Kearney, Office of Disciplinary Counsel, represented the State and presented the case. Discussion ensued.

**MOTION:**

Mr. O'Connell made a motion to continue this proceeding, due to pending litigation. Discussion continued.

**MOTION:**

Mr. Poplin made a motion to enter Executive Session. Mr. O'Kelley seconded the motion, which carried unanimously.

**MOTION:**

Mr. O'Kelley made a motion to enter Open Session. Mr. Crigler seconded the motion, which carried unanimously.

Motion to Continue was denied and Ms. Kearney proceeded with witness testimonies. Discussion ensued.

**MOTION:**

Mr. Lockwood made a motion to enter Executive Session. Ms. Pratt seconded the motion, which carried unanimously.

**MOTION:**

Mr. Crigler made a motion to enter Open Session. Ms. Pratt seconded the motion, which carried unanimously.

**MOTION:**

Mr. O'Kelley made a motion that the State has met its burden of proof, in case #2013-579, that Mr. Ninan has violated 40-57-145 (A) (10) and 40-1-110 (1) (F); and in case # 2014-6 that Mr. Ninan has violated 40-57-145 (A) (4) and 40-1-110 (1) (F). Mr. Ninan will receive a Public Reprimand. His license will be suspended for twelve (12) months, stayed after six (6) months of an active suspension, with a three (3) year probation period at the end of the twelve (12) month suspension. A fine of \$1000 for each violation will be imposed, for a total of \$4000, to be paid within the six month active suspension. Mr. Ninan will be required to take classes in Ethics, Contracts, and Trust Account Guidelines, within the six month active suspension. Mr. Lockwood seconded the motion, which carried unanimously.

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

## **New Business**

### **Election of Officers**

#### **MOTION:**

Mr. Crigler made a motion to nominate Hamlin O’Kelley as Vice-Chair. Nominations were closed. Ms. Pratt seconded the motion, which carried unanimously.

#### **MOTION:**

Mr. O’Kelley made a motion to nominate David Crigler as Chairman. Nominations were closed. Ms. Pratt seconded the motion which carried unanimously.

Limited Service and Kiosk Offices – discussion will be tabled until the December meeting.

### **Unfinished Business**

Mr. Crigler gave a brief update on the meeting of the Legislative Task Force. A Subcommittee will reconvene on November 24<sup>th</sup> to finalize and have a draft ready for vote at the December meeting. Mr. Edwards requested that the draft be distributed to members for review prior to the next meeting.

Mr. Atkinson informed that Commission that the Appraisers Board will meet on November 13<sup>th</sup> and will hold discussions regarding Broker Price Opinions and Evaluations. They will assemble a task force to develop definitions for their purposes and will forward results to the Commission.

Update on the newsletter will be tabled until the December meeting. Discussion will be centered around a newsletter that will be posted to the website, rather than mailing.

### **Adjournment**

#### **MOTION:**

Mr. Edwards made a motion to adjourn. Mr. Poplin seconded the motion, which carried unanimously.

The meeting was adjourned 5:10 p.m