

MINUTES

South Carolina Real Estate Commission

Wednesday, February 20, 2013, 10:00am

Synergy Business Park, Kingstree Building, Conference Room 105

110 Centerview Drive, Columbia, South Carolina 29210

Meeting Called to Order:

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

Tony Cox – 7th Congressional District
Carl Edwards – 3rd Congressional District
David Crigler – 4th Congressional District
Manning Biggers – 5th Congressional District
Buccie Harley – 6th Congressional District
Johnathan Stackhouse – Public Member
Wayne Poplin – Member At-Large

Staff members participating during the meeting included Rod Atkinson, In-Coming Administrator; Tracey McCarley, Out-Going Administrator; Wanda Cooke, Administrative Assistant; Beau Tiller, Education; Sharon Wolfe, Sandra Bryant, Stella Hammond and John Sowell, Investigations; Georgia Lewis, Office of Advice Counsel and Princess Hodges, Office of General 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 led by Chairman Cox.

Excused Absences:

Sarah Takacs and Hamlin O’Kelley were absent from the meeting.

MOTION:

Mr. Crigler made a motion to approve these absences. The motion was seconded by Mr. Poplin, which carried unanimously.

Approval of Agenda:

Chairman Cox suggested moving “old business” under “new business”. Mr. Edwards made a motion to approve the agenda with this change. The motion was seconded by Mr. Crigler, which carried unanimously.

Approval of the Meeting Minutes from January 23, 2013

MOTION:

Mr. Biggers made a motion to approve the January 23, 2013 meeting minutes. Mr. Poplin seconded the motion, which carried unanimously.

Chairman's Remarks:

Tony Cox

Administrator's Remarks:

Tracey McCarley

1. Ms. McCarley introduced Rod Atkinson to the Commission. Mr. Atkinson will fill the position of Administrator for the Commission.

2. Licensure Update
As of January 17, 2013

| | |
|------------------------------|---------------|
| • Broker | 5,236 |
| • Broker In Charge | 7,379 |
| • Inactive Broker | 1,454 |
| • Inactive Property Manager | 379 |
| • Inactive Salesman | 4,628 |
| • Property Manager In Charge | 1,033 |
| • Property Manager | 1,194 |
| • Salesman | 16,564 |
| • Salesman (Provisional) | 929 |
| TOTAL | 38,796 |

3. Investigations and Enforcement – Sharon Wolfe

Cases received January 1, 2012 through December 31, 2012

| | |
|----------------------------|---|
| • Active Investigations | 108 |
| • Closed | 150 |
| • Do Not Open Cases | 164 |
| • Pending Board Action | 40 |
| • Timeshare Investigations | 204 (included in active investigations) |
| TOTAL | 452 |

Cases closed January 1, 2012 through December 31, 2012

| | |
|----------------------------|---|
| • Closed | 267 |
| • Do Not Open Cases | 172 |
| • Timeshare Investigations | 197 (included in closed investigations) |
| TOTAL | 439 |

Cases received January 1, 2013 through February 15, 2013

- Active Investigations 37
 - Do Not Open Cases 51
 - Pending further investigation 5
 - Timeshare Investigations 56 (included in active investigations)
- TOTAL 93**

Cases closed January 1, 2013 through February 15, 2013

- Closed 32
 - Do Not Open Cases 50
 - Timeshare Investigations 45 (included in closed investigations)
- TOTAL 82**

4. Budget Update – Tracey McCarley provided the Commission members with the budget for January 2013.
5. Approval of IRC Reports – February 2013

MOTION:

Mr. Harley made the motion to approve the IRC reports for February 2013. Mr. Poplin seconded the motion, which carried unanimously.

New Business:

1. Hugh Ryall – Broker In Charge, Earth Available Realty, spoke to the Commission concerning Contractual Agreements to refund commissions to buyers/sellers. Memorandum from the Commission dated October 20, 2010, was reviewed. Chairman Cox requested that Georgia Lewis, Advice Counsel, take this under advisement and report back at the next Commission meeting in March 2013.

Old Business:

1. Fritzi Barbour - Broker In Charge, Coldwell Banker Caine, addressed the Commission again concerning her prior request to have two Brokers In Charge at one office location. Discussion ensued. It was decided that the Commission would allow Ms. Barbour's company to have two separate office codes and two separate Brokers in Charge located at the same address.(company A and company B)
2. A task force has been formed and has met to implement the revision of the Residential Property Condition Disclosure Form. Commissioner O'Kelley, was unable to attend the

meeting, however, Mr. O'Kelley prepared a summary of the recommended changes that resulted from their first meeting. Ms. Barbour, who is a member of the Task Force, addressed the Commission regarding the proposed changes.

Mr. Byron King, representative of South Carolina Realtors, and Howard Jones, Broker in Charge, Vacation Home Advisors, LLC, addressed the Commission with their concerns regarding the current form and proposed changes.

Much discussion ensued.

The task force will continue to work on the revision of this form and will report their progress at the next scheduled Commission Meeting.

Disciplinary Hearings:

Rick Stroud

The Commission held a Disciplinary Hearing regarding Mr. Rick Stroud. Mr. Stroud did not appear before the Commission. Ms. Hodges presented the Commission with a request for continuance from Mr. Stroud's attorney, James Smith.

MOTION:

Mr. Poplin made a motion to grant a continuance until such time that a new date can be coordinated with Mr. Stroud's attorney. Mr. Crigler seconded the motion, which was carried unanimously.

Julia Harvin

The Commission held a Disciplinary Hearing regarding Ms. Julia Harvin. Ms. Harvin did not appear before the Commission. Ms. Hodges informed the Commission that Ms. Harvin was sent notice of this hearing to address provided; certified mail was returned unclaimed, and regular mail sent to her was not returned. Ms. Hodges requested permission to proceed in her absence, which was granted. Ms. Hodges presented the case and discussion ensued.

MOTION:

Mr. Poplin made a motion to go into Executive Session. Mr. Edwards seconded the motion, which was carried unanimously.

MOTION:

Mr. Crigler made a motion to go into Open Session. Mr. Poplin seconded the motion, which was carried unanimously.

MOTION:

Mr. Harley made a motion to enforce a permanent revocation of Ms. Harvin's license, incur a fine of \$3000 (\$1000 for each violation); 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.)

Unfinished Business:

None

Public Comments:

None

Adjournment:

The meeting of the SC Real Estate Commission adjourned at 12:00 noon.