

## **MINUTES**

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

**Wednesday, June 12, 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 10:20a.m. Board members participating in this meeting included:

Tony Cox – 7<sup>th</sup> Congressional District  
Candace Pratt – 1<sup>st</sup> Congressional District  
Carl Edwards – 3<sup>rd</sup> Congressional District  
David Crigler – 4<sup>th</sup> Congressional District  
Manning Biggers – 5<sup>th</sup> Congressional District  
Buccie Harley – 6<sup>th</sup> Congressional District  
Johnathan Stackhouse – Public Member  
G. Hamlin O’Kelley – Public Member  
Wayne Poplin – At-Large Member

Staff members participating during the meeting included Rod Atkinson, Administrator; Wanda Cooke, Administrative Assistant; Beau Tiller, Education Manager; Stella Hammond and John Sowell, Office of Investigations; Georgia Lewis, Office of Advice Counsel; Prentiss Shealey and Princess Hodges, office of General Counsel and Holly Beeson, Office of Governmental Affairs.

#### **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 – 2<sup>nd</sup> Congressional District. was absent from the meeting.

#### **MOTION:**

Mr. Crigler made a motion to approve this absence. The motion was seconded by Mr. Harley, which carried unanimously.

#### **Approval of the Meeting Minutes from May 22 and May 24, 2013**

#### **MOTION:**

Mr. Harley made a motion to approve the amended minutes of the May 22 and May 24, 2013 meetings. Mr. Poplin seconded the motion, which carried unanimously.

**MOTION:**

Mr. Edwards made a motion to approve the agenda for today's meeting, with the following amendments:

- 1) Add IRC report under Administrator's Remarks
- 2) Stroud – under Disciplinary Hearings - has been continued.

Ms. Pratt seconded the motion, which carried unanimously.

**Chairman's Remarks:**

*Tony Cox*

**Administrator's Remarks:**

*Roderick Atkinson*

1. Approval of IRC Report - June 10, 2013

**MOTION:**

Mr. O'Kelley made the motion to approve the IRC reports for June 2013. Mr. Harley seconded the motion, which carried unanimously.

**New Business**

Chairman Cox recused himself at this time based on legal counsel's advice. Vice-Chair Takacs, is absent from this meeting, therefore Mr. O'Kelley agreed to serve as temporary Chair.

**MOTION:**

Mr. Stackhouse made a motion to allow Mr. O'Kelley to serve as temporary Chair. Mr. Crigler seconded the motion, which carried unanimously.

**License Status**

*St. Julian (Steve) Matthews* – Mr. Matthews appeared before the Commission to request that he be allowed to reinstate his real estate license which was *cancelled* on 12/31/12, for failure to renew.

**MOTION:**

Mr. Biggers made a motion to enter Executive Session. Mr. Crigler seconded the motion, which carried unanimously.

**MOTION:**

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

**MOTION:**

Mr. Crigler made a motion to uphold the cancellation of Mr. Matthews' real estate license, based on Section 40-57-110 (H) (J) of the Code of Laws of South Carolina. Ms. Pratt seconded the motion, which carried unanimously.

***Regina Faucette*** – Ms. Faucette appeared before the Commission to request that she be allowed to upgrade her provisional real estate license after the twelve (12) month upgrade period has expired. Ms. Faucette was represented by attorney, M. Todd Carroll.

**MOTION:**

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

**MOTION:**

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

**MOTION:**

Mr. Crigler made a motion to uphold the re-examination for Ms. Faucette, based on Section 40-57-100 (B) of the Code of Laws of South Carolina. Upon taking and passing the examination, Ms. Faucette will be able to immediately upgrade her license to a permanent sales license. Mr. Harley seconded the motion, which carried unanimously.

**LUNCH BREAK**

**New Business**

A Task Force consisting of Ms. Takacs, Ms. Pratt, Mr. Crigler and Chairman Cox will be formed to discuss pending legislation.

**Old Business**

Mr. O’Kelley made a motion to approve the amended Residential Property Condition Disclosure Form, effective August 1, 2013. The new version of this form will be disseminated to all licensees, along with a letter of explanation. Mr. Biggers seconded the motion, which carried unanimously.

Holly Beeson, Office of Governmental Affairs, gave the Commissioners a brief update on pending legislation.

**Disciplinary Hearings:**

***James Berry***

The Commission held a Disciplinary Hearing regarding Mr. James Berry. Mr. Berry appeared before the Commission and was not represented by legal counsel. Ms. Hodges informed the Commission that Mr. Berry had signed a Memorandum of Agreement. This Memorandum of Agreement was reviewed by the Commission. Discussion ensued.

**MOTION:**

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

**MOTION:**

Mr. Biggers made a motion to enter Open Session. Mr. Crigler seconded the motion which was carried unanimously.

**MOTION:**

Mr. Edwards made a motion that Mr. Berry be given a Public Reprimand; Fined \$500 for each of the eight (8) violations and that Mr. Berry's real estate license be revoked. 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.)*

***Herbie Michael***

The Commission will hear Mr. Michael's case at a later date because Mr. Michael was not served a Notice of Hearing within the appropriate time period.

***Paul Lindemann***

The Commission held a Disciplinary Hearing regarding Mr. Paul Lindemann. Mr. Lindemann appeared before the Commission and was not represented by legal counsel. Ms. Hodges informed the Commission that Mr. Lindemann had waived his right to thirty (30) days notice of this hearing and that Mr. Lindemann had also signed a Memorandum of Agreement. This Memorandum of Agreement was reviewed by the Commission. Discussion ensued.

**MOTION:**

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

**MOTION:**

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

**MOTION:**

Ms. Pratt made a motion to accept the Memorandum, as signed, a Public Reprimand and fine of \$500. 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.)*

***Angela Black***

The Commission held a Disciplinary Hearing regarding Ms. Angela Black. Ms. Black appeared before the Commission and was represented by legal counsel, Attorney Lucas Drake. Ms. Shealey presented the case of Angela Black to the Commission. Discussion ensued.

**MOTION:**

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

**MOTION:**

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

**MOTION:**

Mr. Crigler made a motion to dismiss with a Letter of Caution. Mr. Edwards 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.)*

***Keith Fairchild***

The Commission held a Disciplinary Hearing regarding Mr. Keith Fairchild. Mr. Fairchild did not appear before the Commission. Ms. Shealey informed the Commission that Mr. Fairchild had signed a Consent Agreement. This Consent Agreement was reviewed by the Commission. Discussion ensued.

**MOTION:**

Mr. Stackhouse made a motion to accept the terms of the Consent Agreement, invoking a twelve (12) month suspension, stayed upon proof of repayment of the Complainant's earnest money, 2 years probation and a Public Reprimand. Mr. Poplin 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.)*

**Public Comments:**

**Unfinished Business:**

None

**Adjournment:**

The meeting was adjourned at 4:15 p.m.

The next meeting of the Commission will be held on August 21, 2013, to conduct application hearings.