

## MINUTES

### South Carolina Real Estate Commission

Tuesday, January 16, 2018, 9:00am

Synergy Business Park, Kingstree Building, Conference Room 108

110 Centerview Drive, Columbia, South Carolina 29210

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

Chair Pratt called the meeting of the South Carolina Real Estate Commission to order at 10:15 a.m. Board members participating in this meeting included:

Candace Pratt – Chair - 1<sup>st</sup> Congressional District  
David C. Lockwood, III - 2<sup>nd</sup> Congressional District  
John Rinehart – 5<sup>th</sup> Congressional District  
Scott McNew – 7<sup>th</sup> Congressional District  
Wayne Poplin – At-Large Member  
Johnathan Stackhouse – Public Member

Staff members participating during the meeting included Roderick Atkinson, Board Administrator; Wanda Cooke, Administrative Assistant; Gigi Lewis, Office of Advice Counsel; Rowland Alston, Office of Disciplinary Counsel.

#### **Public Notice:**

Chair Pratt 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 Commissioner Rinehart.

#### **Approval of Absences:**

Andy Lee – Vice Chair - 3<sup>rd</sup> Congressional District  
David Crigler – 4<sup>th</sup> Congressional District  
Janelle Mitchell – 6<sup>th</sup> Congressional District

#### **MOTION:**

Mr. Rinehart made a motion to approve the absences of Commissioners Lee, Crigler and Mitchell. Mr. Poplin seconded the motion, which carried unanimously.

#### **Approval of Agenda:**

#### **MOTION:**

Mr. Stackhouse made a motion to approve the Agenda. Mr. McNew seconded the motion, which carried unanimously.

## **New Business**

1. Salesperson CE Exemption under 40-57-340 (B) (1) - *Charlie Wyatt*

Mr. Wyatt addressed the Commission to inquire about Brokers being allowed to count Brokers A and B classes toward continuing education credit.

### **MOTION:**

Mr. Lockwood made a motion to enter Executive Session to receive legal advice. Mr. Rinehart seconded the motion, which carried unanimously.

### **MOTION:**

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

### **MOTION:**

Mr. Lockwood made a motion that this portion of the law applies to salespersons only, and does not apply to brokers. Mr. McNew seconded the motion, which carried on a 4/1 vote.

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

## **DISCIPLINARY HEARINGS**

### ***Johnette Brockelbank***

The Commission held a Disciplinary Hearing regarding Johnette Brockelbank. Ms. Brockelbank was present and was represented by Beth Richardson, legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State, and presented the facts of the case. Mr. Alston informed the Commission that the parties had signed a Memorandum of Agreement. The Commission reviewed such agreement and discussion ensued.

### **MOTION:**

Mr. Rinehart made a motion to enter Executive Session to receive legal advice. Mr. Poplin seconded the motion, which carried unanimously.

### **MOTION:**

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

### **MOTION:**

Mr. McNew made a motion that the state has met its burden of proof that Respondent violated S.C. Code Ann. 40-57-135 (C) (6) (1976, as amended). A penalty of \$500 will be imposed, which should be paid within forty five (45) days from the date of the Order. Further it was motioned that the state has not met its burden of proof that Respondent violated S.C. Code Ann. 40-57-145-(A) (22) (1976, as amended). Mr. Stackhouse seconded the motion, which was not carried on a 3/3 vote.

**MOTION:**

Mr. Lockwood made a motion that the state has met its burden of proof that Respondent violated S.C. Code Ann. 40-57-135 (C) (6) (1976, as amended) and S.C. Code Ann. 40-57-145-(A) (22) (1976, as amended). A Public Reprimand will be issued, along with a penalty of \$500, which should be paid within forty five (45) days from the date of the Order. Mr. Rinehart seconded the motion, which carried on a 4/2 vote.

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

***Daryl Campbell***

The Commission held a Disciplinary Hearing regarding Daryl Campbell. Mr. Campbell was not present and was not represented by legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State, and presented the facts of the case. Discussion ensued.

**MOTION:**

Mr. Lockwood made a motion to enter Executive Session to receive legal advice. Mr. Rinehart seconded the motion, which carried unanimously.

**MOTION:**

Mr. Poplin made a motion to enter Open Session. Mr. McNew seconded the motion, which carried unanimously.

Further testimony and discussion continued.

**MOTION:**

Mr. Poplin made a motion to enter Executive Session to receive legal advice. Mr. Stackhouse seconded the motion, which carried unanimously.

**MOTION:**

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

**MOTION:**

Mr. Rinehart made a motion that the state has met its burden of proof that Respondent violated S.C. Code Ann. 40-57-135 (B) (4) (1976, as amended) and S.C. Code Ann. 40-1-110 (1) (F) (1976, as amended). The state has not met its burden of proof that Respondent violated S.C. Code Ann. 40-57-135 (C) (2) (1976, as amended) or S.C. Code Ann. 40-57-145 (A) (4) (1976, as amended). A Letter of Caution will be issued. Mr. Poplin 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.)*

***Rhoda Brown***

The Commission held a Disciplinary Hearing regarding Rhoda Brown. Ms. Brown was not present and was not represented by legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State, and presented the facts of the case. Discussion ensued.

**MOTION:**

Mr. Lockwood made a motion that the state has met its burden of proof that Respondent violated S.C. Code Ann. 40-57-145 (A) (4) (1976, as amended); S.C. Code Ann. 40-57-145 (A) (10) (1976, as amended); S.C. Code Ann. 40-1-110 (f) (1976, as amended) and S.C. Code Ann. 40-1-110 (g) (1976, as amended). Respondent's license will be revoked, and respondent will be required to appear before this Commission if an application is submitted in the future. Mr. Rinehart 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.)*

**MOTION:**

Mr. Poplin made a motion to adjourn at 4:00 p.m. Mr. Stackhouse seconded the motion, which carried unanimously.