

MINUTES

South Carolina Real Estate Commission

Wednesday, October 21, 2015, 10:00am

Synergy Business Park, Kingstree Building, Conference Room 105

110 Centerview Drive, Columbia, South Carolina 29210

Meeting Called to Order:

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

David Crigler – Chair – 4th Congressional District
Candace Pratt – 1st Congressional District
David C. Lockwood, III, 2nd Congressional District
Andy Lee – 3rd Congressional District
Manning Biggers – 5th Congressional District
Buccie Harley – 6th Congressional District
Tony Cox – 7th 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; Georgia Lewis, Office of Advice Counsel; Krystal Aiken and Ty'Yona Schofield, Administrative Assistants; Sharon Wolfe, and DeLeon Andrews, Office of Investigations and Enforcement; and Alex Imgrund, Office of Disciplinary Counsel.

Public Notice:

Chairman Crigler 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 Buccie Harley.

Introduction of Board Members and Staff

Mr. Atkinson introduced two staff members, Krystal Aiken and Ty'Yona Schofield.

Approval of Excused Absences

G. Hamlin O'Kelley – Vice Chair - Public Member

MOTION:

Mr. Cox made a motion to excuse Mr. O'Kelley. Ms. Pratt seconded the motion, which carried unanimously.

Approval of Agenda:

MOTION:

Mr. Stackhouse made a motion to approve the agenda. Mr. Harley seconded the motion, which carried unanimously.

Approval of the Meeting Minutes from September 16, 2015

MOTION:

Ms. Pratt made a motion to approve the minutes of the September 16, 2015, meeting. Mr. Lockwood seconded the motion, which carried unanimously.

Chairman's Remarks:

David Crigler

- Mr. Crigler informed the Commission that he recently met with Jay Rinehart, Broker in Charge in Rock Hill, SC, and Cindy Chandler, Chair, North Carolina Real Estate Commission, to discuss border issues that we may have regarding advertising, etc.

Administrator's Remarks:

Rod Atkinson

Mr. Atkinson informed the Commission that the October Investigative Review Committee meeting was canceled due to recent flooding, and therefore, there is no IRC report to be approved today.

1. Licensure Update as of October 13, 2015

• Broker	5160
• Broker In Charge	7478
• Property Manager	1414
• Property Manager In Charge	1220
• Salesman	19440
• Salesman (Provisional)	2046
TOTAL ACTIVE	36,758
• Inactive Broker	1655
• Inactive Property Manager	568
• Inactive Salesman	5273
TOTAL INACTIVE	7,506

**TOTAL CURRENT LICENSES
AS OF 10/13/15 44,254**

2. Budget - The board reviewed the budget reports for September, 2015.

3. Investigations and Enforcement

Sharon Wolfe presented the Commission with an overview of the opened and closed cases from January 1, 2014 – October 13, 2015, as well as for the previous year.

4. Mr. Atkinson gave the Commission an update on the Criminal Background Checks process. Mr. Atkinson, along with staff, met with the vendor, to discuss any issues and provide feedback. As mentioned in the last meeting, the number of applications that need to be approved by Administrator and/or Commission has significantly increased. The description for the grounds for denial includes fraudulent checks, which could be the same as a check written with insufficient funds. Mr. Atkinson asked the Commission for guidance on whether or not they would like to hear these types of cases. Discussion ensued. The current vendor (SRandI) will be invited to address the Commission at a future date to give a brief presentation and be available to answer questions that the Commission may have.
5. Mr. Atkinson gave a brief update on current staffing situation.

APPLICATION HEARINGS

Ashley Adkins

The Commission held an Application Hearing regarding Ashley Adkins. Ms. Adkins appeared before the Commission to present testimony and was not represented by legal counsel. Discussion ensued.

MOTION:

Mr. Lockwood made a motion to approve Ms. Adkins' request to sit for the examination. 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.)

Mitchell Rabon

The Commission held an Application Hearing regarding Mitchell Rabon. Mr. Rabon appeared before the Commission to present testimony and was not represented by legal counsel. Discussion ensued.

MOTION:

Mr. Cox made a motion to allow Mr. Rabon to sit for the sales examination. Mr. Harley 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.)

APPLICATION RECONSIDERATION HEARING

Frank Pompey

The Commission held an Application Reconsideration Hearing regarding Frank Pompey. Mr. Pompey did not appear before the Commission to present testimony and was not represented by legal counsel. Discussion ensued.

MOTION:

Mr. Lockwood made a motion to reaffirm that the Order of May 19, 2015, stands and Mr. Pompey's application is dismissed. 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.)

DISCIPLINARY HEARINGS

Eric Emond

The Commission held a disciplinary hearing regarding Eric Emond. Mr. Emond was present and was not represented by legal counsel. Alex Imgrund, Office of Disciplinary Counsel, represented the State, and presented the facts of the case. Mr. Imgrund presented a Memorandum of Agreement, signed by Mr. Emond.

MOTION:

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

MOTION:

Mr. Cox made a motion to enter Open Session. Mr. Biggers seconded the motion, which carried unanimously.

MOTION:

Mr. Lockwood made a motion to accept the terms of the signed Memorandum of Agreement; and to issue a Letter of Caution to Mr. Emond. Mr. Biggers 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.)

Charles Saleeby

The Commission held a disciplinary hearing regarding Charles Saleeby. Mr. Saleeby was present and was represented by John Massalon, legal counsel. Alex Imgrund, Office of Disciplinary Counsel, represented the State, and presented the facts of the case.

LUNCH RECESS from 1:30 – 2:00 p.m.

Mr. Imgrund and Mr. Massalon continued with the examination and cross examination of witnesses. Mr. Massalon requested that the Commission dismiss the charges against Mr. Saleeby, based on the state's failure to meet the burden of proof that Respondent was in violation of charges listed in the formal complaint.

MOTION:

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

MOTION:

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

MOTION:

Mr. Lee made a motion to grant the Respondent's motion to dismiss, based on the state's failure to meet the burden of proof. The state did not prove, by the preponderance of evidence, that the Respondent violated charges listed in the Formal Complaint. Ms. Pratt 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.)

Tony Bailey

The Commission held a disciplinary hearing regarding Tony Bailey. Mr. Bailey was present and was represented by Bryan Able, legal counsel. Alex Imgrund, Office of Disciplinary Counsel, represented the State, and presented the facts of the case.

Mr. Able requested that the Commission dismiss the charges against Mr. Bailey, based on the state's failure to meet the burden of proof that Respondent was in violation of charges listed in the formal complaint.

MOTION:

Mr. Lee made a motion to enter Executive Session. Mr. Cox seconded the motion, which carried unanimously.

MOTION:

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

MOTION:

Mr. Lockwood made a motion to deny the Respondent's motion to dismiss. Mr. Cox seconded the motion, which carried unanimously.

Mr. Imgrund and Mr. Able continued with the examination and cross examination of witnesses.

MOTION:

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

MOTION:

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

MOTION:

Mr. Lockwood made a motion that the state did not meet the burden of proof for violation of S.C. Code of Laws Section 40-57-145 (A) (1), and S.C. Code of Laws Section 40-57-145 (A) (4). The state did, however, meet the burden of proof for violation of S.C. Code of Laws Section 40-1-110 (1) (F). Mr. Bailey will be required to pay a fine of \$500 within thirty (30) days; will be issued a Public Reprimand; will be required to complete the thirty (30) hour Post Licensing course, and will have his SC Real Estate license placed on Probation for a period of one year. Mr. Cox 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.)

Adjournment

There being no further business, the meeting was adjourned at 8:30 pm.