

MINUTES

South Carolina Real Estate Commission

Wednesday, November 15, 2017, 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 – Vice Chair - 1st Congressional District
David C. Lockwood, III, 2nd Congressional District
Andy Lee – 3rd Congressional District
John Rinehart – 5th Congressional District
Janelle Mitchell – 6th Congressional District
Scott McNew – 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; Sharon Cook, Office of Investigations and Enforcement; Rowland Alston, 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 Commissioner Mitchell.

Approval of Absences:

none

Introduction of Board Members and Staff

Approval of Agenda:

Chairman Crigler noted that we may need to change the order of the hearings today to accommodate one respondent who can not arrive until after 1:30 p.m.

MOTION:

Mr. Rinehart made a motion to approve the Agenda for today's meeting. Ms. Pratt seconded the motion, which carried unanimously.

Approval of the Meeting Minutes from October 18, 2017

MOTION:

Mr. Lockwood made a motion to approve the minutes of the October 18, 2017 meeting. Ms. Pratt seconded the motion, which carried unanimously.

Chairman's Remarks:

David Crigler

Chairman Crigler noted that today is "election day" for officers of the Commission. He has served as Chairman for the past three years and is ready to support the next Chairman with the goals and future endeavors of the Commission.

Chairman Crigler asked Mr. Atkinson if the staff has experienced issues with the online complaint process. This is something that LLR is aware of and are attempting to correct the issues as quickly as possible.

Administrator's Remarks:

Rod Atkinson

1. Licensure Update as of November 8 , 2017

• Broker	5197
• Broker In Charge	7705
• Property Manager	1559
• Property Manager In Charge	1322
• Salesman	25,552
• Salesman (Provisional)	249
TOTAL ACTIVE	41,584
• Inactive Broker	1678
• Inactive Property Manager	654
• Inactive Salesman	6225
TOTAL INACTIVE	8,557

**TOTAL CURRENT LICENSES
AS OF 11/8/17 50,141**

- 2. Budget** - The board reviewed the budget reports for October 2017.
- 3. Inspections Update** – Eric Thompson and three other inspectors from the Office of Investigations and Enforcement addressed the Commission to give an overview of the processes they use when performing inspections of Real Estate offices.
- 4. ODC Report** – Rowland Alston, Office of Disciplinary Counsel, gave the Commission an overview of case load statistics. Mr. Alston asked the Commission to consider discussing in New Business, the possibility of adding more days to the scheduled hearings or reconsidering the development of a Hearing Panel to help with the dissemination of cases in a timelier manner.

5. Investigations and Enforcement - Sharon Wolfe thanked the Commission to allowing her and her staff to attend the Investigator Workshop this year. She indicated that the experience was extremely helpful to all of those in attendance. Ms. Wolfe presented the Commission with an overview of the opened and closed cases from January 1, 2017 – November 8, 2017, as well as the same time frame for the previous year.

6. IRC Report - The Commission reviewed the IRC report from November, 2017.

MOTION:

Ms. Pratt made the motion to approve the *Dismissal* portion of the IRC report from November 6, 2017. Mr. Lockwood seconded the motion, which carried unanimously.

MOTION:

Mr. Lockwood made the motion to approve the *Dismiss Cease & Desist* portion of the IRC report from November 6, 2017. Ms. Pratt seconded the motion, which carried unanimously.

MOTION:

Mr. Rinehart made the motion to approve the *Formal Complaint* portion of the IRC report from November 6, 2017. Mr. Poplin seconded the motion, which carried unanimously.

MOTION:

Ms. Mitchell made the motion to approve the *Letter of Caution* portion of the IRC report from November 6, 2017. Mr. Rinehart seconded the motion, which carried unanimously.

MOTION:

Mr. Poplin made the motion to approve the *Reconsideration/Dismiss portion* of the IRC report from November 6, 2017. Ms. Mitchell seconded the motion, which carried unanimously.

Mr. Atkinson informed the Commission that he, along with LLR's complaint analyst for Timeshare, attended a Timeshare Roundtable meeting in Horry County, SC. The meeting was held to brainstorm and collaborate to try and develop ways to protect owners from resale scammers.

MOTION:

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

MOTION:

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

DISCIPLINARY HEARINGS

Bradley Allen

The Commission held a Disciplinary Hearing regarding Bradley Allen. Mr. Allen was present and was represented by Gary Pickren, legal counsel. Commissioner Lee recused himself from these proceedings due to a personal relationship with the Respondent. 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. McNew seconded the motion, which carried unanimously.

MOTION:

Mr. Stackhouse made a motion to enter Open Session. Ms. Mitchell 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) (5) (1976, as amended) and a Letter of Caution will be issued. Further it was motioned that the state has not met its burden of proof that Respondent violated S.C. Code Ann. 40-1-110-(1) (f) (1976, as amended). Ms. Mitchell 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.)

Richard Schwartz

The Commission held a Disciplinary Hearing regarding Richard Schwartz. Mr. Schwartz was present and was represented by Rob Tyson, 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. Ms. Pratt seconded the motion, which carried unanimously.

MOTION:

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

MOTION:

Mr. Lee made a motion that the state has not met its burden of proof that Mr. Schwartz is in violation of the S.C. Code of Laws, as amended. Mr. McNew seconded the motion, which carried on a 5/3 vote.

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

James Campbell

The Commission held a Disciplinary Hearing regarding James Campbell. Mr. Campbell was 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.

Commissioner Stackhouse left the meeting at 4:30 p.m., however a quorum was maintained.

MOTION:

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

MOTION:

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

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 (A) (6) (1976, as amended); S.C. Code Ann. 40-57-135 (B) (1) (1976, as amended); and S.C. Code Ann. 40-57-135 (B) (4) (1976, as amended). Further it was motioned that the state has not met its burden of proof that Respondent violated S.C. Code Ann. 40-57-135 (B) (3) (1976, as amended); S.C. Code Ann. 40-57-135 (B) (7) (c) (1976, as amended); S.C. Code Ann. 40-57-135 (B) (9) (1976, as amended); S.C. Code Ann. 40-57-135 (A) (4) (1976, as amended); and S.C. Code Ann. 40-1-110 (1) (f) (1976, as amended) . Mr. Poplin seconded the motion, which carried unanimously.

MOTION:

Mr. Lockwood made a motion to issue a Public Reprimand and suspend Respondent's license for one year, stayed. Respondent will be allowed to practice but will be on probation during the twelve (12) month period and will be required to complete the Broker 3A class within one hundred eighty (180) days of the Order. 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.)

New Business

1. **Election of Officers** – Nominations were taken for the positions of Chair and Vice-Chair. Discussions ensued.

MOTION:

Mr. Lockwood made a motion to nominate Commissioner Pratt as Chair. Mr. Rinehart seconded the motion, which carried unanimously.

MOTION:

Mr. Poplin made a motion to nominate Commissioner Lee as Vice Chair. Ms. Mitchell seconded the motion, which carried unanimously.

Old Business

1. **Education Fund** –tabled until the next scheduled meeting.

Meeting was adjourned at 6:15 p.m.