

## **MINUTES**

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

**Wednesday, December 13, 2017, 10:00am**

Synergy Business Park, Kingstree Building, Conference Room 105

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 10:00 a.m. Board members participating in this meeting included:

Candace Pratt – Chair - 1<sup>st</sup> Congressional District  
Andy Lee – Vice Chair - 3<sup>rd</sup> Congressional District  
David C. Lockwood, III - 2<sup>nd</sup> Congressional District  
David Crigler – 4<sup>th</sup> Congressional District  
John Rinehart – 5<sup>th</sup> Congressional District  
Janelle Mitchell – 6<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; Sharon Wolfe, Office of Investigations and Enforcement; 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 Mitchell.

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

None

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

**Approval of Agenda:**

**MOTION:**

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

**Approval of the Meeting Minutes from November 15, 2017**

Line 223 – correction needs to be made to add the second and approval of the motion made by Mr. Lockwood on line 217.

**MOTION:**

Mr. Lockwood made a motion to approve the minutes of the November 15, 2017 meeting, as amended. Mr. Poplin seconded the motion, which carried unanimously.

**Chair's Remarks:**

*Candace Pratt*

**Administrator's Remarks:**

*Rod Atkinson*

Mr. Atkinson introduced Ty'Yona Schofield, as the new Education Administrative Coordinator.

**1. Licensure Update as of December 6, 2017**

• Broker	5213
• Broker in Charge	7722
• Property Manager	1572
• Property Manager in Charge	1321
• Salesman	25731
• Salesman (Provisional)	183
<b>TOTAL ACTIVE</b>	<b>41,742</b>
• Inactive Broker	1694
• Inactive Property Manager	671
• Inactive Salesman	6377
<b>TOTAL INACTIVE</b>	<b>8,742</b>

**TOTAL CURRENT LICENSES  
AS OF 12/6/17 50,484**

**2. Budget Update** –The Board reviewed the budget reports for November 2017.

**3. Investigations and Enforcement** – *Sharon Wolfe* presented the Commission with an overview of the opened and closed cases from January 1, 2017 – December 6, 2017, as well as the same time period for the previous year.

**4. IRC Report** - The Commission reviewed the IRC report from December 4, 2017.

**MOTION:**

Mr. Crigler made the motion to approve the *Dismissal* portion of the IRC report from December 4, 2017. Mr. Lee seconded the motion, which carried unanimously.

**MOTION:**

Mr. Stackhouse made the motion to approve the *Cease & Desist* portion of the IRC report from December 4, 2017. Mr. Crigler seconded the motion, which carried unanimously.

**MOTION:**

Mr. Rinehart made the motion to approve the *Formal Complaint* portion of the IRC report from December 4, 2017. Ms. Mitchell seconded the motion, which carried unanimously.

**MOTION:**

Mr. Poplin made the motion to approve the *Letter of Caution* portion of the IRC report from December 4, 2017. Ms. Mitchell seconded the motion, which carried unanimously.

**MOTION:**

Mr. Crigler made the motion to approve the *Reconsideration Letter of Caution* portion of the IRC report from December 4, 2017. Mr. Rinehart seconded the motion, which carried unanimously.

5. ODC Report – *Rowland Alston* presented the Commission with the Office of Disciplinary Counsel case load report. Mr. Alston addressed the Commission to plead for more hearing dates to help move cases. He requested that the Commission consider meeting for 2 days, back to back, in the months that Disciplinary Hearings are held. Another option would be to develop a Hearing Panel/Officer option. Discussion ensued. The Commission will add this to the agenda next month for further discussion.

**APPLICATION HEARINGS**

***Alexis Orlando Thomas, Jr.***

The Commission held an application hearing regarding Alexis Thomas' application to take the Property Manager's exam in South Carolina. Mr. Thomas appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

**MOTION:**

Mr. Lockwood made a motion to allow Mr. Thomas to take the Real Estate Property Manager's exam in South Carolina. Mr. Crigler seconded the motion, which was carried unanimously.

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

***Jerry Flood***

The Commission held an application hearing regarding Jerry Flood's application to take the Real Estate Sales examination in South Carolina. Mr. Flood appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

**MOTION:**

Mr. Lockwood made a motion to allow Mr. Flood to take the Real Estate Sales exam in South Carolina. Mr. Crigler seconded the motion, which was carried unanimously.

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

***Jessica Tuttle***

The Commission held an application hearing regarding Jessica Tuttle's application to take the Real Estate Sales examination South Carolina. Ms. Tuttle appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

**MOTION:**

Mr. Lockwood 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. Stackhouse seconded the motion, which carried unanimously.

**MOTION:**

Mr. Crigler made a motion to approve Ms. Tuttle's application to take the Real Estate Sales examination in South Carolina. Mr. Stackhouse 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.)*

***Michael Winbush***

The Commission held an application hearing regarding Michael Winbush's application to take the Real Estate Sales exam in South Carolina. Mr. Winbush appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

**MOTION:**

Mr. McNew made a motion to deny Mr. Winbush's application to take the Sales exam in South Carolina. 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.)*

***David Witherspoon***

The Commission held an application hearing regarding David Witherspoon's application to take the Real Estate Sales exam in South Carolina. Mr. Witherspoon appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

**MOTION:**

Mr. Rinehart made a motion to approve Mr. Witherspoon's application to take the Real Estate Sales exam in South Carolina. Mr. Crigler 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.)*

***Carl Thompson Grove***

The Commission held an application hearing regarding Carl Thompson Grove's application to reactivate his Real Estate Sales license in South Carolina. Mr. Grove appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

**MOTION:**

Mr. Stackhouse made a motion to approve Mr. Grove's application to reinstate his Real Estate Sales license in South Carolina. Mr. Lockwood 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.)*

***Courtney Chappell***

The Commission held an application hearing regarding Courtney Chappell's application to take the Real Estate Sales exam in South Carolina. Ms. Chappell appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

**MOTION:**

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

**MOTION:**

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

**MOTION:**

Mr. Rinehart made a motion to approve Ms. Chappell's application to take the Real Estate Sales exam in South Carolina. Mr. Crigler 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.)*

***Rocky D. Milligan***

The Commission held an application hearing regarding Rocky Milligan's application to take the Real Estate Broker's examination in South Carolina. Mr. Milligan appeared before the Commission to present testimony, and was represented by Joseph McCullouch, legal counsel. Discussion ensued.

**MOTION:**

Mr. Stackhouse made a motion to approve Mr. Milligan's application to take the Real Estate Broker's examination in South Carolina. Mr. McNew 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.)*

*Walter W. Griffin*

The Commission held an application hearing regarding Walter Griffin's application to take the Real Estate Sales examination in South Carolina. Mr. Griffin appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

**MOTION:**

Mr. Crigler made a motion to approve Mr. Griffin's application to take the Real Estate Sales' examination in South Carolina. Mr. Lockwood 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. **Nonresident License Qualifications: Reciprocity and Recognition** – Prompted by request of staff, the Commission looked at the license recognition vs license reciprocity issue. The Commission decided to interpret as follows:
  - **Non-resident (or in SC less than six (6) months) – Licensee from another jurisdiction applying to take the South Carolina examination:** May be ACTIVE or INACTIVE, as long as their license has not been expired for more than six (6) months.
  - **Reciprocity applicant:** Must hold an ACTIVE Georgia license, must be a resident of Georgia, and must have qualified by examination in Georgia. If the applicant is INACTIVE in Georgia, they must either reactivate in Georgia, or they must take the South Carolina portion of the examination.
  
2. **Property Sales Signage and HOA Bylaws** – Commission discussed specific requirements that Homeowners Associations impose and how agents can deal with these restrictions, as it relates to signage.

**MOTION:**

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

**MOTION:**

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

Mr. Rinehart noted for the record, that the Commission takes the position that licensees should comply with S.C. Code Ann. 40-57-135 (e) (2) and (3) when dealing with HOAs or any other signage requirements.

**NEW BUSINESS**

1. Education and Research Fund – Discussion was held concerning the use of the Education and Research Fund.

**MOTION:**

Mr. Lockwood made a motion to develop a task force to review the use of the Real Estate Education Research Fund. Task Force will be chaired by Commissioner Lockwood, and will consist of Commissioners Rinehart, Stackhouse and Crigler. Mr. Crigler seconded the motion, which carried unanimously.

**MOTION:**

Mr. Rinehart made a motion to enter Executive Session to receive legal advice. Mr. Crigler 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. Rinehart made a motion to adjourn at 3:20 p.m. Mr. Crigler seconded the motion, which carried unanimously.