

Minutes  
South Carolina Real Estate Commission  
Regular Meeting/Hearing  
Synergy Business Park, Kingtree Building, Room 108  
Wednesday, March 24, 2004

Members attending: Jay Keenan, Vice Chairman; Steven Sloop, Secretary; Manning Biggers; Betty Carter, Buccie Harley; Mackie Hayes; Robert Heos  
Absent: Dan Ballou (Excused but arrived at the meeting at 9:40 AM); Evelyn Young (Excused)

Staff attending: Robert L. Selman, Administrator; Edwin A. Farnell, III, Manager, Regulatory Compliance; Ann Parris, Administrative Assistant; Jay Pitts, Administrator, Engineers and Land Surveyors Board; and Rick Wilson, Advice Counsel

Call to Order and Freedom of Information Statement

Vice Chairman Keenan called the meeting to order at 9:35 A.M. and read into the record the following Freedom of Information statement. Public notice of this meeting was properly posted at the Real Estate Commission office, Synergy Business Park, Kingtree Building, Columbia, South Carolina, 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. A quorum was present at all times.

Invocation – Vice Chairman Keenan

Approval of Minutes – January 20, 2004

Motion: Minutes of the January 20, 2004, meeting were approved as written on motion of Mr. Biggers and second of Ms. Carter. Unanimously passed.

Motion to Excuse Absences of Daniel Ballou and Evelyn Young- Mr. Harley moved and Mr. Hayes seconded the motion to excuse Mr. Ballou and Ms. Young from the meeting. Motion unanimously passed. (Mr. Ballou arrived for the meeting at 9:50 AM.)

An inquiry was made as to whether or not a second was mandatory when a motion was made. Following discussion, the Commission agreed that they would have a second on motions.

ARELLO Southern District Conference-June 2004– Manning Biggers and Jay Pitts

Mr. Biggers reported on the following matters concerning preparations for the Southern Conference meeting.

Central District has requested permission to attend the Southern District meeting as their meeting was cancelled. This group would increase the participants from approximately 100 to 130.

Motion: Mr. Biggers moved that the Southern District merge with the Central District for the June 2004 meeting to be held in Charleston, South Carolina. Ms. Carter seconded the motion and it was unanimously passed.

(Southern District Conference Update Continued)

Tentative Agenda is set and posted on the ARELLO web site. Most of the sponsors and speakers are in place.

Guests Activities - Fishing package, golf, tours, and carriage rides are among the activities that are being considered.

Budget and Registration Fees – Mr. Biggers stated he had reviewed the budget with Craig Cheatham of ARELLO. The registration fee for this meeting has been \$200 for the past several years. However, it appears a \$25 increase is needed for the Charleston meeting to ensure that the budget would be met. This would bring the participant fee to \$225 and the guest fee to \$95.

Information Packet – Will be mailed next week to include invitation letter, the agenda, registration form, travel information sheet, and hotel information

Motion: Ms. Carter moved that the recommendation to increase the registration fee by \$25 for participants to \$225 and guests to \$125 be accepted. Motion was seconded by Mr. Harley and carried.

Mr. Pitts reported that he personally talked with Mayor Riley about speaking to the ARELLO group and that he is waiting to hear from Mayor Riley's office to see if the Mayor is available. Mr. Pitts also stated he has been working with his contacts on guest events.

Mr. Biggers stated he would keep the Commission up-to-date on the plans for the conference.

Management Update – Robert Selman, Administrator

Mr. Selman reported that Nick Kremydas, South Carolina Association of REALTORS (SCAR) e-mailed the Commission stating he could not be at the meeting but would like for the Commission to have an update on the Agency Revision Bill S.949. Mr. Selman stated the Bill passed the Senate and is headed to the House. It does not appear there will be any problems with the Bill passing this session. He said if it does pass, there will be a great deal of work for the staff to handle with new forms, reprint of the license law, and disseminating information.

Ed Farnell, Manager, Regulatory Compliance

Mr. Farnell stated that it has come to his attention that licensees are actively soliciting referral fees from brokers of mortgage lending services and that this is going on everyday. He stated he has written an article on this subject for the May issue of the *SC Real Estate Commission News* and he is also sending it to SCAR for use in their publications and/or web site. Mr. Farnell furnished members with a copy of article (copy attached). Mr. Farnell stated he want to get the message out that even though the license law does not forbid a licensee from receiving a fee from a loan referral, SC Code 40-57-145(A)(14) makes it a clear violation for a licensee to receive compensation from more than one party except with the full knowledge and written consent of all parties. He said the licensee would have to have advanced written consent from the mortgage broker, the real estate broker-in-charge, the other agent if any, the buyer(s) and the seller(s) before he could legally accept a referral

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fee from a mortgage loan. Mr. Farnell also said the licensee needs to be aware that SC Code 40-57-145 (A)(12) must be followed also.

There was No Unfinished Business or New Business.

The meeting adjourned at 10:35 A.M. on motion of Mr. Sloop.