

Minutes
South Carolina Real Estate Commission
Regular Meeting/Hearings
Synergy Business Park, Kingstree Building
Wednesday, November 17, 2004

Members attending: Evelyn K. Young, Chair; Steven Sloop, Secretary; Manning Biggers; Tony K. Cox; and Scott Moseley Note: (Vacant Public Member Seat)
Absent: Robert Heos (excused); Jay Keenan; (excused) and Buccie Harley (no action taken)
Staff attending: Robert L. Selman; Assistant Deputy Director; Ann Parris, Administrative Assistant; Jay Pitts, Administrator; and Rick Wilson, Deputy General Counsel

Call to Order and Freedom of Information Statement

Chairman Young called the meeting to order at 10:05 A.M. and stated for 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, Kingstree 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.

Approval of Minutes –September 15, 2004

Motion: Minutes of the September 15, 2004, meeting were approved as written on motion of Mr. Biggers and second of Mr. Moseley. Unanimously passed.

Motion to Excuse Absences of Robert. Heos and Jay Keenan- On motion of Mr. Biggers and second of Mr. Moseley, Mr. Heos and Mr. Keenan were excused. Both Mr. Heos and Mr. Keenan notified staff in advance that they would not be in attendance at today's meeting.

Mr. Harley had not arrived for the meeting at this time, nor had there been any notification of delay or absence. It was decided to delay any action as Mr. Harley may have been in route.

Management Report – Jay Pitts – Mr. Pitts reported that workshops are being conducted around the state in order to educate brokers-in-charge regarding the changes to the law, which become effective January 1, 2005. The instructor is Doug Schmidt. These workshops are being held in Charleston, Columbia, Florence, Greenville, and Hilton Head-Beaufort. The seminars will be presented twice daily-a morning session and an afternoon session. He said also a streaming video will be filmed in early December by ETV and placed on the Real Estate Center's web site for any one who wishes to view it. The agency brochure, the designated agency form, the dual agency form and the language to be added to contracts is also on the Real Estate Commission web site.

Mr. Pitts stated that this would be the last paper edition of the *S.C. Real Estate Commission News* as it is being replaced with an electronic newsletter on the web site. This will save money, time and provide a more expedient means to get important information to the licensees. He said staff is researching the most efficient way to obtain email addresses of licensees and how to maintain them.

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Mr. Pitts stated he is excited about the challenge he faces as administrator and looks forward to working with the members of the Board as well as getting to know folks in the industry. He said Mr. Selman has been and continues to be a mentor of his and that over the years, he has learned invaluable lessons from him.

Comments – Bob Selman

Mr. Selman reported that Final Orders are now on the web site under the link entitled Disciplinary Actions.

Mr. Selman said with the changes to the law effective January 1, 2005, some concern has arisen regarding the change in language concerning payment of a commission to an unlicensed person. The Commission has already received calls from licensees about this. He said it probably would be necessary for the South Carolina Association of Realtors (SCAR) to initiate an amendment for change or clarification.

Mr. Selman stated that as of today procedures for application hearings would change. Application hearings are to be conducted during the business meeting and only disciplinary hearings would be conducted after the business meeting has been adjourned. Procedures for conducting the hearings are the same and will be recorded by a court reporter. Mr. Wilson suggested that from this date forward all application hearings be set for 10 AM in order to prevent delays if an applicant cancels.

No Unfinished Business

No New Business

ARELLO Conference - Pittsburgh

Mr. Biggers reported on the ARELLO Conference in Pittsburgh that he attended in October. Chairman Young thanked Mr. Biggers for his report and for the excellent job he does representing South Carolina and the Commission at the ARELLO meetings.

Resolution for Dan Ballou

Chairman Young stated that Dan Ballou had notified her and the Commission that he was resigning his Public Member seat on the Commission. She suggested that a Resolution be prepared and presented to Mr. Ballou. Mr. Selman stated staff would draft the Resolution for Board member signatures at the next meeting.

Chairman Young called a ten-minute recess at 10:40 A.M. prior to the start of the first application hearing. Chairman Young reconvened the board at 10:50 A.M.

License Applications

Ellsworth J. Singleton

Mr. Singleton appeared before the Board in the matter of his application to sit for the salesman's examination. His application was referred to the Board because of his criminal record. Mr. Singleton had a character witness, Ronnie Grant.

Executive Session

MOTION

After hearing Mr. Singleton's testimony, Mr. Sloop moved the Board enter executive session to deliberate. Mr. Biggers seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Biggers made a motion to return to public session. Mr. Cox seconded the motion, which carried unanimously.

Request withdrawn: Mr. Singleton withdrew his request to sit for the salesman's examination at this time but stated he would like to appear before the Commission at a later date.

Commission unanimously agreed to the withdrawal.

Jeffrey Lampkin

Mr. Lampkin appeared before the Board in the matter of his application to sit for the salesman's examination. His application was referred to the Board because of his criminal record.

Executive Session

MOTION

After hearing Mr. Lampkin's testimony, Mr. Cox moved the Board enter executive session to deliberate. Mr. Biggers seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Sloop made a motion to return to public session. Mr. Cox seconded the motion, which carried unanimously.

Request withdrawn: Mr. Lampkin withdrew his request to sit for the salesman's examination at this time but stated he would like to appear before the Commission at a later date.

Commission unanimously agreed to the withdrawal.

Robert C. Coffey

Mr. Coffey appeared before the board in the matter of his application to sit for the salesman's examination. His application was referred to the Board because of his criminal record.

Executive Session

MOTION

After hearing Mr. Coffey's testimony, Mr. Moseley moved the Board enter executive session to deliberate. Mr. Biggers seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Cox made a motion to return to public session. Mr. Moseley seconded the motion, which carried unanimously.

MOTION

Mr. Biggers moved that the Board grant Mr. Coffey's request to sit for the real estate sales examination with the stipulation that if Mr. Coffey passes the examination he would be licensed in a probationary status upon the terms and conditions of probation set by the Board which shall continue in effect for a period of not less than two years and until further Order of the Commission. Mr. Cox seconded the motion, which carried unanimously.

Mr. Wilson stated that this agreement would take the form of an agreement which would be sent to Mr. Coffey for his signature.

Chairman Young declared the hearings were concluded.

Mr. Wilson stated that the Board suggested they would like to see a provision in the law that prohibits an applicant on probation from coming before the Board while on probation. Mr. Selman stated the Commission was not planning to submit any legislation to the General Assembly this year; however, if the SC Association of Realtors was planning to submit any "clean-up" amendments, maybe they would consider doing this.

Mr. Wilson commented that when the Board makes the decision to grant an application request with probation that the motion should state it is an agreement that the applicant is being offered. He said this way it eliminates the option for appeal if the applicant errs and the license is cancelled because he/she had agreed to a deal.

Action on Mr. Harley's absence will be delayed until the next meeting.

Chairman Young stated the next meeting would be January 19, 2005.

There being no further business, the meeting adjourned at 12:35 P.M. on motion of Mr. Biggers.