

South Carolina Real Estate Commission
Minutes Regular Meeting/Hearings
March 15, 2006
10:00 A.M.

Members attending: Jay Keenan, Chairman; Manning Biggers, Vice Chairman; Evelyn Young, Secretary; Tony Cox; Buccie Harley; Robert Heos; Scott Moseley; and Steve Sloop

Staff attending: Jay Pitts, Administrator; Robert Selman, Assistant Deputy Director; Ed Farnell, OIE; Ann Parris, Administrative Assistant; Beau Tiller, Manager, Education; Rick Wilson, Assistant Deputy General Counsel; Office of General Counsel; and Shirley Robinson; LLR Advice Counsel; Sheridan Spoon, Office of General Counsel

Other: Jim Peters, CEO, South Carolina Association of Realtors (SCAR); and Laura Stroman, SCAR Vice President of Member Services and Education

Chairman Keenan called the meeting to order at 10:05 a.m. Members of the Commission introduced themselves. Chairman Keenan 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.

Minutes – January 18, 2006 - Correction Made

Mr. Harley moved and Mr. Cox seconded the motion to approve the minutes of the January 18, 2006, as written. Mr. Wilson stated he would like to make a correction. He stated that his name was not included with the staff attending that meeting and that he was present. Motion was amended to include this correction and. Mr. Biggers seconded the amendment. Motion unanimously carried.

Vote to Excuse Absences of Board Members

No board members absent.

Jay Pitts, Administrator

- 1) Economic Interest Statements –Must be submitted to the State Ethics Commission by April 17, 2006. The Ethics Commission will impose fines on individuals who do not meet the deadline.
- 2) License renewals will begin in the next few weeks. According to Robbie Boland, licensing manager, everything is on track.
- 3) Staff –Currently interviewing for the Program Coordinator position that is vacant in the Education section. The goal is to have someone in place by the end of April or sooner.
- 4) Legislation – Nothing to report that affects the Commission at this time

Old Business – Distance Post Licensing Education

Steve Sloop reported that the committee that was formed to review distance post licensing education requirements met at the South Carolina Association of REALTORS (SCAR) midwinter conference in January. The committee consisted of Tony Cox, Jay Pitts, Beau Tiller, Steve Sloop, and Dianna Brouthers. Manning Biggers was also on the committee but could not attend.

The group discussed the possibility of making post-licensing education available through distance delivery online methods. Diana Brouthers who chaired a distance delivery task force in 2001 gave an overview of the results of that task force's findings. After a discussion of distance education and the post licensing program, it was decided that the skill demonstration components imbedded in each of the six-hour courses are a critical element to the success of each of the post licensing courses. Mr. Sloop stated it is also essential to the success of each course that the instructors reinforce topics taught through student interaction and activities. Based on those findings it was the unanimous consensus of the group that the post licensing courses continue to be taught in the classroom and not by utilizing distance delivery methods at this time.

Mr. Peters commented that he would like to encourage the Board to continue to look at distance post licensing continuing education particularly when it comes to the technology arena. He said the National Association of REALTORS has a program called E-Pro, which is approximately a 20-hour online program that not only teaches technology, it teaches better communication with today's consumer and teaches better utilization of technology and how to maintain a contact system. He said if that program could be accredited as one of the six-hour modules that would be extremely beneficial. Mr. Peters said if there was one area of post licensing education that should be considered for distance delivery methods is technology education and the E-Pro falls in line as being the premier course to do that.

Mr. Harley asked how many states had distance education. Mr. Sloop stated that according to ARELLO research statistics, 74% of the jurisdictions that require post licensing education permit it to be taught by distance delivery. Mr. Sloop commented that there might be a time in the future when the Board will decide there will be an application where it can be used but right now the committee believes the program South Carolina has in place now is the best choice.

Motion: Mr. Sloop moved that the Board accept the findings of the committee and at this time that the Board continue teaching post licensing courses in the classroom and not by distance delivery methods. Motion seconded by Mr. Cox and unanimously carried.

Old Business – MCE Task Force Report

Steve Sloop made a brief report regarding the Mandatory Continuing Education Task Force that was formed last year to study the effectiveness of MCE on the real estate industry and to decide whether or not it should be revisited. The committee is made up of industry leaders, educators, providers, Real Estate Commission staff, and staff members of SCAR. He said the committee was formed and has met three times since November and that this continues to be a work in progress. Mr. Sloop said also that a subcommittee was formed to look at a particular topic of interest. He listed some of the topics that the committee plans to discuss.

Topics of interest:

- 1) Has mandatory continuing education done anything to help promote real estate license professionalism;
- 2) Has the licensee seen a distinct value in mandatory continuing education;
- 3) Has mandatory continuing education improved service to the consumer public;
- 4) Should the number of hours be increased;
- 5) Should there be an exit exam; and
- 6) Should there be a standardized core course for all licensees

Mr. Sloop stated at this point there has been one proposal that has come out of the meetings thus far and read the proposal recommending that a standardized Core Course be established. (Copy attached.)

Mr. Peters stated that SCAR is in support of this recommendation. Mr. Sloop made the following motion.

Motion: Mr. Sloop moved that the Commission accept the proposal as presented. Mr. Harley seconded the motion and it unanimously carried.

No New Business

Recess at 10:30 am reconvened at 10:35 am

License Application Appeals

Lorie L. Brazell

10:35 am

Ms. Brazell appeared before the Board to request that she be allowed to sit for the real estate sales examination. She was not represented by counsel. Ms. Brazell presented her case. Ms. Brazell had three character witnesses: Michael G. Schulman, 233 Heritage Trail, Lexington, SC; Susan Hendrix, Family Services, Workforce Investment Act, Midlands Workforce Development Board; and Donna Davis, sister, 2922 Fishhatchery Road, West Columbia, SC.

Executive Session

Chairman Keenan stated that Ms. Brazell's case was submitted to the Board and that they would take it under advisement. He called for a motion to go into executive session.

Motion: Mr. Biggers moved to go into executive session for deliberation. Motion seconded by Mr. Sloop and unanimously carried. Time: 11:10 a.m.

Return to Public Session

Motion: Mr. Biggers moved to come out of executive session. Motion seconded by Mr. Cox. Motion unanimously carried. Time: 11:30 a.m.

Chairman Keenan stated no determination was made and no votes taken in the executive session.

Ms. Brazell stated she would like to withdraw her application to sit for the real estate sales examination. Chairman Keenan stated the Board recognizes and approves Ms. Brazell's request to withdraw her application at this time.

Jonathan C. Gulledge

11:35 am

Mr. Gulledge appeared before the Board to request that he be allowed to sit for the real estate sales examination. Mr. Gulledge was not represented by counsel. He did not have a broker-in-charge who had agreed to sponsor him, nor did he have any character witnesses. Mr. Gulledge presented his case.

Mr. Gulledge requested to withdraw his application at this time. He stated he would like to reappear before the Board at a later date with a sponsoring broker-in-charge and at that time request that he be allowed to sit for the real estate examination. Chairman Keenan stated that it might be to his advantage to speak with Mr. Wilson, Advice Counsel, before he left today but that he would have to wait until all the hearings had been completed. Mr. Pitts suggested that he might wish to speak with Robbie Boland, licensing manager, who could clear up a lot of questions and explain the licensing process to Mr. Gulledge. Mr. Gulledge stated he would like to talk with Mr. Boland.

Adam Moses, Jr.

11:55 am

Mr. Harley recused himself because he was acquainted with Mr. Moses' father.

Mr. Moses appeared before the Board to request that he be allowed to sit for the real estate sales examination. He was not represented by counsel. He had one character witness, Adam Moses, Sr., his father. Mr. Moses presented his case.

Executive Session

Chairman Keenan stated that Mr. Moses' case was submitted to the Board and that they would take it under advisement. He called for a motion to go into executive session.

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Motion: Mr. Heos moved to go into executive session for deliberation. Motion seconded by Mr. Sloop and unanimously carried. Time: 12:20 pm

Return to Public Session

Motion: Mr. Cox moved to come out of executive session. Motion seconded by Mr. Sloop, Motion unanimously carried. Time: 12:50 pm.

Chairman Keenan stated no determination was made and no votes taken in the executive session.

Motion: Mr. Biggers moved that Mr. Moses' request to sit for the sales examination be held in abeyance until the following requirements requested by the Board are met by Mr. Moses. Those requirements are that Mr. Moses appear before the Board and bring with him a broker-in-charge that would be employing Mr. Moses and also character witnesses. Mr. Moseley seconded the motion. Discussion: Board members answered questions from Mr. Moses regarding the importance of bringing an employing broker-in-charge with him. Chairman Keenan stated that the next Board meeting is May 17 and that it would be up to Mr. Moses to decide if he would like to come before that Board at that time.

Vote: The motion carried unanimously. Time: 1:00 pm

Recess – 1:00 pm Commission reconvened at 1:15 pm.

License appeal application (George R. Vinson) was scheduled to be heard by the Board but the applicant was not in attendance; therefore, no action was required.

Disciplinary Hearing – Stephanie L. Ratliff, License #23888
Sheridon Spoon, Staff Counsel, presented the Commission's case regarding licensee, Stephanie L. Ratliff, License # 23888, now on inactive status but active the entire time that the complaint took place. Ms. Ratliff was not in attendance today but was notified by the Mr. Spoon that her case was scheduled to be heard today, March 15, 2006. Copies of written notifications that were sent to Ms. Ratliff regarding the scheduled hearing for today were introduced by Mr. Spoon and entered as evidence.

Executive Session

Following Mr. Spoon's presentation, Mr. Heos moved to go into executive session and Mr. Biggers seconded the motion.

Return to Public Session

Mr. Biggers moved and Mr. Cox seconded the motion to come out of executive session.

Chairman Keenan stated no determination was made and no votes taken in the executive session.

Action taken by the Commission: The Board revoked the license of Stephanie L. Ratliff and imposed a fine of \$1,000.

There was discussion on additional steps, if any, that could be taken by staff to assist appeal applicants in complying with the Board's request for particular information that would assist the Board in making the best possible decision. Staff sends a letter to applicants stating that it would be helpful to bring character witnesses and a sponsoring broker-in-charge. The letter also states it is the applicant's right to be represented by counsel.

Mr. Pitts pointed out that staff reviews numerous applications from applicants who answered yes to #10 on the application which asks "have you ever been convicted of or pled guilty or nolo contendere to a crime (other than a minor traffic offense)." He said only a small percentage of those applicants come before the Board, as staff is able to take care of most of them. He stated staff can tell the applicants what would be helpful but there is no way to guarantee that they would show up with witnesses, a broker-in-charge, etc.

Robbie Boland, licensing manager, stated he is the first contact with staff that the applicant has and that he tries to explain to the applicant what information would be helpful. He stated he would elaborate in the future on what the process is and what is needed from the applicant.

There being no further discussion, the meeting adjourned on motion of Mr. Biggers at 2:30 pm.

Attachment

MCE Task Force recommendations for the Core Course Component

A standardized two-hour course of state and federal law updates would be developed and an instructor manual made available to all approved SC providers. A companion four-hour course with the two-hour mandated course imbedded would be made available with expanded prevalent topics that warrant attention in the marketplace. Use of the two-hour course would be mandated in the form provided by the Real Estate Commission and licensees would be required to take the course every two years. A phase-in of the standardized course would begin in 2006 with a mandatory use date of September 1, 2008. The course would be written by a cadre of volunteer instructors in cooperation with the Real Estate Commission and updated, as needed, but not less than every two years. The purpose of development is to establish a consistency of information to all SC licensees, hence, providing greater public protection.