

South Carolina Real Estate Commission
Minutes Regular Meeting/Hearings
June 19, 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; Ann Parris, Administrative Assistant; Shirley Robinson; LLR Advice Counsel; Sheridon Spoon, Office of General Counsel

Other: Byron King, South Carolina Association of Realtors (SCAR)

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 – March 15, 2006

The minutes of the March 15, 2006 meeting were unanimously approved as written on motion of Mr. Biggers and second of Mr. Cox.

Jay Pitts, Administrator – Management Update

- 1) Vacancy in the Education section has been filled. Tracey McCarley joined the Commission in May. Ms. McCarley is attending real estate school this week but members will have an opportunity to meet her in the near future.
- 2) Board members web site is now operational. User IDs and passwords were sent to all members a few weeks ago. Any difficulties members have accessing the site can be reported to Ann Parris.
- 3) Disciplinary actions and minutes are now on web site.
- 4) License renewal process is underway. Online renewal is available and each year the number of licensees renewing online is increasing.
- 5) Ed Farnell will be retiring June 30. Mr. Farnell was Manager of Compliance for the Real Estate Commission for 10 years. For the past two years, he has been Chief Investigator with LLR's Office of Investigations and Enforcement.
Motion: Mr. Biggers moved that a Resolution be drafted by staff and presented to Mr. Farnell in appreciation for his many contributions to the Commission. Chairman Keenan will sign the Resolution on behalf of the members. The motion was seconded by Mr. Cox and unanimously carried.

- 6) Investigative Review Committee – Mr. Pitts reviewed the purpose and function of the IRC. He said the IRC meets monthly to review all cases from investigations and decide the disposition. The IRC consists of the Administrator, attorney, investigator, and one outside real estate industry representative. Mr. Selman has been acting as the outside industry person but LLR prefers to have a member from outside on all the boards in order to bring another dimension as well as help avoid conflict of interest. Most boards within LLR already have that person in place. Mr. Pitts said he would like to recommend Hugh Ryall, Columbia, an educator and a real estate licensee, be approved to fill this seat. Mr. Pitts stated he had talked to Mr. Ryall and he stated he would be honored to sit on the IRC.

Mr. Selman stated the person should understand the standards, what happens in the marketplace and what the trends are in the business world. Mr. Selman stated this person would serve at the pleasure of the Board and that the person should be identified and approved by the Board and recorded in the minutes.

Following discussion Mr. Moseley moved to appoint Hugh Ryall as a member of the IRC for a term of one year. Ms. Young seconded the motion and it was unanimously carried.

- 7) Jim Peters, CEO for the South Carolina Association of REALTORS is retiring June 30. Nick Kremydas has been appointed to replace him. Board members requested that staff draft a Resolution of Appreciation for Mr. Peters recognizing his contributions to the Commission. Chairman Keenan will sign on behalf of Commission members.
- 8) Legislation –Bob Selman summarized legislation that pertains to real estate that passed this session. To view full text of these bills, go to the SC Legislature Online web site at <http://www.scstatehouse.net/>

H3478 - amends Section 4057-145 (A) (1) as amended - clarifies that payment of a commission or compensation to an unlicensed individual is prohibited for conducting activities requiring a license and to further provide that a licensee may not pay or offer to pay a referral fee to an unlicensed individual who is not a party to the transaction

S1243 – adds Article 4 to Chapter 32 of Title 27, relating to Vacation Time Sharing Procedures Act

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S46 - amends Section 29-5-21, Code of Laws of South Carolina, 1976, relating to surveyor's services as material furnished for the improvement of real estate, so as to provide that under certain conditions, a real estate licensee who performs professional services for the owner of real estate Incident to a real estate transaction pursuant to a written agreement has furnished labor or material for the improvement of real estate, to provide that a prior recorded lien has priority over the real estate licensee's lien, and to define prior recorded liens.

Chairman Keenan stated the next meeting will be August 2. Mr. Heos and Mr. Harley stated that they would not be in attendance.

No Old Business

No New Business

Chairman Keenan stated that the disciplinary case scheduled for today would not be heard.

Meeting reconvened at 11:10 AM to hold application appeal hearings. Adam Moses was scheduled to appear but called to say he would not be able to be in attendance and requested that he be rescheduled at a later date.

License Application Appeals 11:12 A.M.

David J. DeLuca

Mr. DeLuca 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, Dona DeLuca, his mother. Mr. DeLuca presented his case.

Executive Session

Chairman Keenan stated that Mr. DeLuca'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. Heos moved to go into executive session for deliberation. Motion seconded by Mr. Biggers and unanimously carried. Time: 11:35 a.m.

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Return to Public Session

Motion: Ms. Young moved to come out of executive session. Motion seconded by Mr. Heos. Motion unanimously carried. Time: 11:50 a.m.

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

Mr. DeLuca stated he would like to withdraw his application at this time and come before the Board at the August meeting. Mr. DeLuca's request was accepted by the Board.

Motion: There being no further business, Mr. Heos moved that the meeting be adjourned. Motion seconded by Mr. Sloop and unanimously carried. Time 11:55 a.m.

Submitted,

Evelyn K. Young
Secretary

/ap