

South Carolina Real Estate Commission
Regular Meeting/Hearings
Saluda Building, Room 201, 10:00 AM
Columbia, South Carolina 29210
September 17, 2008

Members attending: Manning Biggers, Vice Chairman; Tony Cox; Carl Edwards;
Buccie Harley, Scott Moseley; and Evelyn Young
Absent: Jay Keenan (excused) and Steve Sloop (excused)

Staff attending: Jay Pitts, Administrator; Bob Selman, Director, Legislative Affairs; Joe Harmon;
Office of Investigations and Enforcement (OIE); Eddy Lane, Staff Counsel;
Paula Magargle, Office of General Counsel; Ann Parris, Administrative Assistant;
Sheridon Spoon, Staff Counsel; Beau Tiller, Education Manager; and Sharon Wolfe,
Chief Investigator, OIE

The meeting was called to order at 10:10 am by Vice Chairman Biggers. Vice Chairman Biggers read the SC Freedom of Information Act notice which states that notice of this meeting was properly posted 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. It was noted that all conversations in the meeting room were being recorded and portions may be made public in accordance with the SC Freedom of Information Act. A quorum was present at all times.

Pledge of Allegiance

Invocation –Mr. Harley

Introduction of New Commission Member

Vice Chairman Biggers introduced and welcomed Carl Edwards of Anderson, South Carolina, newly appointed to represent the Third Congressional District. Mr. Edwards stated he was pleased to be part of this Commission and looked forward to serving. Mr. Edwards has held a real estate license since 1972 has a commercial real estate company in Anderson. He also serves as Executive Director of the Abney Foundation.

Member Absences Excused

Motion to excuse absences of Chairman Jay Keenan and Steve Sloop was made by Mr. Moseley and seconded by Mr. Harley. Motion unanimously carried.

Minutes – May 21, 2008

Motion was made by Ms. Young to approve the minutes of May 21, 2008 as presented. Mr. Moseley seconded the motion and it unanimously carried.

Agenda Approved as Written – No additions no deletions

Resolution of Appreciation – Robert Heos

Mr. Pitts stated a Resolution of appreciation has been completed for Robert Heos in honor of his many years of service as a member of the Commission. Once the Resolution is signed by all members, it will be presented to Mr. Heos.

As a matter of information, Vice Chairman Biggers shared information regarding mortgage fraud that he obtained when he recently attended an ARELLO meeting in Branson, Missouri... He said the main speaker was a former FBI agent and described how mortgage fraud had cost this country more money than armed bank robbers steal. He said South Carolina was not one of the states that were high on the list with the mortgage fraud problem. Mr. Tiller said there was some activity in the State about five years ago which involved extensive FBI involvement.

Management Update – Jay Pitts

Mr. Pitts stated that the restructuring and reorganization within LLR is well underway. He said due to the renovations being done in the Kingtree Building is why the Board is meeting in the Saluda Building today. The renovations should be completed by the time the Board meets in November.

Reorganization of the licensing sections in LLR programs began in July. A new division Office of Licensure and Compliance (OLC), headed up by David Christian, III., has been formed and is located on the third floor. Employees that were in the Real Estate Commission license department have been moved to the new unit as well as Robbie Boland who is in a new position with OLC. OLC will handle initial licensing, renewals, non-routine matters but applications with problems will be sent back to the programs for resolution. Mr. Pitts will still be in charge of all board functions.

Mr. Pitts responded to questions regarding how and why this restructuring came about and if it was based on another state model. He said he was unsure if it was based on another state model. Mr. Spoon said following a management study that was done voluntarily by the Budget and Control Board one of the recommendations had to do with consolidation of the licensing processes – initial application, renewals, etc. Mr. Pitts said he believes that in general this change is to increase the effectiveness and efficiency of the work LLR does and stated this is a work in progress.

Other personnel changes in the Real Estate Commission staff include Bob Selman moving out of the Assistant Deputy Director of the building-related programs and becoming the Director of Legislative Affairs at LLR. Randy Bryant has become the Assistant Deputy Director for the building-related boards along with the business boards he has overseen for a long time. Ann Parris will no longer be working with the Real Estate Commission or the Real Estate Appraisers Board but will be working with Randy Bryant. This is her last meeting with the Commission. He said he, Beau Tiller, Education, and Tracey McCarley, Education, are the three real estate staff members left.

Legislative Director – Robert L. Selman

Mr. Selman addressed the Members of the Commission and stated he had mixed emotions about moving into another area after 14 years with the Commission; however, he said he is looking forward to a new challenge. He stated he looks forward to continuing to work with the Commission on any legislation they may wish to introduce or any legislation that may have an impact on the industry. He said the Board has a very important role which has not changed. Mr. Selman stated the Board sets qualifications to get a license and has the key responsibility with disciplinary actions. Also, he said the Board brings knowledge and trends in the industry to the table that is helpful to staff. He urged them to keep thinking ahead and keep staff informed about what is happening. Mr. Selman stated he would miss seeing the Board members and would be glad to hear from them at any time.

Vice Chairman Biggers thanked Mr. Selman for his remarks and for the fine job he had done for the Commission for the past 14 years.

Sharon Wolfe, Chief Investigator, OIE, reported there are 92 cases at the present time with 87 open and 5 in legal.

Jay Pitts reported on the current license numbers. He said that there are 40117 active and inactive 6,780 for a total of 46,897. Prior to renewal season the total number was approximately 50,000.

Mr. Pitts stated he had recently met with Nick Kremydas, SC Realtors. He said they had a nice conversation regarding some of the issues that had caused some misunderstandings. He said this meeting cleared the air and he and Mr. Kremydas look forward to working together to rebuild the relationship that the Commission and the Realtors had always enjoyed.

Legislation Passed Last Session – Beau Tiller recapped the amendments that were introduced by the SC Realtors and passed last session regarding the statute. He said it really boiled down to two big issues and those were that the mandated core course would now be offered online as distance education even though the Board had elected to have it in the classroom for the first couple of years, and the recognition of certain credentials (CCIM, etc) held by instructors would automatically approve them to teach because they held that credential.

Distance Education Task Force

Beau Tiller stated that the Distance Education Task Force has been formed and will hold the first meeting at the end of September followed by meetings in October and November. The committee will be studying and updating the distance education qualifications.

New Business - Investigative Review Committee (IRC) –

Motion: Ms. Young moved and Mr. Cox seconded the motion to approve the IRC report as presented. Motion carried.

Recess – 10:55 AM

Reconvene – 11:05 AM

Eddy Lane, Counsel, stated that Mr. Baker had requested that the Commission entertain a motion for a continuance of his case. Paula Magargle represents the State. Ms. Lane stated the request is being made out of turn on the agenda as there might be witnesses in route for this hearing that would need to be contacted if the continuance was granted.

Mr. Baker was allowed to make his request for a continuance. His request was due to the time the hearing would take and that he and his wife could not make arrangements for their small children to be picked up from school.

Ms. Magargle, Staff Counsel, stated that she strongly opposed granting this continuance as Mr. Baker had ample notice which was mailed in June 2008. She stated that the State had several witnesses here who have taken time off from work. She said that all cases are scheduled for 10 AM because the time for a hearing is unpredictable.

Motion: Mr. Harley moved to go into Executive Session and motion was seconded by Mr. Moseley. Motion carried. 11:10 AM

Motion Out of Session at 11:20 AM

Motion: Mr. Edwards moved that the request from Mr. R. Steve Baker for a continuance Be denied. Ms. Young seconded the motion. Motion carried.

Application Appearance

Joseph W. F. Martin

11:25 AM

Vice Chairman Biggers stated that the proceeding was being recorded and that all witnesses must be sworn before they testify. He said all questions should be directed to the Chair. Mr. Martin appeared before the Commission without counsel to request that he be allowed to sit for the real estate sales license examination. Mr. John Wisham and Mr. Ed Martin testified on behalf of Mr. Martin.

Following Mr. Martin’s presentation, Vice Chairman Biggers stated the Board would take the matter under advisement and called for a motion to go into executive session.

Executive Session

Motion: Ms. Young moved to go into executive session and Mr. Moseley seconded the motion. Motion carried.

Public Session

Motion: Mr. Cox moved to come out of executive session and Mr. Harley seconded the motion. Motion carried.

Vice Chairman Biggers stated that while the Board was in executive session, there were no votes taken and no determinations made on the disposition of the case. He asked if there was a motion any board member would care to make.

Motion: Mr. Moseley moved that the Board allow Mr. Martin to sit for the sales examination. Mr. Harley seconded the motion. Motion carried.

Disciplinary Hearings	Respondent	Board Decision
	Linda Reichardt Prosecutor Kenneth P. Woodington for LLR	Permanently Revoked
	*R. Steve Baker	
	Bruce Helm	Complaint dismissed No violation

There being no further business, the meeting/hearings adjourned at 4:50 PM.

Submitted,

John R. Pitts, Jr.
Administrator

*R. Steve Baker’s case began at 12:30 PM. Mr. Baker left with the case in progress at 2:10 PM