

LLR – REAL ESTATE COMMISSION
Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina 29210
MINUTES

Monday, September 23, 2009

10:00 A.M.

Welcome And Call To Order:

Tony Cox, Chairman, called the regular meeting of the Real Estate Commission to order at 10:00 a.m. Other members present for the meeting included: Manning Biggers, Vice Chairman; Evelyn Young, Secretary; Carl Edwards; Buccie Harley; R. Scott Moseley; Sarah Takacs and Dianna Brouters.

Tony Cox, Chairman, announced that the meeting was held in accordance with §30-4-80 of the South Carolina Freedom of Information Act by notice mailed to all requesting persons, organizations, and news media. In addition, notice was posted on the bulletin boards at the main entrance of the Kingstree Building. Staff responded affirmatively. 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.

Staff members participating in the meeting included: Sharon Danztler, Deputy General Counsel; Jamie Saxon, Hearing Advisor; Paula Margarle, Staff Attorney; Jay Pitts, Administrator; Beau Tiller, Education Manager; Angela Scott, Administrative Assistant; Sandra Dickert, Administrative Assistant; Sharon Wolfe, Office of Investigations and Enforcement; Tony Kennedy, Office of Investigations and Enforcement; David Christian, III, Deputy Director, Annette Disher, Office of Licensure; Roz Bailey Glover, Office of Licensure; Betty Gray, Office of Licensure; Sally Green, Office of Licensure; Bryon Ray, Office of Licensure; Laura McDaniel, Office of Licensure; Pam Duncan, Office of Licensure; Dwight Hayes, Office of Licensure, and Robbie Boland, Office of Licensure.

Others present participating in the meeting included: Art Williams; Melissa Brown; Steven Alm and Nick Kremydas.

Pledge of Allegiance:

All present recited the Pledge of Allegiance.

Introduction of Board Members and All Other Persons Attending:

The Board members, staff and members of the public attending the meeting introduced themselves.

Member Absences

None

Minutes – March 18, 2009

MOTION:

Ms. Young moved to accept the minutes of the March 18, 2009, meeting as written. Mrs. Takacs seconded the motion and it unanimously carried.

Chairman's Remarks:

Tony Cox

Chairman Cox thanked Staff for doing a great job on the Online Newsletter.

Administrators Remarks:

Jay Pitts

Online Newsletter

Mr. Pitts reported that staff is currently working on the next edition of the newsletter and would like the Commissioners input regarding articles to be published in the newsletter. The Commission members recommended the following:

- Disciplinary Actions – List the Applicant’s name, City, State and link it to the Order;
- Request Commissioners to submit articles to be placed in the newsletter; and
- Chairman’s Column.

Update on Renewals and Licensing

Mr. Pitts reported the licensing numbers as of today:

Total Licensees: 49,404 (Includes Inactive Licensees)

Brokers: 5,224

Brokers In Charge: 7,797

Inactive Brokers: 2,329

Inactive Property Managers: 581

Inactive Salespersons: 9,582

Property Managers In Charge: 895

Property Managers: 1,107

Salesman: 20,912

Salesperson Provisional Licensees: 886

Association of Real Estate License Law Officials (ARELLO) Conference

Mr. Pitts reported that he, Tony Cox, Dianna Brouthers, and Manning Biggers would be attending the ARELLO Conference in Miami, Florida, October 21-25, 2009. The Commission will be presented a National Education Award for the course written entitled “Top Ten Ways to be Disciplined.” The Real Estate Commission Task Force was made up of Beau Tiller, Wayne Poplin, Dianna Brouthers, Charlie Wyatt, Laura Stroman, Ruth Marcus, and Doug Smith.

License Plates

Mr. Pitts reminded the Commission that personalized license plate renewals should be submitted by October 15, 2009.

Number of Investigations and Open Complaint Cases:

Mrs. Wolfe reported the number of investigations and open complaints cases as of today:

Complaint Cases Received as of January 2009 – present: 317 Open Complaint Cases: 148

Mrs. Wolfe reported that the majority of the cases have been dismissed and approximately six complaints were forwarded to the Office of General Counsel to schedule hearings. She went on to say that, that they have received a number of time-share complaints.

Office of Licensure

Mr. David Christian, III, reported LLR consolidated all of its licensing boards in August 2008. In addition, some of the staff was transferred to the Office of Licensure and by January 2010, they will be issuing all the LLR boards licenses. He then introduced his staff. Mr. Christian reported that the real estate licensing staff has not changed and several people have been trained to process the real estate sales licensees.

The Commission expressed concerns and asked the following questions:

- Why was the licensing renewal cycle changed?
- How will OLC address the licensees who recently renewed and will need four hours of Continuing Education before June 30, 2010?
- How long does it take to process an initial license application?
- How long does it take to process a renewal application?
- How long does it take to process transfers?
- Will there be a cost reduction to licensees?

Mr. Christian reported that the Office of Licensure's goal is to process licenses in a timely, effective and professional manner. A new licensing system will be implemented in January 2010, and that will assist staff in being able to process licensing procedures more efficiently and accurately. He went on to say that, as of today OLC issues initial licenses for 25 boards and issues renewals for 47 boards. Mr. Christian reported the renewal cycles were consolidated because they had several large boards renewing at the same time. He reported that transfers are processed within 5-10 days of receipt and that walk-ins are processed daily. The Office of Licensure and Compliance is encouraging all licensees to renew online and that the license will be issued within 24 hours. He stated that staff is currently reviewing ways to process the transfers more efficiently and effectively. Licensees have seen and will continue to see where their money is being spent and staff is being cross-trained and will continue to be cross-trained on other boards and commissions licensing requirements. Equipment and software has been purchased to process licenses in a proficient manner.

Mrs. Glover reported that her staff is responsible for making sure the application is complete. She said a lot of time the application is incomplete; therefore, it must be returned. She reported that their goal is to have all applications processed within 14 days of receipt.

Mrs. Disher reported the number of renewals as of today:

Total Renewed: 12,985	Salesmen Renewed: 7,606	Brokers Renewed 1,922
Brokers In Charge: 2,718	Property Manager: 392	Property Manager Charge: 301
Share: 46		Time

Mr. Pitts reported that that all applications with a "yes" answers have to be approved by the Administrator.

Continuing Education:

Mr. Pitts reported that the required four (4) hours continuing education may consist of any approved continuing education course and licensees are expected to complete hours between 2008-2010.

Nick Kremydas

Mr. Kremydas reported that the association shares many of the same concerns as the Commission and it is imperative that the Commission take the lead on any changes regarding licensees. He has spoken with other Boards and Commission and they share the same concern regarding the relationship between the Boards and LLR. Mr. Kremydas went on to say that, they are moving forward with the LLR Reform Efforts Task Force. They are in the process of reviewing industry issues, creating jobs, growing the economic face and change some of the property tax law.

Continuing Education Record Keeping

Mr. Kremydas reported that there were some concerns regarding the record keeping of continuing education. They are in the process of trying to reorganize the way the code is written.

Continuing Education for Single License

Mr. Kremydas reported the major problem is new agents coming into the real estate business unprepared to practice real estate. He went on to say that, they are in the process of improving the quality of the industry and improving professionalism.

Investigations

Chairman Cox asked whether the industry is concerned about the number of visits they receive from the investigations department.

Mr. Kremydas applauded the Commission for posting disciplinary actions on the website. He stated that most licensees do not know where to find the information on the website. He went on to say that, it is crucial to maintain the standard that the Real Estate Commission is there to protect the public. He

reported that members' surveys will be mailed out in mid-October and a full report of all changes will be given at the November meeting.

Unfinished Business:

Discussion And Update On Proposed Legislation:

Mr. Pitts reported that no legislation was prefiled with the House and Senate. He asked the Commission to review the draft legislation proposal and make a decision whether to leave it as it is, rewrite or amend the regulations. Mr. Pitts reported that the Commission decided in May 2008, not to take any action regarding the legislation. He expressed how important it is for the Commission to be on one accord.

New Business:

Approval of IRC Report:

The Commission reviewed and discussed the IRC Reports for August and September 2009.

MOTION:

Mrs. Young made a motion to approve August and September 2009, IRC Reports. Mrs. Takacs seconded the motion, which carried unanimously.

Newsletter/Articles:

Mr. Pitts reported that staff is currently working on the online newsletter and asked for the Board's input. The Board recommended that following articles be incorporated in the online newsletter:

- Continuing Education Requirements;
- Transfers vs. Inactive Status;
- Articles from Deputy Director;
- Commissioners' Contact information;
- Time Share;
- Time Share Complaints;
- Mortgage Fraud;
- Article from the Association addressing the rewriting of the Statute; and
- ARELLO Conference Update

Application Appearances:

Steve Alm

Chairman Cox stated that the proceeding was being recorded and that all witnesses must be sworn before they give testimony. He said all questions should be directed to the Chair.

Mr. Alm appeared before the Commission because he answered "yes" on his Salesman Application that there have been judgments, liens, or claims filed against him or had he ever been included in bankruptcy proceedings. Due to Mr. Alm's answer, the application could not be processed in a routine manner.

Following the presentation of Mr. Alm's case, Chairman Cox stated that the Commission would take the matter under advisement and called for a motion to go into executive session to seek legal advice.

MOTION:

Mr. Edwards made a motion to enter into executive session to seek legal advice. Mrs. Young seconded the motion, which carried unanimously.

MOTION:

Mrs. Takacs made a motion to come out of executive session. Mr. Biggers seconded the motion, which carried unanimously.

Chairman Cox stated that while the Commission 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 of the Board Members cared to make.

MOTION:

Mrs. Young made a motion, to approve Mr. Alm to sit for the real estate examination. However, if Mr. Alm should ever want to become licensed as a Broker In-Charge he would have to appear before the Commission. Mr. Biggers seconded the motion, which carried unanimously.

Arthur Williams

Chairman Cox stated that the proceeding was being recorded and that all witnesses must be sworn before they give testimony. He said all questions should be directed to the Chair.

Mr. Harley asked to be recused because Mr. Williams and he are prior business acquaintances.

Mr. Williams appeared before the Commission because he answered "yes" on his Salesman Application that there had been judgments, liens, or claims filed against him or had he ever been included in bankruptcy proceedings. Due to Mr. Williams' answer, the application could not be processed in a routine manner.

Following the presentation of Mr. Williams' case, Chairman Cox stated that the Commission would take the matter under advisement and called for a motion to go into executive session to seek legal advice.

MOTION:

Mrs. Takacs made a motion to enter into executive session to seek legal advice. Mrs. Brouthers seconded the motion, which carried unanimously.

MOTION:

Mr. Biggers made a motion to come out of executive session. Mrs. Brouthers seconded the motion, which carried unanimously.

Chairman Cox stated that while the Commission 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 of the Board Members cared to make.

MOTION:

Mr. Edwards made a motion to approve Mr. Williams to sit for the real estate examination. Mrs. Brouthers seconded the motion, which carried unanimously.

Date of Next Meeting:

Mr. Pitts reported that the dates of the next meeting will be October 28, 2009 and November 18, 2009.

Adjournment:

Mr. Edwards moved the meeting be adjourned. Mrs. Takacs seconded the motion, which carried unanimously. The September 23, 2009, meeting of the South Carolina Real Estate Commission was adjourned at 2:30 p.m.

Yours truly,

Jay Pitts
Administrator