

MINUTES

South Carolina Real Estate Commission

Wednesday, July 16, 2014, 10:00am

Synergy Business Park, Kingstree Building, Conference Room 105

110 Centerview Drive, Columbia, South Carolina 29210

Meeting Called to Order:

Chairman Cox called the meeting of the South Carolina Real Estate Commission to order at 10:00 a.m. Board members participating in this meeting included:

Tony Cox – Chair, 7th Congressional District
David Crigler – Vice-Chair - 4th Congressional District
Candace Pratt – 1st Congressional District
David C. Lockwood, III, 2nd Congressional District
Carl Edwards – 3rd Congressional District
Manning Biggers – 5th Congressional District
Buccie Harley – 6th Congressional District
Johnathan Stackhouse – Public Member

Staff members participating during the meeting included Roderick Atkinson, Board Administrator; Wanda Cooke, Administrative Assistant; Sharon Wolfe, Office of Investigations and Enforcement; Georgia Lewis, Office of Advice Counsel; Lauren Kearney and Princess Hodges, Office of Disciplinary Counsel.

Public Notice:

Chairman Cox announced that public notice of this meeting was properly posted at the S.C. Real Estate Commission Office, Synergy Business Park, Kingstree Building, 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.

Pledge of Allegiance:

The Pledge of Allegiance was recited by all present.

Invocation:

Prayer was offered by Carl Edwards.

Introduction of Board Members and Staff

Excused Absences:

G. Hamlin O’Kelley – Public Member
Wayne Poplin – At-Large Member

MOTION:

Mr. Edwards made a motion to excuse these absences. Ms. Pratt seconded the motion, which carried unanimously.

Approval of Agenda:

It was decided to rearrange the order of the Disciplinary Hearings to accommodate long distance travel of respondents.

MOTION:

Mr. Crigler made a motion to approve the agenda, as amended. Ms. Pratt seconded the motion, which carried unanimously.

Approval of the Meeting Minutes from May 14, 2014

MOTION:

Mr. Crigler made a motion to approve the minutes of the May 14, 2014 meeting. Ms. Pratt seconded the motion, which carried unanimously.

Administrator's Remarks:

Rod Atkinson

1. **Legislative Update** - Mr. Atkinson informed the Commission that Senate Bill 75 has passed, and briefed the Commission on changes that will be mandated by the passing of this Bill. Discussion ensued.
2. **IRC Report** - The Commission reviewed the IRC reports from June 9, and July 14, 2014.

MOTION:

Mr. Harley made the motion to approve the IRC report from June 9 and July 14, 2014. Mr. Crigler seconded the motion, which carried unanimously.

DISCIPLINARY HEARINGS

Westgate Resorts

The Commission held a Disciplinary Hearing regarding Westgate Resorts. Kate Saft, legal counsel for Westgate Resorts, submitted information on their behalf via conference telephone. Princess Hodges, Office of Disciplinary Counsel, represented the State. Ms. Hodges advised the Commission that Westgate Resorts had signed a Memorandum of Agreement and presented a copy of same to the Commission members. Discussion ensued.

MOTION:

Mr. Harley made a motion to enter Executive Session to obtain legal advice. Mr. Pratt seconded the motion, which carried unanimously.

MOTION:

Mr. Crigler made a motion to enter Open Session. Mr. Edwards seconded the motion, which carried unanimously.

MOTION:

Mr. Lockwood made a motion to dismiss all charges against Westgate Resorts, citing no violations. Mr. Edwards seconded the motion, which carried unanimously.

(This proceeding was recorded by a court report in order to produce a verbatim transcript if requested in accordance with the law.)

Charles Zapiec

The Commission held a Disciplinary Hearing regarding Mr. Charles Zapiec. Mr. Zapiec was properly notified of the Hearing. Mr. Zapiec was present, however, he waived his right to legal counsel. Princess Hodges, Office of Disciplinary Counsel, represented the State and presented the case. Ms. Hodges stated that Mr. Zapiec has signed a Memorandum of Agreement and presented a copy of same to the Commission members. Discussion ensued.

MOTION:

Mr. Crigler made a motion to enter Executive Session to obtain legal advice. Ms. Pratt seconded the motion, which carried unanimously.

MOTION:

Mr. Biggers made a motion to enter Open Session. Mr. Edwards seconded the motion, which carried unanimously.

MOTION:

Mr. Crigler made a motion to issue a Public Reprimand and a \$500 fine per violation of 40-57-20 and 40-57-135 (C) (2), as outlined in the Memorandum of Agreement, to be paid within ninety (90) days from the date of the Order. Mr. Harley seconded the motion, which carried unanimously.

(This proceeding was recorded by a court report in order to produce a verbatim transcript if requested in accordance with the law.)

Conrad Lambert

The Commission held a Disciplinary Hearing regarding Mr. Conrad Lambert. Mr. Lambert was properly notified of the Hearing. Mr. Lambert was not present and was not represented by legal counsel. Princess Hodges, Office of Disciplinary Counsel, represented the State and presented the case. Discussion ensued.

MOTION:

Mr. Crigler made a motion to issue a license revocation, a public reprimand and a \$500 fine for each of the six (6) violations, payable within ninety (90) days. Ms. Pratt seconded the motion, which carried unanimously.

(This proceeding was recorded by a court report in order to produce a verbatim transcript if requested in accordance with the law.)

John Parker

The Commission held a Disciplinary Hearing regarding Mr. John Parker. Mr. Parker was present and was represented by David Rothstein, legal counsel. Lauren Kearney, Office of Disciplinary Counsel, represented the State and presented the case. Ms. Kearney stated that Mr. Parker has signed a Memorandum of Agreement and presented a copy of same to the Commission members.

LUNCH BREAK

Mr. Rothstein continued with the presenting of witnesses. Discussion ensued.

MOTION:

Mr. Biggers made a motion to enter Executive Session to obtain legal advice. Mr. Harley seconded the motion, which carried unanimously.

MOTION:

Mr. Crigler made a motion to enter Open Session. Ms. Pratt seconded the motion, which carried unanimously.

MOTION:

Mr. Edwards made a motion place Mr. Parker's license on probation for the period of one (1) year. Mr. Harley seconded the motion, which carried unanimously.

(This proceeding was recorded by a court report in order to produce a verbatim transcript if requested in accordance with the law.)

Queen Linen

The Commission held a Disciplinary Hearing regarding Ms. Queen Linen. Ms. Linen was properly notified of the Hearing. Ms. Linen was not present, and was not represented by legal counsel. Lauren Kearney, Office of Disciplinary Counsel, represented the State and presented the case. Discussion ensued.

MOTION:

Mr. Harley made a motion to enter Executive Session to obtain legal advice. Mr. Lockwood seconded the motion, which carried unanimously.

MOTION:

Mr. Lockwood made a motion to enter Open Session. Mr. Edwards seconded the motion, which carried unanimously.

MOTION:

Ms. Pratt made a motion to issue a Public Reprimand, to impose a \$500 fine per violation, for a total of eight (8) violations, to place Ms. Linen's license on probation for a period of one (1) year, and to require that Ms. Linen complete a 30 hour broker's class, including Trust Account Guidelines, within ninety (90) days. Mr. Harley seconded the motion, which carried unanimously.

(This proceeding was recorded by a court report in order to produce a verbatim transcript if requested in accordance with the law.)

Tim Martin

The Commission held a Disciplinary Hearing regarding Mr. Tim Martin. Mr. Martin was properly notified of the Hearing. Mr. Martin was not present, and was not represented by legal counsel. Lauren Kearney, Office of Disciplinary Counsel, represented the State and presented the case. Discussion ensued.

MOTION:

Mr. Edwards made a motion to issue a license revocation, a public reprimand and a \$1000 fine for each of the five (5) violations, payable within ninety (90) days. Mr. Harley seconded the motion, which carried unanimously.

(This proceeding was recorded by a court report in order to produce a verbatim transcript if requested in accordance with the law.)

Dorothea Jay

The Commission held a Disciplinary Hearing regarding Ms. Dorothea Jay. Ms. Jay was properly notified of the Hearing. Ms. Jay was not present, and was not represented by legal counsel. Lauren Kearney, Office of Disciplinary Counsel, represented the State and presented the case. Ms. Kearney stated that Ms. Jay has signed a Memorandum of Agreement and presented a copy of same to the Commission members. Discussion ensued.

MOTION:

Mr. Lockwood made a motion to issue a Public Reprimand, and to impose a \$500 fine per violation, for a total of three (3) violations, payable within ninety (90) days. Mr. Harley seconded the motion, which carried unanimously.

(This proceeding was recorded by a court report in order to produce a verbatim transcript if requested in accordance with the law.)

New Business

None

Unfinished Business

None

Adjournment

The meeting was adjourned at 2:50 p.m.