

1 **MINUTES**

2 **South Carolina Real Estate Commission**

3 **Wednesday, September 18, 2019 10:00am**

4 Synergy Business Park, Kingstree Building, Conference Room 105

5 110 Centerview Drive, Columbia, South Carolina 29210

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7 **Meeting Called to Order:**

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

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11 Candace Pratt – Chair - 1st Congressional District
12 Andy Lee – Vice Chair - 3rd Congressional District
13 David C. Lockwood, III - 2nd Congressional District
14 David Burnett – 4th Congressional District
15 Janelle Mitchell – 6th Congressional District
16 W. Brown Bethune – 7th Congressional District
17 Wayne Poplin – At-Large Member
18 Johnathan Stackhouse – Public Member

19
20 Staff members participating during the meeting included Roderick Atkinson, Board
21 Administrator; Wanda Cooke, Administrative Assistant; Gigi Lewis, Office of Advice Counsel
22 and Rowland Alston, Office of Disciplinary Counsel.

23
24 **Public Notice:**

25 Chair Pratt announced that public notice of this meeting was properly posted at the S.C. Real
26 Estate Commission Office, Synergy Business Park, Kingstree Building, and provided to all
27 requesting persons, organizations, and news media in compliance with Section 30-4-80 of the
28 South Carolina Freedom of Information Act.

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30 **Pledge of Allegiance:**

31 The Pledge of Allegiance was recited by all present.

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33 **Invocation:**

34 Invocation was offered by Commissioner Mitchell.

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36 **Introduction of Board Members and Staff**

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38 **Approval of Absences:**

39 John Rinehart – 5th Congressional District

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41 **MOTION:**

42 Mr. Lee made a motion to approve the absences of Commissioner Rinehart. Ms. Mitchell
43 seconded the motion, which carried unanimously.

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48 **Approval of Agenda:**

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50 **MOTION:**

51 Mr. Stackhouse made a motion to approve the agenda. Mr. Lee seconded the motion, which
52 carried unanimously.

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54 **Fee Adjustment Proposal – Director, Emily Farr**

55 Director Emily Farr, along with Darra Coleman, Chief Advice Counsel, and Abhijit Deshpande
56 and Patrick Jarvis, from LLR’s Finance Department, presented a Fee Adjustment Proposal for the
57 Commission's review and approval. The purpose of this proposal is to reduce fees in specific
58 categories in an effort to lower the cash balance that is carried forward from one year to the next.
59 Discussion followed.

60

61 **MOTION:**

62 Mr. Bethune made a motion to enter Executive Session to receive legal advice. Mr. Poplin
63 seconded the motion, which carried unanimously.

64

65 **MOTION:**

66 Mr. Poplin made a motion to enter Open Session. Mr. Stackhouse seconded the motion, which
67 carried unanimously.

68

69 **MOTION:**

70 Mr. Burnett made a motion to approve the proposed fee schedule, as presented. Ms. Mitchell
71 seconded the motion. Discussion ensued.

72

73 **MOTION:**

74 Mr. Lockwood made a motion to amend the previous motion to include reduction of renewal fees
75 by five dollars. Mr. Bethune seconded the motion, which carried unanimously.

76

77 **Approval of Minutes:**

78

79 **MOTION:**

80 Mr. Lee made a motion to approve the August 21, 2019 minutes. Ms. Mitchell seconded the
81 motion, which carried unanimously.

82

83 **IRC Report -** The Commission reviewed the IRC report from September 9, 2019

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85 **MOTION:**

86 Mr. Poplin made the motion to accept all portions of the IRC report from September 9, 2019.
87 Mr. Stackhouse seconded the motion, which carried unanimously.

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91 **DISCIPLINARY HEARING (MOA)**

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93 *Alton Swann*

94

95 The Commission held a Disciplinary hearing regarding Alton Swann. Mr. Swann appeared
96 before the Commission to present testimony, and was not represented by legal counsel. Rowland
97 Alston, Office of Disciplinary Counsel, represented the State, and presented the facts of the case.

98 Mr. Rowland informed the Commission that Mr. Swann has signed a Memorandum of
99 Agreement. The Commission reviewed said agreement and discussion ensued.

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101 **MOTION:**

102 Mr. Lockwood made a motion to enter Executive Session to receive legal advice. Mr. Poplin
103 seconded the motion, which carried unanimously.

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105 **MOTION:**

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

108

109 **MOTION:**

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111 Mr. Lockwood made a motion that the State has not met its burden of proof that Mr. Swann is in
112 violation of S.C. Code Ann. 40-57-135 (C) (3) (2017 Supp.). It was further motioned that this
113 case be dismissed and a letter of caution be issued. Mr. Poplin seconded the motion, which
114 carried on a 5/2 vote.

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

118

119 **New Business:**

120 **REC Resolution Guidelines** - The Commission discussed previously recommended Resolution
121 Guidelines. The purpose of the guidelines would be to assist the Investigative Review
122 Commission with general consistency in applying sanctions for violations. Discussion followed.
123 No action was taken by the Commission.

124

125 **Public Comments:**

126 Austin Smallwood, SC Realtors, thanked the Commission for allowing Mr. Kremydas to speak to
127 them at the last meeting regarding several topics of concern. The issue of adding a question on
128 the Residential Property Disclosure form to inquire about FEMA and insurance claims seems to
129 be an urgent matter. Mr. Smallwood asked the Commission if they would consider addressing this
130 as soon as feasibly possible. Discussion ensued.

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132 **MOTION:**

133 Mr. Lee made a motion to review and move on the revision of the Residential Property
134 Disclosure form at the next scheduled meeting on October 16, 2019. Ms. Mitchell seconded the
135 motion, which carried unanimously.

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137 **MOTION:**

138 Mr. Lee made a motion to enter Executive Session to receive legal advice. Ms. Mitchell seconded
139 the motion, which carried unanimously.

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141 **MOTION:**

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

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145 **MOTION:**

146 Mr. Lockwood made a motion to adjourn at 2:30 p.m. Mr. Lee seconded the motion, which
147 carried unanimously.

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