

## **MINUTES**

### **South Carolina Real Estate Commission**

**Thursday, November 14, 2019 10:00am**

Synergy Business Park, Kingstree Building, Conference Room 108

110 Centerview Drive, Columbia, South Carolina 29210

#### **Meeting Called to Order:**

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

Candace Pratt – Chair - 1<sup>st</sup> Congressional District  
Andy Lee – Vice Chair - 3<sup>rd</sup> Congressional District  
David C. Lockwood, III - 2<sup>nd</sup> Congressional District  
David Burnett – 4<sup>th</sup> Congressional District  
John Rinehart – 5<sup>th</sup> Congressional District  
Janelle Mitchell – 6<sup>th</sup> Congressional District  
W. Brown Bethune – 7<sup>th</sup> Congressional District  
Wayne Poplin – At-Large Member  
Johnathan Stackhouse – Public Member

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

#### **Public Notice:**

Chair Pratt 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:**

Invocation was offered by Commissioner Mitchell.

#### **Introduction of Board Members and Staff**

#### **Approval of Absences:**

none

#### **Approval of Agenda:**

The order of the hearings were rearranged, moving Regina Baldwin (MOA) to item #3.

#### **MOTION:**

Mr. Stackhouse made a motion to approve the agenda, as amended. Mr. Bethune seconded the motion, which carried unanimously.

## **DISCIPLINARY HEARING**

### ***Andres Rivera***

The Commission held a Disciplinary hearing regarding Andres Rivera. Mr. Rivera did not appear before the Commission to present testimony, and was not represented by legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State, and presented the facts of the case. Mr. Alston requested permission to make a scrivener's error, which was approved. Discussion ensued.

### **MOTION:**

Mr. Bethune made a motion that the State has met its burden of proof that Mr. Rivera is in violation of S.C. Code Ann. 40-57-710 (A) (9) (2017 Supp.); S.C. Code Ann. 40-57-710 (A) (10) (2017 Supp.); S.C. Code Ann. 40-1-110 (1) (g) (2011) and S.C. Code Ann. 40-1-110 (1) (h) (2011), and that the license be permanently revoked and a fine of \$5000 per statute plead will be imposed. Mr. Rinehart seconded the motion, which carried unanimously.

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

### ***Cathi Austin***

The Commission held a Disciplinary hearing regarding Cathi Austin. Ms. Austin did not appear before the Commission to present testimony, and was not represented by legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State, and presented the facts of the case. Mr. Alston requested permission to make a scrivener's error, which was approved. Discussion ensued.

### **MOTION:**

Mr. Burnett made a motion to enter Executive Session to receive legal advice. Mr. Rinehart seconded the motion, which carried unanimously.

### **MOTION:**

Mr. Rinehart made a motion to exit Executive Session, where no votes were taken. Mr. Poplin seconded the motion, which carried unanimously.

### **MOTION:**

Mr. Lockwood made a motion that the State has met its burden of proof that Ms. Austin is in violation of S.C. Code Ann. 40-57-710 (A) (1) (2017 Supp.); S.C. Code Ann. 40-57-710 (A) (9) (2017 Supp.) and S.C. Code Ann. 40-1-110 (1) (a) (2011), and that the license be suspended indefinitely. A fine of \$500 per statute plead will be imposed, to be paid within ninety (90) days from the date of the Order. Ms. Austin will be required to reappear before the Commission prior to reinstatement, to determine competency and character to practice in the profession. Mr. Burnett seconded the motion, which carried unanimously.

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

***Regina Baldwin (MOA)***

The Commission held a Disciplinary hearing regarding Regina Baldwin. Ms. Baldwin appeared before the Commission to present testimony, and was not represented by legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State, and presented the facts of the case.

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

**MOTION:**

Mr. Lee made a motion to enter Executive Session to receive legal advice. Mr. Stackhouse seconded the motion, which carried unanimously.

**MOTION:**

Mr. Bethune made a motion to exit Executive Session, where no votes were taken. Mr. Stackhouse seconded the motion, which carried unanimously.

Questioning, testimony and discussion continued. Even though Respondent has signed the Memorandum of Agreement, Respondent has rescinded her admittance to the first two violations. Therefore, the Memorandum of Agreement will be amended.

**MOTION:**

Mr. Lockwood made a motion to accept the amended Memorandum of Agreement, as amended and issue a Public Reprimand. Ms. Baldwin will be required to complete the Unit 1 - 60 Hour Pre-Licensing course within 180 days from the date of the Order. Mr. Lee seconded the motion, which carried unanimously.

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

**MOTION:**

Mr. Lee made a motion to adjourn at 2:00 p.m. Ms. Mitchell seconded the motion, which carried unanimously.