

MINUTES

South Carolina Real Estate Commission

Wednesday, December 11, 2019 - 10:00am

Synergy Business Park, Kingstree Building, Conference Room 105

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 - 1st Congressional District
Andy Lee – Vice Chair - 3rd Congressional District
David C. Lockwood, III - 2nd Congressional District
David Burnett – 4th Congressional District
John Rinehart – 5th Congressional District
Janelle Mitchell – 6th Congressional District
Johnathan Stackhouse – Public Member
Wayne Poplin – At-Large Member

Staff members participating during the meeting included Roderick Atkinson, Board Administrator; Wanda Cooke, Administrative Coordinator; Gigi Lewis, Office of Advice Counsel; Rodney Pigford, Office of Investigations and Enforcement; 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 Rinehart.

Approval of Absences:

W. Brown Bethune – 7th Congressional District

MOTION:

Mr. Lockwood made a motion to approve the absence of Commissioner Bethune. Mr. Rinehart seconded the motion, which carried unanimously.

Approval of Agenda:

Applicants Carson, Webb and Williams were unable to attend today’s hearings and will be removed from the agenda.

MOTION:

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

Approval of the Meeting Minutes from November 13-14, 2019

It was noted that the minutes of the November 14, 2019 meeting do not reflect that Commissioner Bethune was present. This will be corrected.

MOTION:

Mr. Lockwood made a motion to approve the minutes from the November 13, 2019 meeting. Ms. Mitchell seconded the motion, which carried unanimously.

MOTION:

Mr. Rinehart made a motion to approve the minutes from the November 14, 2019 meeting, as amended. Mr. Stackhouse seconded the motion, which carried unanimously.

Chair’s Remarks:

Candace Pratt

Administrator’s Remarks:

Rod Atkinson

1. Licensure Update as of December 2, 2019

• Broker	5253
• Broker in Charge	7821
• Property Manager	1763
• Property Manager in Charge	1340
• Salesman	29804
TOTAL ACTIVE	45,981
• Inactive Broker	1749
• Inactive Property Manager	870
• Inactive Salesman	8257
TOTAL INACTIVE	10,876

**TOTAL CURRENT LICENSES
AS OF 12/2/19 56,857**

- 2. Budget Update** –The budget report for October/November 2019 was presented for information.
- 3. Office of Disciplinary Counsel Report** – *Rowland Alston* presented a review of pending cases. Mr. Alston informed the Commission that the oldest case that he has pending is from 2017. This is much improved from the past couple of years.

4. **Investigations and Enforcement** – *Rodney Pigford* presented the Commission with an overview of the opened and closed cases from January 1, 2019 –December 11, 2019, as well as the same time period for the previous year.
5. **IRC Report** - The Commission reviewed the IRC report from December 2, 2019.

MOTION:

Mr. Stackhouse made the motion to approve all portions of the IRC report from December 2, 2019. Ms. Mitchell seconded the motion, which carried unanimously.

6. **Travel Approval** – Commissioner Rinehart asked permission to attend the ARELLO Leadership Symposium in Key West, FL – January 14-16, 2020.

MOTION:

Mr. Stackhouse made the motion to approve the travel of Commissioner Rinehart to attend the ARELLO Leadership Symposium in Key West, FL – January 14-16, 2020. Mr. Poplin seconded the motion, which carried unanimously.

ALC REMAND HEARING ON APPLICATION

Lorrie Ulmer

The Commission held an ALC Remand Hearing on the application of Lorrie Ulmer. Ms. Ulmer appeared before the Commission to present testimony, and was represented by Patrick Ford, Esq. from the Finklea Law Firm, Florence, SC. Discussion ensued.

MOTION:

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

MOTION:

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

MOTION:

Mr. Lockwood made a motion to allow Ms. Ulmer to take the SC Real Estate Sales Examination. 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.)

APPLICATION HEARINGS

Willie Paul Rogers

Mr. Rogers withdrew his application, due to pending legal matters. Mr. Rogers will notify the Commission staff when he is ready to proceed.

Angela Buckner

The Commission held an application hearing regarding Angela Buckner's application to take the sales examination in South Carolina. Ms. Buckner appeared before the Commission to present testimony, and was not represented by legal counsel. Commissioner Burnett recused himself from this hearing. Discussion ensued.

MOTION:

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

MOTION:

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

MOTION:

Mr. Rinehart made a motion to allow Ms. Buckner to take the SC real estate sales examination. Upon obtaining a license, Ms. Buckner will be required to provide evidence of restitution payments at the time of renewal of her license, until such payments are paid in full. Mr. Lockwood seconded the motion, which carried on a 4/2 vote.

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

Patrick Mayfield

The Commission held an application hearing regarding Patrick Mayfield's application to take the sales examination in South Carolina. Mr. Mayfield appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

MOTION:

Mr. Lee made a motion to accept Mr. Mayfield's request to take the SC real estate sales examination. 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.)

Dina Smalls

The Commission held an application hearing regarding Dina Smalls' application to take the sales examination in South Carolina. Ms. Smalls appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

MOTION:

Mr. Lockwood made a motion to deny Ms. Smalls' request to take the SC real estate sales examination. 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.)

John Hutchinson

The Commission held an application hearing regarding John Hutchinson's application to take the property managers examination in South Carolina. Mr. Hutchinson appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

MOTION:

Mr. Lockwood made a motion to allow Mr. Hutchinson to take the SC real estate property manager's examination. Mr. Stackhouse 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.)

Riesa Best

The Commission held an application hearing regarding Riesa Best's application to take the property managers examination in South Carolina. Ms. Best appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

MOTION:

Mr. Rinehart made a motion to allow Ms. Best to take the SC real estate property manager's examination. 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.)

Keyia Jordan

The Commission held an application hearing regarding Keyia Jordan's application to take the sales examination in South Carolina. Ms. Jordan appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

MOTION:

Mr. Burnett made a motion to allow Ms. Jordan to take the SC real estate sales examination. 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.)

New Business:

1. BIC Notification of Complaints

Rowland Alston addressed the commission concerning whether or not Brokers in Charge are notified of charges against a licensee. Advice Counsel, Georgia Lewis, stated that Section 40-57-710 (B) states that all investigations are confidential, however, in cases of notices of hearings that involve MOAs, the Brokers in Charge could be made aware. It was requested that this item be revisited at a future meeting.

2. Alternative Disciplinary Process Task Force

Commissioner Lockwood gave an update on the task force that recently met to review possible procedural changes for handling the disciplinary case load moving forward. The task force listened to input from staff from several different boards and commissions. The following recommendations were made:

- Some meeting dates for disciplinary cases may run longer than normal
- Notice cases indicating that there may be more than one possible date
- Conflicts will arise but we must maintain a quorum.
- Day 2 of a 2-day meeting will begin at 9 a.m.
- Certain items(reports) on agenda that are provided for information do not need to be re-read
- Task force would remain on-going, to be able to identify future obstacles

MOTION:

Mr. Lockwood made a motion to keep the Alternative Disciplinary Process task force in place indefinitely. Mr. Poplin seconded the motion, which carried unanimously.

Rowland Alston indicated that he does not believe we will need all of the dates that were previously approved. The following dates are no longer needed for disciplinary hearings:

January 15th

March 19th

May 21st

MOTION:

Mr. Stackhouse made a motion to cancel meetings for January 15th, March 19th and May 21st of 2020. Mr. Lockwood seconded the motion, which carried unanimously.

3. Amendments to Disciplinary Pleadings

Rowland Alston addressed the commission concerning making amendments to disciplinary pleadings. Discussion ensued.

4. Notice of Hearing to Respondents

Rowland Alston addressed the commission concerning the process being used to notify Respondents of hearing dates. Discussion ensued.

Public Comments

Austin Smallwood, SCR, asked for clarification as to when Brokers in Charge are notified of license status changes. Currently the only time a Broker in Charge is notified is when the licensee

transfers online – (the signature of the Broker in Charge is required on the paper form.) This process is still under consideration.

MOTION:

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

MOTION:

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

MOTION:

Mr. Burnett made a motion to adjourn at 4:15 p.m. Mr. Lee seconded the motion, which carried unanimously.