

MINUTES

South Carolina Real Estate Commission

Thursday, December 12, 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
Wayne Poplin – At-Large Member
Johnathan Stackhouse – Public Member

Staff members participating during the meeting included Roderick Atkinson, Board Administrator; Wanda Cooke, Administrative Coordinator; Gina Sams, Administrative Assistant;; 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:

W. Brown Bethune – 7th Congressional District

MOTION:

Ms. Mitchell made a motion to approve the absence of Commissioner Bethune. Mr. Poplin seconded the motion, which carried unanimously.

Approval of Agenda:

It was noted that the Disciplinary Hearing for Tammy Scoggins has been continued.

MOTION:

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

DISCIPLINARY HEARING

Jella Kim (MOA)

The Commission held a Disciplinary hearing regarding Jella Kim. Ms. Kim appeared before the Commission to present testimony, and was represented by Catherine M. Cunningham, 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. Kim has signed a Memorandum of Agreement. The Commission reviewed said agreement and discussion ensued.

MOTION:

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

MOTION:

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

MOTION:

Mr. Rinehart made a motion that the State has met its burden of proof that Ms. Kim is in violation of S.C. Code Ann. 40-57-710 (A) (5) (2017 Supp.) and that Ms. Kim be issued a Public Reprimand. Ms. Kim's license will be placed on probation for a period of two years, stayed. Mr. Lockwood seconded the motion, which did not pass.

MOTION:

Mr. Lee made a motion that the State has met its burden of proof that Ms. Kim is in violation of S.C. Code Ann. 40-57-710 (A) (5) (2017 Supp.) and that Ms. Kim be issued a Letter of Caution. Mr. Stackhouse seconded the motion, which carried with a 7/1 vote.

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

James Olszewski

The Commission held a Disciplinary hearing regarding James Olszewski. Mr. Olszewski 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. Discussion ensued.

MOTION:

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

MOTION:

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

Commissioner Mitchell left the meeting at 12:00 noon, however, a quorum was maintained.

MOTION:

Mr. Rinehart made a motion that the State has met its burden of proof that Mr. Olszewski is in violation of S.C. Code Ann. 40-1-110 (1) (a) (2011); S.C. Code Ann. 40-1-110 (1) (b) (2011); S.C. Code Ann. 40-1-110 (1) (f) (2011) and S.C. Code Ann. 40-1-110 (1) (g) (2011). A Public Reprimand will be issued. The license will be placed on suspension for a period of two (2) years from the date of the Final Order. Prior to reactivation, the licensee must satisfy all continuing education requirements. A penalty of \$500 per violation will be imposed, due within ninety days from the date of the Final Order. Licensee will not be able to upgrade to Broker in Charge or Property Manager in Charge without reappearing before the Commission. Mr. Lockwood seconded the motion, which did not pass.

MOTION:

Mr. Burnett made a motion that the State has met its burden of proof that Mr. Olszewski is in violation of S.C. Code Ann. 40-1-110 (1) (a) (2011); S.C. Code Ann. 40-1-110 (1) (b) (2011); S.C. Code Ann. 40-1-110 (1) (f) (2011) The State has not met its burden of proof that that Mr. Olszewski is in violation of S.C. Code Ann. 40-1-110 (1) (g) (2011). A Public Reprimand will be issued. The license will be placed on suspension for a period of two (2) years from the date of the Final Order, stayed. The license will remain on probation for the 2 year period. A penalty of \$500 per violation will be imposed, due within ninety (90) days from the date of the Final Order. If the conditions of the Order are not met, the license will automatically be suspended. Licensee will not be able to upgrade to Broker in Charge or Property Manager in Charge without reappearing before the Commission. Mr. Lockwood seconded the motion, which passed on a 4/3 vote.

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

MOTION:

Mr. Poplin made a motion to adjourn at 1:30 p.m. Mr. Rinehart seconded the motion, which carried unanimously.