

48 **Approval of Minutes**

49

50 **February 19, 2020 Minutes**

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52 **MOTION:**

53 Mr. Burnett motioned to adopt the February 19, 2020 meeting minutes with the revisions to the
54 following line items:

- 55 • Line 145- Mr. Burnett did not recuse himself from the vote.
- 56 • Line 159- Referenced Mr. Mayfield, who was not included in the hearings on this date.
- 57 • Line 163- Mr. Burnett did not motion to approve the Kendrick Williams request.
- 58 • Line 252- Mr. Burnett did not second the motion to approve Mr. Boyd's request.

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60 Mr. Lee seconded the motion, and with all in favor the motion carried.

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62 **February 20, 2020 Minutes**

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64 **MOTION:**

65 Mr. Burnett motioned to adopt the February 20, 2020 meeting minutes with the correction to the
66 following line item (s):

- 67 • Line 132-Refenced Mr. Bethune motioning to approve the amended motion; however,
68 Mr. Burnett made this motion to approve the amended motion.

69 Mr. Poplin seconded the motion, and with all in favor, the motion to adopt the February 20, 2020
70 meeting minutes with said correction (s), carried.

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72 **March 18, 2020 Special Called Minutes**

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74 **MOTION:**

75 On the motion of Mr. Rinehart, seconded by Ms. Mitchell, the Commission voted all in favor to
76 adopt the special called meeting minutes from March 18, 2020, as presented.

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78 **Approval of IRC Reports**

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80 Mr. Rodney Pigford with the Office of Investigations and Enforcement reported and presented the
81 IRC Reports, to the Commission for their consideration, and the following actions were taken:

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83 **April 23, 2020 IRC Recommendations Report**

- 84 • 13 Cases for Dismissal and 5 Letters of Caution

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86 **MOTION:**

87 Mr. Poplin motioned to approve the April 23, 2020 IRC Recommendations Report, Mr.
88 Lockwood seconded the motion, and with all in favor the motion carried.

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90 **May 4, 2020 IRC Recommendations Report**

- 91 • 23 Cases for Dismissal and 6 Letters of Caution

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93 **MOTION:**

94 Ms. Mitchell motioned to approve the May 4, 2020 IRC Recommendations Report, Mr.
95 Lockwood seconded, and with all in favor the motion carried.

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Approval of IRC Reports

May 19, 2020 IRC Recommendations Report

- 12 Formal Complaints

MOTION:

Mr. Rinehart motioned to approve the May 19, 2020 IRC Recommendations Report, Mr. Poplin seconded, and with all in favor the motion carried.

Mr. Pigford stated he provided the Commission with OIE Reports for informational purposes only.

Chair Remarks

Chair Pratt did not have any remarks.

Administrator’s Remarks - (Rod Atkinson)

Mr. Atkinson provided a brief overview of the rotational of staffing practices for the Real Estate Commission and the plans to implement Phase 1 of reopening June 1, 2020. Explaining services had not been disrupted and the public could deliver forms and application, but had not been able to access the building. He further reported the Agency was working on a way to conduct Hearings; and stated, unless there were solutions, the scheduled of upcoming Hearings would not be able to occur, and would need to be canceled.

Mr. Atkinson recognized Mr. Roland Alston from the Office of Disciplinary Counsel to address the issues regarding future meetings. Mr. Alston provided information on their trying to find a solution to conduct future Hearings, and stated the earliest Disciplinary Hearings could be held would be around August 20, 2020.

Discussions were held among Commissioners and the Administrator on various items, including the licensing renewals period being extended to September 30, 2020, and how this would impact the time frame on continuing education requirements as well as pending hearings. One specific hearing of concern was on the matter of Erica May, which had a May 31, 2020 deadline date. Ms. Gigi Lewis clarified no further action would be needed, and there would not be a penalty to Ms. May, due to it not being any fault of hers as to why the hearing could not be held. There were no actions taken on any of the matters discussed.

Unfinished Business

Criminal Background Checks

Mr. Dean Grigg, Deputy Director of LLR, and Michelle Phillips, Agency Privacy Officer were present via telephone. Mr. Grigg addressed the Commission on a previously held meeting with Commissioners, Burnett and Lee regarding various concerns of the upcoming July 1, 2020, implementation of the FBI/SLED fingerprint criminal background check process. Mr. Grigg reported there were a couple things he had stated he would look into, review and get back with the Commissioners.

Mr. Grigg stated one of the items of discussion held with the Commissioners were on what options were available to ensure the most complete information possible would be provided to the Commission. He explained this came about due to the law changes requiring the Real Estate

150 Commission to move from a name based search background report to a fingerprint based
151 background check report and would it would be required at every 3rd renewal cycle as well.

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153 Mr. Grigg continued by stating there were positives and negatives and flaws for both types of
154 background check reports. And stated, the question was posed to him was if the Real Estate
155 Commission could do both forms of background check reports. He reported after reviewing this
156 this matter from the Agency standpoint, and after speaking with his counter parts at SLED, the
157 determination is the law requires the Real Estate Commission to use the fingerprint based
158 background check as a “general standard”. He further stated it would be up to the Commission
159 should the Commission choose to do above and beyond the general standard. He recommended
160 the Commission speak with Advice Counsel to weigh the logistic and the efficiencies of this
161 action. Mr. Grigg stated should the decision be made to go above and beyond the general
162 standard, this would be something the Agency would not say, you could not do.

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164 Furthermore, Mr. Grigg provided comments on the on the topics of fees and the burdens placed
165 upon applicants as well as cautioning the Commission to not forego the fingerprint based
166 background check, should the Commission decide to use both formats of background checks.

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168 Additionally, Mr. Grigg addressed the topic of conversation he held with the Commissioners on
169 the options of how information would be coming to the Commission.

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171 Mr. Grigg provided a brief overview on the process of the Federal requirements relating to the
172 safety and security of accessing the background check information, and the Reports from SLED
173 & FBI. He explained having to go through fingerprinting and training requirements, and stated
174 Audits would be performed every couple of years.

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176 Some of the options discussed with the Commission were as follows:

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- 178 • Having someone go through the training and being able to review the reports with the
179 Administrator’s Staff.
- 180
- 181 • Having a Secure Portal where information could be transferred to or sent ahead of time to
182 the group/Commissioners prior to a hearing.
- 183
- 184 • Having the Commission Chair complete the training and come in to review the
185 background checks with hits with the Chair given authority by fellow Commission
186 members to decide whether something needs to be scheduled for hearing.

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188 Mr. Grigg followed up on his conversation with the Commissioners to have the option of using a
189 Secure Portal in a way to have information come to the Commission. It was explained although
190 once a viable consideration, it appeared it is not viable any longer.

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192 Mr. Grigg explained the way information would be coming in from the FBI and SLED through
193 the secure terminal, the Agency would not have the capability to print information nor transfer
194 information to a portal. This would leave the Commission with the option of choosing someone to
195 go through the training to come in and sit with staff in the secured background check room.

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197 Michelle Phillips, Agency Privacy Officer, addressed the issues concerning how information has
198 been handled, and will be handled due to privacy concerns for all parties involved.

199

200 Administrator Rod Atkinson stated the Commission will need to request more criminal history
201 information from the applicants up front. He referenced the questions on the application, which
202 ask if the applicant have been convicted of a crime or other than a minor traffic offense, and also
203 referenced a past Commission approved criminal history information form used during
204 application hearings.

205
206 Commission members expressed concerns of not being able see what the Administrator would
207 see or if the fingerprint based background reports would not provide or include a full disclosure
208 of criminal background information. Discussions were held on if someone had a hit, which
209 occurred out of state, then the Commission could have the option of reaching back to the that
210 State and doing a statewide criminal check on the applicant as a cross reference. The Commission
211 and the Administrator discussed the issues relating to having a secondary background check.

212
213 The Commission concluded discussions on this matter by Chair Pratt requesting if the
214 Commission would consider forming a Taskforce for the purpose of exploring the Commission's
215 issue and if having a second background report should be provided to the Commission, and for
216 this to be brought back before the Commission for their consideration. Commissioner Burnett
217 agreed to Chair the Taskforce, Commissioners Lee and Mitchell agreed to serve on the Taskforce.

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219 **MOTION**

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221 Mr. Lee motioned to form a Committee/Taskforce to review the possible need to have a
222 Secondary Background Report. Mr. Stackhouse seconded the motion and all being in favor, the
223 motion carried.

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225 Chair Pratt requested for the meeting to be coordinated with the Administrator, Rod Atkinson,
226 and she be informed of when the Committee/Taskforce Meeting would be held.

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229 **Unfinished Business**

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231 **Nicknames**

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233 Mr. Atkinson stated he would explain or provide an update on the referenced matter. He first
234 recognized Mr. Austin Smallwood from the SC Association of Realtors, and welcomed Mr.
235 Smallwood.

236
237 Mr. Atkinson discussed that Mr. Nick Kremydas who made recommendation, briefed the
238 Commission in March 2020 on the discussions with Director, Emily Farr on ways of recording
239 nicknames.

240
241 Mr. Atkinson explained that licensee lookup currently only allows one to search by first and last
242 name of a licensee. He indicated that Mr. Matt Faile, Agency IT Director, had reviewed this
243 matter and was able to program a field in the existing system that would allow a nickname to be
244 added onto the end of the name in parentheses on the pocket cards. Everything else would remain
245 the same. This name could also be entered into the first name search field on licensee lookup and
246 it would still be able find the licensee.

247
248 Mr. Atkinson stated parameters would be needed from the Commission for what is an acceptable
249 nickname. He addressed what information other States, such as Maryland and North Carolina,
250 have achieved as they had addressed this issue. Discussions were held on the information

251 provided by Mr. Atkinson. Mr. Atkinson confirmed the system would only allow only one
252 nickname field.

253
254 Advice Counsel, Gigi Lewis, referenced the transcript from Commission's meeting from March
255 18, 2020 regarding the matter of nicknames. She explained the Commission had motioned to
256 determine if the system had the capabilities to manage nickname. She stated this was confirmed
257 by Mr. Atkinson's previous remarks. Ms. Lewis stated the second part of the motion was to
258 attempt to provide guidelines for the choice of the nickname.

259
260 Ms. Lewis, stated the Commission would need to come up with guidelines, set parameters of
261 appropriate Nicknames, how to handle the changing of a nickname, and how the changing of a
262 nickname would be approved.

263
264 Discussions were held regarding the issue(s) in determining guidelines for allowable nickname.

265
266 Mr. Lockwood recommended for staff to come up with a legal draft of guidelines to review at the
267 next meeting, Mr. Rinehart agreed with the recommendation made by Mr. Lockwood.

268
269 **2020 Instructor Development Workshop (Online Content)**

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271 Mr. Atkinson stated the Instructor Development Workshop is required in Commission's statute
272 and regulations for all approved Instructors. The Workshops are to be conducted every two years
273 and are sponsored by the Commission.

274
275 Traditionally, the Instructors would come and attend the Workshop at the Columbia Conference
276 Center, which consists of a full day of education and instruction methods. .

277
278 Mr. Atkinson stated that due to COVID-19 the in-person Workshop had to be cancelled. He
279 reported the Real Estate Commission would be entering into a contract with Dearborn to platform
280 and administer the content of the workshop. The price would be \$29 per Instructor and paid by
281 the Commission.

282
283 The new 2020-2022 core course is being developed by Dianna Brouthers. She is currently
284 recording a session of the course content that will be recorded and video provided to instructors
285 for the core class portion of the workshop.

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287 **Executive Session**

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289 Executive Session was not taken.

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291 **Public Comments**

292
293 Mr. Austin Smallwood from South Carolina Association of Realtors stated that the Association
294 appreciated the efforts of the Commission taking up the nickname issue, and if they can offer any
295 assistance, please let them know.

296
297 **Adjournment**

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299 **MOTION**

300 On the motion of Mr. Rinehart, seconded by Mr. Lockwood, the Commission voted unanimously
301 to adjourn. Time of adjournment 1:00 p.m.