

1 **MINUTES**

2 **South Carolina Real Estate Commission**

3 **Synergy Business Park, Kingstree Building,**

4 **110 Centerview Drive, Columbia, South Carolina 29210**

5 **Thursday, August 20, 2020 9:27 a.m.**

6 **Video/ Teleconference Meeting**

7 **Meeting Called to Order:**

8 Chair Pratt called the meeting of the South Carolina Real Estate Commission to Order at 9:27  
9 a.m. and announced the Public Notice of this Meeting had been properly posted at the S.C. Real  
10 Estate Commission Website, and provided to all requesting persons, organizations, and news  
11 media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.  
12 And in accordance with the Governors directive of Social Distancing; whereby, this Meeting  
13 being held via Video/Teleconferencing.

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15 **Roll Call of Commission Members and Staff**

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17 Board members and Staff participating in the Video/Teleconference Meeting via WebEx Platform  
18 included:

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20 **Commission Members**

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

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32 **Approval of Excused Absences**

33  
34 There were no excused absences.

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36 **Staff Members**

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38 Staff members participating during the meeting included Roderick Atkinson, Board  
39 Administrator; Gina Sams, Administrative Assistant; Rowland Alston, Courtney Clark, and  
40 Sonya Morse with Office of Disciplinary Counsel; Gigi Lewis, Office of Advice Counsel.

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42 **Approval of Agenda**

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44 Mr. Atkinson stated there was one item to be added to the Agenda under New Business. The item  
45 would be for the Conference FARB aka Federation of Associations Regulatory Boards, which is a  
46 Regulatory Seminar.

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**MOTION**

Mr. Lee motioned to approve the Agenda to include the item of the Federations of Associations Regulatory Boards/FARB Conference under New Business. Mr. Stackhouse seconded the motion and the Commission voted unanimously in favor on the motion.

**Chair’s Remarks- Candace Pratt**

**Disciplinary Hearings:**

***Erica May (Reconsideration of Mitigating Testimony)***

The Commission held a Disciplinary reconsideration hearing to hear mitigating testimony concerning the matter of Erica May. Ms. May appeared before the Commission to present testimony, and was represented by legal counsel, Catherine Townes Johnson. Rowland Alston, Office of Disciplinary Counsel, represented the State, and presented the background of the case.

Mr. Alston informed the Commission of prior hearings notices made by the State concerning this case, and presented the State’s position of not wanting a retrial of this case. Mr. Alston stated, should the Commission reconsider its prior sanctions then the State’s position would be to recommend a minimum Disciplinary Action of Suspension, a Stay of Probation for 3 years and Education.

The Commission received remarks from the Respondent’s Counsel where a request was made for the Commission to reopen the case for the Respondent to present testimony; discussions ensued concerning the information presented.

The Commission received testimony from the Respondent and her Counsel.

***-The Court Reporter dropped from the WebEx/ Teleconference and did not record the full testimony of Ms. Mays.***

***Gigi Lewis requested a moment to Recess in order for her to speak with both Mr. Alston and Ms. Johnson off the record.***

Chairman Pratt called the Disciplinary Hearing back to order after a brief break and Ms. Gigi Lewis addressed the issue of the Court Reporter dropping from the Teleconference and announced the testimony by Ms. May had been recorded by another employee present. Mr. Atkinson confirmed all Commissioner were in attendance.

Chair Pratt recognized Ms. Mays’s Counsel, Catherine Townes Johnson.

Ms. Johnson stated that due to conversations between Ms. Lewis and Mr. Alston, she and Ms. Mays would not be re-presenting Ms. Mays’ testimony, with the understanding of there being a recording of Ms. Mays’ testimony, should it be required. She stated that upon her agreement with Ms. Lewis and Mr. Alston and if agreed upon, she would instead open the floor to provide an opportunity for the Commission to present their questions to Ms. May.

**Erica May**

**MOTION: Convene to Executive Session- 11:07 A.M.**

101 On the motion of Mr. Lee, seconded by Mr. Stackhouse, the Commission voted unanimously to  
102 enter into Executive Session to receive legal advice. Time of entering Executive Session 11:07  
103 a.m.  
104

105 **MOTION: Reconvene from Executive Session- 11:52 A.M.**

106 Mr. Lee motioned to come out of Executive Session were legal advice was received and  
107 no actions were taken, Ms. Mitchell seconded the motion, and the Commission voted  
108 unanimously to the motion. Time of Reconvening from Executive Session 11:52 a.m.  
109

110 **MOTION**

111 Mr. Lee motioned and Ms. Mitchell seconded, that the State had meet its burden of proof  
112 regarding the Respondents violations to the following South Carolina Codes.:

- 113
- 114 A. S.C. Code Ann. § 40-57-136(A)(1) (2017 Supp.) in that  
115 Respondent did not establish and maintain control of and  
116 responsibility for an active real estate trust account designated  
117 and titled to include the word "trust" or "escrow" and in the  
118 name of the real estate brokerage firm for which the  
119 Respondent's license is issued .  
120
- 121 B. S.C. Code Ann.§ 40-57-136 (B)(3) (2017 Supp.) in that  
122 Respondent commingled trust funds of the client with her  
123 own money.  
124
- 125 C. S.C. Code Ann. § 40-57-136(F)(2) (2017 Supp.) in that  
126 Respondent did not maintain, in her designated principal place  
127 of business, the required trust account records.  
128
- 129 D. S.C. Code Ann. § 40-57-710 (A)(19) (2017 Supp.) in that  
130 Respondent issued a check in connection with her real estate  
131 business which is returned for insufficient funds or closed  
132 account.  
133

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135  
136 And the State did not meet its burden of proof of the Respondent violating the following  
137 South Carolina Code:

- 138 E. S.C. Code Ann. § 40-57-710 (A)(5) (2017 Supp.) in that  
139 Respondent in the practice of real estate demonstrated bad  
140 faith, dishonesty, untrustworthiness, or incompetency in a  
141 manner as to endanger the interest of the public.  
142

143 Penalties for the Respondents said violations would be to issue a Public Reprimand; a  
144 Suspension for 3 years with an immediate stay and probation for 3 years, civil penalty of  
145 \$2500 to be paid within 120 days, to take the Property Managers in Charge course and to  
146 pass it in 120 days, and the office must be open for random unannounced inspections by  
147 the South Carolina Real Estate Commission.  
148

149 Upon discussions the following action was taken:

150

151 **MOTION TO AMEND**

152 Mr. Lee motioned to amend the motion by including the assigning of \$625 per violation,  
153 totaling \$2,500, Ms. Mitchell seconded the motion.

154

155 **AMENDMENT TO AMENDED MOTION**

156 Mr. Rinehart motioned for an amendment to Mr. Lee's amended motion by including  
157 annual inspections, and to add the conditions that should there be any violation  
158 occurrence, the licensee's license would be permanently suspended; and the penalty fines  
159 of \$1000 per violation, totaling \$4000 to be paid over the next 12 months.

160

161 Upon discussion the following action was taken:

162

163 **MOTION AMENDMENT**

164 Mr. Lee motioned to accept Mr. Rinehart's amendment to the amended motion by  
165 including the penalty fines of \$1000 per violation, totaling \$4000 to be paid over the next  
166 12 months; and, to not accept Mr. Rinehart's inclusion of the annual inspections were  
167 should there being any violation occurrence, the licensee's license would be permanently  
168 suspended. Ms. Mitchell seconded the amendment to the amended motion.

169

170 Hearing no further discussion, Chair Pratt called for a Roll Call Vote:

171

172	Mr. Bethune-	Nay	Mr. Rinehart-	Yes
173	Mr. Burnett-	Nay	Mr. Lee-	Yes
174	Mr. Lockwood-	Nay	Ms. Mitchell-	Yes
175	Mr. Stackhouse-	Nay		
176	Mr. Poplin-	Nay		
177	Ms. Pratt-	Nay		

178

179 The Commission voted 6 in opposition, 3 in favor and the motion failed to carry.

180

181 **MOTION**

182 Mr. Bethune motioned and Mr. Rinehart seconded, that the State had meet its burden of proof  
183 regarding the Respondents violations to 5 of South Carolina Codes (listed below), and 4  
184 of the 5 violations would have a penalty fine of \$1000 per violation, totaling \$4000 to be  
185 paid in a 12 month period; and there would not be a penalty fine assigned to (item D  
186 below) S.C. Code Ann. § 40-57-710 (A)(5).

187

188 Penalties for the Respondent's violations would also include a Public Reprimand, 3 years  
189 Suspension Immediately Stayed for 6 months or as soon as the Respondent takes the  
190 Property Manager in Charge Pre-Licensing Course, Probation of 3 years, and random  
191 unannounced inspections by the South Carolina Real Estate Commission.

192

193 A. S.C. Code Ann. § 40-57-136(A)(1) (2017 Supp.) in that  
194 Respondent did not establish and maintain control of and  
195 responsibility for an active real estate trust account designated  
196 and titled to include the word "trust" or "escrow" and in the

197 name of the real estate brokerage firm for which the  
198 Respondent's license is issued .  
199

200 B. S.C. Code Ann.§ 40-57-136 (B)(3) (2017 Supp.) in that  
201 Respondent commingled trust funds of the client with her own  
202 money.  
203

204 C. S.C. Code Ann. § 40-57-136(F (2) (2017 Supp.) in that  
205 Respondent did not maintain, in her designated principal place  
206 of business, the required trust account records.  
207

208 D. S.C. Code Ann. § 40-57-710 (A)(5) (2017 Supp.) in that  
209 Respondent in the practice of real estate demonstrated bad  
210 faith, dishonesty, untrustworthiness, or incompetency in a  
211 manner as to endanger the interest of the public.  
212

213 E. S.C. Code Ann. § 40-57-710 (A)(19) (2017 Supp.) in that  
214 Respondent issued a check in connection with her real estate  
215 business which is returned for insufficient funds or closed  
216 account.  
217

218 Hearing no further discussions Chair Pratt called for a Roll Call Vote to the motion:  
219

220 Mr. Bethune- Yes Mr. Stackhouse- Nay

221 Mr. Rinehart- Yes Mr. Burnett- Nay

222 Mr. Poplin- Yes Mr. Lockwood- Nay

223 Mr. Lee- Yes

224 Ms. Mitchell- Yes  
225

226 The Commission voted 6 in favor, 3 in opposition, and the motion carried.  
227

228 Due to time before scheduled application hearings, the Commission moved the New Business  
229 discussion up on the agenda.  
230

### 231 New Business

#### 232 **Extension for Approved CE/Pre-licensing**

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235 Mr. Atkinson reported the Commission had previously approved a temporary waiver of the  
236 ARELLO/IDECC certification requirement of its distance education standards to allow currently  
237 approved classroom providers to administer their currently approved courses via alterative  
238 distance virtual method.  
239

240 He explained the temporary waivers will be in effect until September 30, 2020, and he has been  
241 receiving multiple suggestions and requests from Providers to extend the temporary waiver  
242 previously approved by the Commission regarding the ARELLO/IDECC /Pre-licensing.

243 Mr. Atkinson recommended an extension could be through June 30, 2021 for the purpose  
244 allowing the current and new classroom providers to administer their presently approved courses  
245 via alternative distance virtual method. Mr. Atkinson reported staff would be available to  
246 document and have the ability to request to audit the courses, In addition, there were Inspectors  
247 with the Office of Inspection have agreed to participate in random audits of the courses.

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**MOTION**

Mr. Poplin motioned to continue to waive the ARELLO/IDEC certification requirements for current and new classroom approved providers, and to continue to waive the in-person proctoring for the current and new classroom approved providers through June 30, 2021. Mr. Lee seconded the motion, the Commission voted unanimously in favor to the motion, and the motion carried.

**Code of Ethics**

Advice Counsel Gigi Lewis addressed the Commission regarding a request from legislators on whether LLR licensing boards should consider adopting a Code of Ethics for each program. Discussions were held and the following action was taken.

**MOTION**

Mr. Rinehart motioned no specific Code of Conduct or Ethics is needed for South Carolina Real Estate Commission at this time. Mr. Poplin seconded the motion, the Commission voted unanimously in favor to the motion, and the motion carried.

**Federation of Association of Regulatory Boards/ FARB Conference**

Advice Counsel Gigi Lewis explained the FARB Conference to the Commission and indicated that the conference would be virtual this year and that she would like to request approval from the Commission to attend this conference. Mr. Rinehart stated he would be interested in attending this Conference as well.

**MOTION**

Mr. Stackhouse motioned to approve however many Commissioners would be available to attend the Federation of Association of Regulatory Boards Conference. Mr. Lee seconded the motion, the Commission voted unanimously in favor, and the motion carried.

Chair Pratt requested Mr. Atkinson to forward the Commissioners information of said Conference.

**Unfinished Business**

**SCREC Background Checks**

Discussions were held on this matter. Mr. Lee requested this item of Specific Background Check to be added to the next meeting agenda, and no actions were taken.

**Nicknames**

Ms. Gigi Lewis reported the Commission had previously requested Staff to present a draft of guidelines. She explained there had not been any movement with the initial complaints on these issues, and it was currently pending the Commission providing some set of guidelines regarding nicknames. Ms. Lewis also reported investigations on this matter had been halted pending these guidelines.

Ms. Lewis stated what was being presented to the Commission was just a draft and provided general information. She further stated Mr. Atkinson had received input from several states as to the acceptance of nicknames.

The following proposed guidelines were presented:

300 -First name only. Only one submission of a first name nickname. No changes or amendments to  
301 submission of a first name nickname. Initial and renewal application shall include a space for the  
302 nickname initially selected. Staff may need an initial document for registration of a first name  
303 nickname to present licensees.

- 304
- 305 • Derivative of legal first name-logically associated with the user’s legal first name, i.e.  
306 Elizabeth-Beth, Andrew- Drew and Andy.
- 307
- 308 • Non Derivative of legal first name- this can include use of a middle name, use of initials,  
309 use of an American name for an ethnic first name or use of “known as” first name i.e.  
310 Bubba, Trey, Sandy, Junior.
- 311
- 312 • Nicknames such as “John the Real Estate Man” is not an acceptable nickname.
- 313
- 314 • Submission of a nickname may require Commission approval.
- 315

316 -Only legal last names can be used. No nickname for legal last names.

317

318 -The license shall be issued with the legal first and last names and the authorized nickname in  
319 parenthesis on the name line of the license.

320

321 Upon further discussions the following action was taken:

322

323 **MOTION**

324 Mr. Poplin motioned to table this item, Mr. Bethune seconded, and the Commission voted  
325 unanimously in favor to the motion.

326

327 Mr. Atkinson recognized Mr. Smallwood with the South Carolina Association of Realtors to  
328 provide remarks on this issue. He stated this was a big issue for them and asked if this could be  
329 brought up before the next meeting or as soon as possible.

330

331 **Recess-** 1:42 p.m. - 2:00 p.m.

332 Chair Pratt called for a Recess until 2:00 p.m.

333

334 Chair Pratt called for a Roll Call to bring the meeting back to order.

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338 **Commission Members**

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- 340 Candace Pratt
- 341 Brown Bethune
- 342 David Burnett
- 343 David C. Lockwood, III
- 344 Johnathan Stackhouse
- 345 John Rinehart
- 346 Wayne Poplin
- 347 David L. Andy Lee
- 348 Janelle Mitchell

349 **Application Hearings**

350

351 Chair Pratt called the Hearing to Order, confirmed there was a quorum of the Commission  
352 present and stated this matter was being held via teleconferencing with proper notice  
353 given to the Applicant of this WebEx platform. Chair Pratt questioned if there were any  
354 member of the Commission who would have a reason to be recused from giving  
355 consideration to the application. No request of recusal was made.

356  
357 **Latifa Hampton**

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359 The commission held the Application Hearing regarding Ms. Latifa Hampton's application to  
360 take the South Carolina Salesperson Examination. Ms. Hampton appeared before the  
361 Commission where her identity was affirmed by the Court Reporter via Government Issued ID.  
362 Ms. Hampton confirmed she would waive her right to legal counsel, and there were no witness  
363 testimony to be presented. She was further sworn in, and thereafter presented her testimony to the  
364 Commission.

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366 **MOTION: Executive Session – 2:21 P.M.**

367 On the motion of Mr. Rinehart, seconded by Mr. Stackhouse the Commission voted unanimously  
368 to enter into Executive Session for the purpose of receiving legal advice. Time of Executive  
369 Session was 2:21 p.m.

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371 **MOTION: Reconvene from Executive Session – 2:29 P.M.**

372 On the motion of Mr. Stackhouse, seconded by Mr. Lee the Commission voted unanimously to  
373 come out of Executive Session where they received legal advice but no actions were taken. Time  
374 of Reconvening from Executive Session was 2:29 p.m.

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376 **MOTION**

377 Mr. Lee motioned to allow Ms. Latifa Hampton to take the South Carolina Salesperson  
378 Examination, Mr. Lockwood seconded the motion, the Commission voted unanimously in favor  
379 on the motion.

380  
381 The following applicants were not present for hearing:

382  
383 **Ronald Murray**  
384 **Brittany Kennedy**

385  
386  
387 **EXECUTIVE SESSION**

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389 Due to there being a break in applicants, Ms. Gigi Lewis, Advice Counsel to the Commission  
390 requested the Commission to enter into Executive Session to receive legal advice, and stated no  
391 actions were needed to enter into or exit from Executive Session.

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393 Due to a delay in applicants being present, the Commission continued with the Application  
394 Hearings and recognize Ms. Shelby Lear.

395  
396 **Shelby Lear**

397  
398 The Commission held the Application Hearing regarding Ms. Shelby Lear's application to take  
399 the South Carolina Salesperson Examination. Ms. Lear appeared before the Commission where  
400 her identity was affirmed by the Court Reporter via Government Issued ID. Ms. Lear confirmed

401 she would waive her right to legal counsel, and there were no witness testimony to be presented.  
402 She was further sworn in, and thereafter presented her testimony to the Commission.

403

404 **MOTION**

405 Mr. Lockwood motioned to approve Ms. Shelby Lear to take the South Carolina Salesperson  
406 Examination, Mr. Rinehart seconded the motion, and concluding a roll call vote, the Commission  
407 voted unanimously in favor of the motion.

408

409 **Nick Jarrett**

410

411 The Commission held the Application Hearing regarding Mr. Nick Jarrett's application to take  
412 the South Carolina Salesperson Examination. Mr. Jarrett appeared before the Commission where  
413 his identity was affirmed by the Court Reporter via Government Issued ID. Mr. Jarret confirmed  
414 he would waive his right to legal counsel, and there were no witness testimony to be presented.  
415 He was further sworn in, and thereafter presented his testimony to the Commission.

416

417 **MOTION**

418 Mr. Lee motioned to allow Mr. Nick Jarrett take the South Carolina Salesperson Examination,  
419 Mr. Bethune seconded the motion, the Commission voted unanimously in favor on the motion.

420

421 **Eric Matthew Hall**

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423 The Commission held the Application Hearing regarding Mr. Eric Matthew Hall's application to  
424 take the South Carolina Salesperson Examination. Mr. Hall appeared before the Commission  
425 where his identity was affirmed by the Court Reporter via Government Issued ID. Mr. Hall  
426 confirmed he would waive his right to legal counsel, and there were no witness testimony to be  
427 presented. He was further sworn in, and thereafter presented his testimony to the Commission.

428

429 **MOTION**

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431 Mr. Bethune motioned to allow Mr. Eric Matthew Hall take the South Carolina Salesperson  
432 Examination, Mr. Lee seconded the motion, the Commission voted unanimously in favor on the  
433 motion.

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435

436 **Michael Lee Mitchell**

437

438 The Commission held the Application Hearing regarding Mr. Michael Lee Mitchell's application  
439 to take the South Carolina Salesperson Examination. Mr. Mitchell appeared before the  
440 Commission where his identity was affirmed by the Court Reporter via Government Issued ID.  
441 Mr. Mitchell confirmed he would waive his right to legal counsel, and there were no witness  
442 testimony to be presented. He was further sworn in, and thereafter presented his testimony to the  
443 Commission.

444

445 **MOTION: Executive Session – 4:13 P.M.**

446 On the motion of Mr. Bethune, seconded by Ms. Mitchell, the Commission voted unanimously to  
447 enter into Executive Session for the purpose of receiving legal advice. Time of Executive Session  
448 was 4:13 p.m.

449

450 **MOTION: Reconvene from Executive Session – 4:48 P.M.**

451 On the motion of Mr. Lee, seconded by Ms. Mitchell the Commission voted unanimously to  
452 come out of Executive Session where the Commission received legal advice, but no actions were  
453 taken. Time of Reconvening from Executive Session was 4:48 p.m.  
454

455 **MOTION**

456 Mr. Rinehart motioned to deny the request of Mr. Michael Lee Mitchell to take the South  
457 Carolina Salesperson Exam due to the nature of the offense relating to grounds for denial under  
458 SC Code of Laws Section 40-57-710 (A) (5). Mr. Lockwood seconded the motion, and upon a  
459 Roll Call vote, the Commission voted 8 in favor and 1 abstaining, and the motion carried.  
460

461 Hearing no further discussions Chair Pratt called for a Roll Call Vote to the motion:

462 Ms. Pratt- Yes

463 Mr. Lockwood- Yes

464 Mr. Stackhouse- Yes

465 Mr. Rinehart- Yes

466 Mr. Poplin- Yes

467 Mr. Lee- Yes

468 Ms. Mitchell- Yes

469 Mr. Burnett- Yes

470

471 Mr. Bethune- abstained.

472

473

474 **Public Comments**

475

476 Mr. Austin Smallwood with the South Carolina Association of Realtors reported they had begun  
477 looking at fair housing legislation should the Real Estate Commission need assistance on this in  
478 the future.

479

480 **Adjournment**

481

482 **MOTION**

483 On the motion of Mr. Lockwood, seconded by Mr. Burnett, the Commission voted unanimously  
484 to adjourn. Time of Adjournment 5:05 p.m.