

1 **MINUTES**

2 **South Carolina Real Estate Commission**

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

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

5 **Wednesday, September 16, 2020 10:04 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 10:04
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 was 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 was
13 being held via Video/Teleconferencing.

14
15 **Roll Call of Commission Members and Staff**

16
17 Board members and Staff participating in the Video/Teleconference Meeting via WebEx Platform
18 included:

19
20 **Commission Members**

21
22 Candace Pratt - Chair - 1st Congressional District
23 Andy Lee - Vice Chair - 3rd Congressional District
24 David C. Lockwood, III - 2nd Congressional District
25 David Burnett - 4th Congressional District
26 John Rinehart - 5th Congressional District
27 Brown Bethune- 7th Congressional District
28 Wayne Poplin - At-Large Member
29 Johnathan Stackhouse - Public Member
30

31 **Staff Members**

32
33 Staff members participating during the meeting included Roderick Atkinson, Board
34 Administrator; Gina Sams, Administrative Assistant; Shaun Strother, Administrative Assistant;
35 Rodney Pigford, Office of Investigations and Enforcement; Rowland Alston, and Sonya Morris
36 with Office of Disciplinary Counsel; Rob Horner, Office of Advice Counsel.
37

38 **Approval of Excused Absences**

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40 On the motion of Mr. Lee, seconded by Mr. Lockwood, the Commission voted unanimously in
41 favor on the approval for the excused absence of Commissioner Janelle Mitchell.
42

43 **Approval of Agenda**

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45 Discussions were held on placing the matter of Background Checks to the Agenda. Due to
46 staying in compliance with Section 30-4-80, the Commission agreed to place the matter of
47 Background Checks on the next Commission Meeting, the following action was taken:
48

49 **MOTION**

50 Mr. Lockwood motioned to approve the Agenda as presented. Mr. Rinehart seconded the motion,
51 and hearing no opposition to the motion, the Commission voted unanimously in favor to approve
52 the motion, and the motion passed.

53

54 **Approval of Minutes -August 19 2020**

55

56 Mr. Lockwood stated he would make the motion, but addressed the stylistic changes of the
57 recording of motions, and requested to better indicate all motions were voted upon and to better
58 reflect that the motion passed vs the motion carried.

59

60 Mr. Rinehart addressed there were some scrivener errors where names were not spelled correctly.
61 He requested these to be corrected in the future.

62

63 Mr. Burnett addressed the name of Mr. Lee being listed on the vote on line items 570 and 571.
64 Upon discussions Chair Pratt requested for Mr. Lee's name to be removed from the vote, as he
65 was chairing the meeting and abstained from the action taken.

66

67 **MOTION**

68 Mr. Lockwood motioned to approve the South Carolina Real Estate Commission's August 19,
69 2020, meeting minutes, and for the minutes to be amended by correcting the spelling of the name
70 of Mr. Rinehart; and to change line item 571, by removing Mr. Lee from the vote, and recording
71 he abstained from the action taken. Mr. Rinehart, seconded the motion. The Commission voted
72 unanimously in favor for the motion, and the motion passed.

73

74 **Approval of Minutes -August 20 2020**

75

76 **MOTION**

77 Mr. Lee motioned to approve the August 20, 2020, minutes as amended with the spelling of Mr.
78 Rinehart's name to be corrected on lines 182, 22 (vote section), 221 (vote section) and 465 (vote
79 section) of the minutes. Mr. Poplin seconded the motion. The Commission voted unanimously
80 in favor to the motion, and the motion passed.

81

82 **Chair's Remarks - Candace Pratt**

83

84 Chair Pratt forewent any remarks.

85

86 **Administrator's Remarks - Rod Atkinson**

87

88 **Licensing Update**

89

90 Mr. Atkinson provided an update on the South Carolina Real Estate Commission's Licensing
91 Totals as of September 9, 2020, for informational purposes only and no actions were taken.

92

93 **Budget Update**

94

95 Mr. Atkinson provided an update on the South Carolina Real Estate Commission's Cash Report
96 as of August 31, 2020. The report detailed a Cash Summary for Fiscal Year 2019, 2020, 2021,
97 and included a Direct Expenditure Summary as well as an Indirect Expenditure Summary.

98

99 Discussions were held on the matter of reducing fees. Mr. Atkinson provided the history of what
100 led to fee reductions and stated the matter of fees are regulated and would require going through

101 the General Assembly for approval. Chair Pratt reported the matter of Fees to be placed on the
102 upcoming Commission Agenda.

103

104 **IRC Report (Rodney Pigford) - September 8, 2020**

105

106 Mr. Rodney Pigford presented the Commission with the IRC Report from its meeting held on
107 September 8, 2020. Mr. Pigford stated there was a correction to the Report presented to the
108 Commission regarding the number of Letter of Cautions. He stated the correct number of Letter
109 of Cautions were 7, and not 8 as the report indicated. The following recommended items were
110 reported to the Commission for their review and consideration of approval:

111

- 112 • Dismissals: 10
- 113 • Dismissal/Cease and Desist: 1
- 114 • Formal Complaint: 1
- 115 • Letter of Caution: 7

116

117 Discussions were held and the following action was taken:

118

119 **MOTION**

120 Mr. Lee motioned to approve the September 8, 2020, IRC Report as presented with the correction
121 to the number of Letter of Caution, which totaled 7. Mr. Stackhouse seconded the motion. The
122 Commission voted unanimously in favor to approve the motion, and the motion passed.

123

124 **-OIE Board Report (Rodney Pigford)**

125

126 Mr. Rodney Pigford presented the Commission with an OIE Board Report for informational
127 purposes only. The report outlined the total of Real Estate Cases the Office of Investigations and
128 Enforcement have received dating from 2017, 2018, 2019 and 2020. The report also included
129 categories of the complaints for years 2019 and 2020.

130

131 Discussions were held; no actions were taken.

132

133 **Disciplinary Hearing**

134

135 ***Mario Mitchell***

136

137 Chairman Pratt opened the hearing, and recognized the Respondent, Mr. Mario Mitchell, and
138 Representative of the State, Mr. Rowland Alston.

139

140 Mr. Mitchell appeared before the Commission to present testimony and was represented by legal
141 counsel, Paula Meyer. Both Mr. Mario Mitchell's and Counsel, Paula Meyer's, identities were
142 affirmed by the Court Reporter via Government Issued IDs. Mr. Mitchell was sworn in and
143 confirmed there would not be any witness testimony on his behalf.

144

145 Mr. Rowland informed the Commission that Mr. Mitchell had signed a Memorandum of
146 Agreement. The Commission reviewed said agreement and discussion ensued.

147

148 **MOTION: Executive Session**

149 On the motion of Mr. Lee, seconded by Mr. Bethune, the Commission voted unanimously in
150 favor to enter into Executive Session to receive legal advice. The motion passed. Time entering
151 into Executive Session was 11:32 a.m.

152 **MOTION: Executive Session**

153 Mr. Stackhouse motioned to come out of Executive Session were legal advice was
154 received, and there were no actions taken. Mr. Rinehart seconded the motion, and the
155 Commission voted unanimously in favor to approve the motion. The motion passed.
156 Time exiting from Executive Session was 11:59 a.m.

157

158 **MOTION**

159 Mr. Lee motioned to accept the MOA/Memorandum of Agreement And Stipulation of
160 Fact and that the burden of proof was met by the State for violations of S.C Code Ann
161 40-57-710 (A) (9) (Supp. 2017), S.C Code Ann 40-1-110 (1) (a) (2011), and S.C Code
162 Ann 40-57-710 (A) (1) (Supp. 2017), and that a public reprimand and a fine of \$250 be
163 executed.

164

165 Upon further discussion, Mr. Lee amended his motion to include violation SC Code Ann
166 40-1-110 (1) (F) as follows:

167

168 **AMENDED MOTION**

169 Mr. Lee motioned to amend the main motion to accept the MOA/Memorandum of
170 Agreement And Stipulation of Fact, agreeing with violations to S.C Code Ann 40-57-710
171 (A) (9) (Supp2017), S.C Code Ann 40-1-110 (1) (a) (2011), S.C Code Ann 40-57-710
172 (A) (1) (Supp2017) and SC Code Ann 40-1-110 (1) (F), and for a public reprimand and
173 fine of \$250 be executed. Mr. Stackhouse seconded the motion, as amended. The
174 Commission voted unanimously in favor to approve the motion, and the motion passed.

175

176 **MOTION**

177 Mr. Lee motioned for Mr. Mario Mitchell's fine of \$250 to be paid in 90 days. Mr.
178 Burnett seconded the motion. The Commission voted unanimously in favor to approve
179 the motion, and the motion passed.

180

181 **EXECUTIVE SESSION**

182

183 The Commission did not enter into Executive Session.

184

185 **Public Comments**

186

187 -Mr. Austin Smallwood with the South Carolina Association of Realtors commented on the
188 Nickname issue and encouraged for this item to be addressed in the near future and offered their
189 assistance, if needed. .

190

191 -Chair Pratt requested for Mr. Atkinson to place the matter of Update of Nickname on the next
192 Agenda.

193

194 -Discussions were held with Mr. Alston to clarifying how to proceed with presentations of
195 Disciplinary Hearing in the future.

196

197 -Mr. Atkinson confirmed the items to be included on the upcoming Agenda were as follows:

198

- Fees/Budget
- Background Checks
- Nicknames

199

200

201 - Mr. Burnett requested to be provided with an update in October on the issues relating to PSI and
202 Fingerprinting.

203

204 **Adjournment**

205

206 **MOTION**

207 On the motion of Mr. Burnett, seconded by Mr. Lee, the Commission voted unanimously to
208 adjourn, and the motion passed. Time of Adjournment 12:17 p.m.