

1 **MINUTES**

2 **South Carolina Real Estate Commission**

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

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

5 **Wednesday, November 18, 2020 10:08 a.m.**

6 **Video/ Teleconference Meeting**

7  
8 Meeting Called to Order

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10 Vice Chair Lee called the meeting of the South Carolina Real Estate Commission to Order at  
11 10:08 a.m. and announced the Public Notice of this Meeting had been properly posted at the S.C.  
12 Real Estate Commission Website, and provided to all requesting persons, organizations, and news  
13 media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act and  
14 in accordance with the Governors directive of Social Distancing; whereby, this Meeting being  
15 held via Video/Teleconferencing.

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17 Roll Call of Commission Members and Staff

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

21  
22 Commission Members

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

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34 Approval of Excused Absences

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36 There were no absences to excuse.

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38 Staff Members

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40 Staff members participating during the meeting included Roderick Atkinson, Board  
41 Administrator; Gina Sams, Administrative Assistant; Rodney Pigford, Office of Investigations  
42 and Enforcement; Rowland Alston, Office of Disciplinary Counsel; Adam Russell, Office of  
43 Advice Counsel.

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48 Approval of Agenda

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50 **MOTION**

51 On the motion of Mr. Lockwood, seconded by Mr. Lee, the Commission voted unanimously in  
52 favor to approve the November 18, 2020, Amended Agenda, removing the Disciplinary Hearing  
53 item; and the motion passed.

54

55 Approval of Minutes – October 21, 2020 Minutes

56

57 **MOTION**

58 On the motion of Mr. Rinehart, seconded by Mr. Burnett, the Commission voted unanimously in  
59 favor to approve the Commission’s October 21, 2020, meeting minutes with correction to line  
60 item 173, the spelling of Mr. Rinehart’s name; and the motion carried.

61

62 Chair’s Remarks– (Candace Pratt)

63

64 Chair Pratt forwent providing remarks; no action was taken.

65

66 Administrator’s Remarks – (Rod Atkinson)

67

68 Mr. Atkinson addressed the subject brought up in one of the Application Hearings. Mr.  
69 Atkinson was asked if he had any other information on the applicant’s background check  
70 not disclosed in the hearing. For the purpose of clarifying, he stated when reviewing an  
71 applicant he has not been scheduling the applicant for a hearing, until they have made  
72 disclosures of the offense(s) for which there are concerns the Commission would need to  
73 hear.

74

75 Mr. Dean Grigg, Deputy Director of Labor, Licensing and Regulations addressed the  
76 Commission on the subject of background checks and conversation brought before him  
77 with the specific concerns of truthfulness or nondisclosure of offenses by those who  
78 come before the Commission. Mr. Grigg stated when someone comes before the  
79 Commission they are availing themselves to questioning by the Commission. Should the  
80 applicant not be forthcoming, and Mr. Atkinson has information stipulating otherwise,  
81 then it is allowable for him to disclose pertinent information to the Commission, so long  
82 as it is within the jurisdictional authority provided to the Commission.

83

84 Discussions ensued and there were no actions taken.

85

86 **Education and Research Fund Task Force Update**

87

88 Mr. Atkinson reported there were no meetings coordinated for the Education and  
89 Research Fund Task Force, but he would continue to attempt to coordinate a meeting  
90 before the end of the year if possible, or after the first of the 2021 year.

91

92 **IRC Report – 11/2/2020 – (Rodney Pigford)**

93

94 For the Commission’s consideration of approval, Mr. Rodney Pigford with the Office of  
95 Investigations and Enforcement presented the IRC Report from its November 2, 2020, meeting.

96 Mr. Pigford reported the IRC’s recommendation consisted of 16 Dismissals, 1 Dismissal with an  
97 Order to Cease and Desist, 7 Letters of Caution, and 1 Case was brought back to the IRC for  
98 reconsideration for a Letter of Caution.  
99

100 **MOTION**

101 On the motion of Mr. Lockwood, seconded by Mr. Lee, the Commission voted unanimously in  
102 favor to approve all categories of the November 2, 2020, IRC Meeting Report, and the motion  
103 passed.  
104

105 Mr. Atkinson recognized Mr. Rowland Alston with the Office of Disciplinary Counsel, who  
106 provided a brief report on the 2 Disciplinary Cases to be presented to the SC Real Estate  
107 Commission on December 17, 2020.  
108

109 **Renewal Background Checks/Fingerprinting – (Tamara Moore – Idemia)**

110  
111 Mr. Atkinson reported the Criminal Background Check Task Force members had requested to  
112 speak with a representative of the fingerprinting company, IdentiGO (Idemia) for the purposes of  
113 addressing the issue of availability of appointments to get fingerprinted when moving into  
114 renewals.  
115

116 Mr. Atkinson recognized Ms. Tamara Moore and Kristin Hill with Idemia. Upon discussions  
117 with members of the Commission, Ms. Moore reported the following 7 permanent fingerprinting  
118 sites, which are available daily throughout the State of South Carolina:  
119

- 120 Greenville
- 121 Columbia
- 122 North Augusta
- 123 Rock Hill
- 124 Mt. Pleasant
- 125 Florence
- 126 Myrtle Beach

127  
128 Ms. Moore stated it would be ideal if the SC Real Estate Commission and Associations would  
129 offer space to pre-plan on pre-established dates in different areas where Idemia could come-in for  
130 registered appointments. Ms. Moore stated there would not be an expense for Idemia to come  
131 onsite, but there would be a requirement of at least 30 people to be fingerprinted, and for the  
132 space to provide privacy as well as ample time to set up equipment and conduct enrollments. She  
133 stated they would prefer a hardwired internet connection be available at the location, if possible.  
134

135 Chair Pratt agreed with the possibility of Idemia being able to utilize the Associations and their  
136 spaces for registering appointments with licensees, but stated she wanted to make sure this would  
137 be available to all licensees and not just Association licensees.  
138

139 Mr. Atkinson reported receiving confirmation from SLED that the SC Real Estate Commission  
140 could start the “Fingerprinting Process” as long as the Commission has a licensee file for the  
141 individual; and whereby, the licensee will have availed themselves, essentially to the jurisdiction  
142 of the Commission, and the Commission’s ability under Statue to request the Fingerprint  
143 Background Check. Therefore, allowing the Commission to start the “Fingerprinting Process”  
144 before the Renewal Process.  
145

146 Mr. Atkinson reported there were coordination efforts underway on logistics with IT for the  
147 purpose of being able to document and record dates, ensuring the system works and does not  
148 duplicate licensees, and flags them only when due to provide a background check for renewal or  
149 reactivation. Additionally, other issues were being addressed to make sure all contact information  
150 was in the system for notification purposes, and having instructions built into the renewal process.

151

152 New Business

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154 **Fair Housing – Nick Kremydas (SC Association of Realtors)**

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156 Mr. Kremydas came before the Commission and requested for the Commission to consider  
157 creating a Fair Housing Task Force to address issues of Fair Housing in the State of South  
158 Carolina.

159

160 Mr. Kremydas also stated the SC Association of Realtors were available to assist with any of the  
161 fingerprinting issues if anything needs to be done through the legislature.

162

163 Advice Counsel, Adam Russell, stated the Practice Act incorporates the Fair Housing Laws and  
164 has disciplinary cause of action against licensees for violations of Fair Housing Laws, and  
165 requires office policies regarding brokerage compliance with Fair Housing Laws. The actual Fair  
166 Housing Laws are administered by the SC Human Affairs Commission. He explained that the  
167 Practice Act does incorporate a reference to compliance with the Fair Housing Laws.

168

169 Unfinished Business

170

171 **Criminal Background Check Task Force Recommendations**

172

173 Mr. Atkinson reported the South Carolina Real Estate Commission Criminal Background Check  
174 Task Force held a meeting on November 9, 2020, for the purpose of reviewing, discussing and  
175 making legislative recommendations to Commission. The three Commission members serving on  
176 the SC REC CBC Task Force were Commissioners Andy Lee (Chaired), David Lockwood and  
177 David Burnett.

178

179 Mr. Atkinson provided explanations on the two recommended options coming from the SC REC  
180 CBC Task Force. He stated the recommendation for *Option One* to amend the language to  
181 Section 40-57-115 was made during the SC REC CBC Task Force meeting. While the *Alternate*  
182 *Option* to amend the language to section 40-57-115 was made after the meeting and after  
183 speaking with General Counsel.

184

185 The South Carolina Criminal Background Check Task Force (SC REC CBC Task Force)  
186 recommendations are as follows:

187

188

189 **SC REC CBC Task Force Meeting Recommended Language Amendment**

190 *Option Discussed in Meeting (Amended Section Underlined)*

191

192 **SECTION 40-57-115** Criminal background checks required for initial applicants and licensure  
193 renewals. In addition to other requirements established by law and for the purpose of determining  
194 an applicant's eligibility for licensure as a salesman, broker, broker-in-charge, property manager,  
195 and property manager-in-charge, the commission shall require initial applicants and applicants for  
196 licensure renewal to submit to a state fingerprint-based criminal records check, to be conducted

197 by the State Law Enforcement Division (SLED), and a national criminal records check, supported  
198 by fingerprints, by the FBI, and a social security number based criminal records check from a  
199 source approved by the Commission. Costs of conducting a criminal records checks must be  
200 borne by the applicant. The commission shall keep information received pursuant to this section  
201 confidential, except that information relied upon in denying licensure may be disclosed as  
202 necessary to support the administrative action.

203  
204 **SC REC CBC Task Force ALTERNATE OPTION Recommended Language**  
205 **Amendment** *Option Discussed after Meeting with General Counsel (Amended Section*  
206 *Stricken and Underlined)*

207  
208 **SECTION 40-57-115.** Criminal background checks required for initial applicants and licensure  
209 renewals. In addition to other requirements established by law and for the purpose of determining  
210 an applicant's eligibility for licensure as a salesman, broker, broker-in-charge, property manager,  
211 and property manager-in-charge, the commission shall require initial applicants ~~and applicants~~  
212 ~~for licensure renewal~~ to submit to a state fingerprint-based criminal records check, to be  
213 conducted by the State Law Enforcement Division (SLED), and a national criminal records  
214 check, supported by fingerprints, by the FBI. As a condition of active license renewal,  
215 individuals licensed under this chapter shall submit to a social security number based criminal  
216 records check every third renewal from a source approved by the Commission. Costs of  
217 conducting a criminal records check must be borne by the applicant. The commission shall keep  
218 information received pursuant to this section confidential, except that information relied upon in  
219 denying licensure may be disclosed as necessary to support the administrative action.

220  
221 Upon discussion(s) the following action was taken by the Commission on the recommendation(s)  
222 of legislative changes:

223  
224 **MOTION**

225 Mr. Burnett motioned for the South Carolina Real Estate Commission to support the language  
226 provided by the South Carolina Real Estate Commission Criminal Background Check Task Force  
227 recommending that social security based criminal record background checks be included, in  
228 addition to the FBI Background Checks, required in the current law; and this would be a  
229 recommendation that could be conveyed to the General Assembly if they ask the position of the  
230 Commission. The Commission further would approve the Alternate Option, provided by the  
231 South Carolina Real Estate Commission Criminal Background Check Task Force, if in  
232 negotiating with General Assembly the entities involved cannot get the original recommendation  
233 approved. The South Carolina Real Estate Commission would support the Alternate Option,  
234 which is going to the social security base background checks for the renewals and the fingerprint  
235 based checks for new licensee(s). Mr. Rinehart seconded the motion and the Commission voted  
236 unanimously; and, the motion passed.

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240 **Commission Officer Election**

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242 **MOTION- Election of Chair**

243 On the motion of Ms. Mitchell, seconded by Mr. Poplin, the Commission voted unanimously to  
244 elect Commissioner Andy Lee as Chair of the South Carolina Real Estate Commission; the  
245 motioned passed.

248 **MOTION- Election of Vice Chair**

249 On the motion of Mr. Poplin, seconded by Ms. Mitchell, the Commission voted unanimously to  
250 elect Commissioner David Lockwood as Vice Chair of the South Carolina Real Estate  
251 Commission; the motioned passed.

252

253 **Executive Session**

254 Executive Session was not needed.

255

256 **Public Comments**

257 There were no comments received.

258

259 **Adjournment**

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261 **MOTION**

262 On the motion of Mr. Lee, seconded by Ms. Mitchell, the Commission voted unanimously to  
263 adjourn. Time of Adjournment was at 12:07 p.m.