

1 **MINUTES**

2 **South Carolina Real Estate Commission**

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

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

5 **Wednesday, December 17, 2020 10:05 a.m.**

6 **Video/ Teleconference Meeting**

7  
8 Meeting Called to Order

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10 Chair Lee called the meeting of the South Carolina Real Estate Commission to Order at 10:05  
11 a.m. and announced the Public Notice of this Meeting had been properly posted at the S.C. Real  
12 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.  
14 And in accordance with the Governors directive of Social Distancing; whereby, this Meeting  
15 being 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

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24 Andy Lee – Chair - 3<sup>rd</sup> Congressional District  
25 David C. Lockwood, III –Vice Chair - 2<sup>nd</sup> Congressional District  
26 Candace Pratt - 1<sup>st</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 Wayne Poplin - At-Large Member  
31 Johnathan Stackhouse - Public Member

32  
33 Approval of Excused Absences

34  
35 **MOTION**

36 On the motion of Ms. Pratt, seconded by Rinehart, the Commission voted unanimously in favor  
37 to approve the absence of Mr. Brown Bethune.

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39 Staff Members

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

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47 Approval of Agenda

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**MOTION**

Ms. Pratt motioned to approve the December 17, 2020, Agenda as amended to add the excused absence of Commissioner Brown Bethune, Ms. Mitchell seconded the motion, and Commission voted unanimously in favor to approve the motion.

Chair’s Remarks– (Andy Lee)

Chair Lee forwent providing remarks; no action was taken.

Administrator’s Remarks – (Rod Atkinson)

Administrator Atkinson forwent providing remarks.

Disciplinary Hearings

**Joseph Iwanski (2018-150)**

Chair Lee opened the hearing, and confirmed the presence of the Respondent, Mr. Joseph Iwanski.

The identities of both Mr. Iwanski and his legal counsel, Mr. Clarence Davis with Griffin and Davis Law Firm, were affirmed by the Court Reporter via Government Issued IDs.

Mr. Davis stated the 2 witnesses who would provide testimony were Mr. Iwanski and Ms. LeTreka Pinkney, and both witnesses had their identities affirmed by the Court Reporter via Government Issued IDs.

Mr. Rowland Alston, representative of the State with the Office of Disciplinary Counsel, presented their case, which involved allegations of misconduct in the practice of Property Management or failure to maintain the statutorily required records as well as trust account.

Mr. Alston announced the State had one witness to call, Ms. Michelle Bennett. Mr. Alston stated that concluding this case, the State’s recommendation would be a public reprimand as well as for a property manager-in-charge course.

Mr. Alston concluded his opening statement and acknowledge the Respondent’s Counsel, Mr. Davis, to provide opening remarks.

Mr. Clarence Davis came before the Commission to present opening remarks as the representative for Mr. Iwanski. Mr. Davis concluded that he would ask for this case to be dismissed or for there to be a finding of no misconduct.

Chair Lee recognized the State’s representative, Mr. Alston to present its case.

Mr. Alston recognized the State’s witness, Ms. Michelle Bennett, to be sworn in to provide her testimony. Ms. Bennett provided her testimony and confirmed she was the assigned Real Estate Investigator with the South Carolina Labor, Licensing and Regulation who handled the initial complaint for this case. Ms. Bennet affirmed the information in the Exhibits presented by the State. Mr. Davis cross examined the State’s witness, Ms. Michelle Bennett.

99 Mr. Alston yielded time for Commission members to ask questions of the witness; and, upon  
100 further questions by Mr. Alston and Mr. Davis, and the witness was dismissed.

101  
102 Mr. Alston concluded by reporting the State had no other witnesses; and, the State's position was  
103 that with the testimony of Ms. Michelle Bennett and with the Exhibits that were stipulated, the  
104 State had met its conditions of proving misconduct in this case, subject to any defense of  
105 mitigation that Mr. Davis may offer with witnesses.

106  
107 Mr. Davis recognized Ms. LeTreka Pinkney to be sworn in to provide her testimony on behalf of  
108 the Respondent, Mr. Iwanski. Ms. Pinkney provided her testimony. Mr. Alston cross examined  
109 the witness.

110  
111 Time was yielded to the Commissioners to ask questions of the witness. Upon there being no  
112 further questions, the witness was dismissed.

113  
114 Mr. Davis recognized the Respondent, Mr. Iwanski, to be sworn in to provide his testimony. Mr.  
115 Iwanski presented his testimony.

116  
117 The Chair called for a brief Recess.

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119 **RECESS- Convened at 12:05 p.m.**

120 Chair Lee called for a 10 minute break.

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122 **RECESS- Reconvened at 12:13 p.m.**

123 Chair Lee called the meeting back to Order.

124  
125 Mr. Iwanski continued his testimony, and upon Mr. Davis concluding his questioning, Mr. Alston  
126 crossed examined the witness.

127  
128 Time was yield to provide an opportunity for the Commission to ask questions of the witness.

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130 Chair Lee called to receive the closing arguments.

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132 Mr. Alston provided a closing argument statement.

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134 Mr. Davis provided a closing argument statement.

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136 **Executive Session- Convened at 12:54 p.m.**

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138 **MOTION**  
139 On the motion of Mr. Lockwood, seconded by Mr. Rinehart, the Commission voted unanimously  
140 in favor to enter into Executive Session to receive legal advice.

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142 **Executive Session- Reconvened at 1:10 p.m.**

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144 **MOTION**  
145 On the motion of Ms. Pratt, seconded by Ms. Rinehart, the Commission voted unanimously to  
146 come out of Executive Session where legal advice was received, and no actions were taken.

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148 **MOTION**

149 Mr. Burnett motioned and Mr. Lockwood seconded, that the State had met its burden of  
150 proof regarding the Respondents violations to the following South Carolina Codes; and,  
151 recommended for a letter of reprimand be placed on the file of the Respondent, and  
152 should the Respondent choose to reactivate his license, he would be required to take the  
153 property manager-in-charge licensing course:

- 154  
155 A. S.C. Code Ann. § 40-57-136(A)(1) (2017 Supp.) in that  
156 Respondent did not establish and maintain control of and  
157 responsibility for an active real estate trust account designated  
158 and titled to include the word "trust" or "escrow" and in the  
159 name of the real estate brokerage firm for which the  
160 Respondent's license is issued .  
161  
162 B. S.C. Code Ann.§ 40-57-136 (B)(1) (2017 Supp.) in that  
163 Respondent as property manager-in-charge failed to ensure  
164 that accurate and complete records, as required were  
165 maintained for real estate trust account.  
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167  
168 C. S.C. Code Ann.§ 40-57-136 (B)(3) (2017 Supp.) in that  
169 Respondent as property manager-in-charge allowed the  
170 commingling of trust funds.  
171

172 Upon discussions, the following amendment to the main motion was made:  
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174 **MOTION**

175 Mr. Burnett motioned to amend the main motion to restate that the recommendation was to place  
176 a letter of *public* reprimand in the file of the Respondent. Mr. Lockwood seconded the  
177 amended main motion. The Commission voted six in favor to approve the amended main  
178 motion and one opposed; the motion passed.  
179

180 **RECESS- Convened at 1:20 p.m.**

181 Chair Lee called for a 30 minute lunch break.  
182

183 **RECESS- Reconvened at 2:02 p.m.**

184 Chair Lee called the meeting back to Order.  
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187 **Menatalla Effat (2018-453)**  
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189 Chair Lee opened the Disciplinary Hearing, and confirmed the absence of the Respondent, Ms.  
190 Menatalla Effat. Chair Lee confirmed the Respondent was served with notice of this hearing.  
191

192 Chair Lee recognized the State's Representative, Mr. Rowland Alston to provide present opening  
193 remarks.  
194

195 Mr. Alston provided the history of this case as well as referenced the Exhibits to be presented,  
196 and reported the State's charge that the Respondent violated the following South Carolina Codes:  
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- 198 a. S.C. Code Ann. § 40-57-710(A)(1) (2017 Supp.) in that Respondent has made a  
199 substantial misrepresentation on an application for real estate licensure.  
200  
201 b. S.C. Code Ann. § 40-57-710(A)(5) (2017 Supp.) in that Respondent, in the practice of  
202 real estate, demonstrated bad faith, dishonesty, untrustworthiness, or incompetency in a  
203 manner to endanger the interest of the public; and  
204  
205 c. S.C. Code Ann. § 40-1-110(l)(b) (2017 Supp.) in that Respondent has had a license to  
206 practice a regulated profession or occupation in another jurisdiction suspended or has  
207 otherwise been disciplined.  
208

209 Mr. Alston stated that upon conclusion of this case it was the State's intention to ask for a public  
210 reprimand and for an indefinite suspension of the Respondent's license, and should he/she need to  
211 practice real estate, it would be required for the Respondent to come before the Commission.  
212

213 Mr. Alston called for the swearing in of State's witnesses, Ms. Sonya Morse with the South  
214 Carolina Labor, Licensing and Regulations, Office of Disciplinary Counsel, and Ms. Margaret  
215 Spence the former Real Estate Investigator with South Carolina Labor, Licensing and Regulations  
216 who was assigned to this case initially. Both witnesses had their identities affirmed by the Court  
217 Reporter via Government Issued IDs.  
218

219 Mr. Alston called Ms. Sonya Morse to present her testimony. Ms. Morse provided her testimony  
220 and affirmed the information in the Exhibits presented by the State. The State entered Exhibit's  
221 #1-3 into evidence. The witness was dismissed.  
222

223 Mr. Alston called Ms. Margaret Spence to present her testimony. Ms. Spence provided her  
224 testimony and affirmed the information in the Exhibits present by the State. The State entered  
225 Exhibits #4-8 into evidence. The witness was dismissed.  
226

227 Mr. Alston provided his closing statement and reported it was the State's position for the  
228 Respondent to receive a public reprimand and a suspension of the Respondent's license with a  
229 mandatory board appearance if she is to practice real estate in South Carolina.  
230

231 **Executive Session-** Convened 2:55 p.m.  
232

233 **MOTION**

234 On the motion of Ms. Pratt, seconded by Mr. Lockwood. The Commission voted unanimously in  
235 favor to enter into Executive Session for the purpose of receiving legal advice.  
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238 **Executive Session-** Reconvened 3:08 p.m.  
239

240 **MOTION**

241 On the motion of Mr. Rinehart, seconded by Ms. Mitchell, the Commission voted unanimously to  
242 exit from Executive Session were legal advice was received and no actions were taken.  
243

244 **MOTION**

245 Ms. Pratt motioned and Mr. Rinehart seconded, that the State had met its burden of proof  
246 regarding the Respondents all 3 violations (provided below) to South Carolina Codes and  
247 recommended the Respondent's license in South Carolina be revoked and a penalty of  
248 \$1000 per violation be paid to the Commission prior to any request for licensure in the

249 future. The Commission voted unanimously in favor to approve the motion, and the  
250 motion passed.

251

252 a. S.C. Code Ann. § 40-57-710(A)(1) (2017 Supp.) in that Respondent has made a  
253 substantial misrepresentation on an application for real estate licensure.

254

255 b. S.C. Code Ann. § 40-57-710(A)(5) (2017 Supp.) in that Respondent, in the practice of  
256 real estate, demonstrated bad faith, dishonesty, untrustworthiness, or incompetency in a  
257 manner to endanger the interest of the public; and

258

259 c. S.C. Code Ann. § 40-1-110(l)(b) (2017 Supp.) in that Respondent has had a license to  
260 practice a regulated profession or occupation in another jurisdiction suspended or has  
261 otherwise been disciplined.

262

263 Executive Session- Convened 3:11 p.m.

264

265 **MOTION**

266 Mr. Rinehart motioned to enter into Executive Session, Ms. Pratt seconded the  
267 motion.

268

269 Upon discussion the following amendment to main motion was made:

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271 **MOTION**

272 On the motion of Mr. Rinehart, seconded by Ms. Pratt, the Commission voted unanimously in  
273 favor to enter into Executive Session to receive legal advice.

274

275 Executive Session- Reconvened 3:43 p.m.

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277 **MOTION**

278 On the motion of Mr. Pratt, seconded by Ms. Mitchell, the Commission voted unanimously in  
279 favor to exit Executive Session were legal advice was received and no action was taken.

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281 **Public Comments**

282 There were no comments received.

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286 **Adjournment**

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288 **MOTION**

289 On the motion of Mr. Poplin, seconded by Mr. Rinehart, the Commission voted unanimously in  
290 favor to adjourn. Time of Adjournment was at 3:44 p.m.