

1 **MINUTES**

2 **South Carolina Real Estate Commission**

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

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

5 **Wednesday, February 17, 2021, 10:00 a.m.**

6 **Video/ Teleconference Meeting**

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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  
11 10:00 a.m. and announced the Public Notice of this Meeting had been properly posted at  
12 the S.C. Real Estate Commission Website, and provided to all requesting persons,  
13 organizations, and news media in compliance with Section 30-4-80 of the South Carolina  
14 Freedom of Information Act. And in accordance with the Governors directive of Social  
15 Distancing; whereby, this Meeting 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  
20 Platform 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 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  
42 Investigations and Enforcement; Rowland Alston, Office of Disciplinary Counsel; Gigi  
43 Lewis and Kyle Tennis with the Office of Advice Counsel.  
44

45 **Approval of Agenda**

46

47 **MOTION**

48 On the motion of Ms. Pratt, seconded by Ms. Mitchell, the Commission voted unanimously in  
49 favor to approve the February 17, 2021, Agenda as presented.

50

51 **Approval of Minutes – January 20, 2021**

52

53 **MOTION**

54 On the motion of Mr. Lockwood, seconded by Mr. Rinehart, the Commission voted unanimously  
55 in favor to approve the Commission’s January 20, 2021, meeting minutes, and the motion passed.

56

57 **Chair’s Remarks– (Andy Lee)**

58

59 Chair Lee forwent providing remarks.

60

61 **Administrator’s Remarks – (Rod Atkinson)**

62

63 Mr. Atkinson recognized Mr. Rodney Pigford with the Office of Investigations and  
64 Enforcement for the purpose of Mr. Pigford presenting the following report:

65

66 **IRC Report – 2/4/2021 – (Rodney Pigford)**

67

68 For the Commission’s consideration of approval, Mr. Rodney Pigford with the Office of  
69 Investigations and Enforcement presented the IRC Report from its February 4, 2021, meeting.  
70 Mr. Pigford reported the IRC’s recommendations were for 37 cases, which consisted of 26  
71 Dismissals, 2 Formal Complaints, and 9 Letters of Caution.

72

73 **MOTION**

74 On the motion of Mr. Stackhouse, seconded by Ms. Pratt, the Commission voted unanimously in  
75 favor to approve all categories of the February 4, 2021, IRC recommendations, and the motion  
76 passed.

77

78 **2021 Statement of Economic Interest (Deadline March 30, 2021)**

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80 Mr. Atkinson reported the annual deadline of March 30, 2021, for Commissioners to file  
81 their 2021 Statement of Economic Interest with the Ethics Commission.

82

83 **IRC Guidance on Statute: 40-57-710 (A)(24)**

84

85 Mr. Atkinson provided an overview of the issue. Addressed in the overview was the  
86 removal of language from the pre-2017 law once found in 40-57-145 (A) (22). From the  
87 pre-2017 law the language in 40-57-145 (A) (23) is now moved to 40-57-710(A) (24).

88

89 **Current Law**

90

91 **SECTION 40-57-710.** Grounds for denial of issuance of license or for disciplinary action  
92 against licensee. (A) In addition to Section 40-1-110, the commission may deny issuance  
93 of a license to an applicant or may take disciplinary action against a licensee who:

94

95 (24) engages in a practice or takes action inconsistent with the agency  
96 relationship that other real estate licensees have established with their clients;

97

98 **Pre-2017 law**

99

100 **SECTION 40-57-145.** Grounds for denial of issuance of license or for disciplinary  
101 action.(A) In addition to Section 40-1-110, the commission may deny issuance of a  
102 license to an applicant or may take disciplinary action against a licensee who:

103

104 (22) induces a party to break a contract of sale or lease, listing agreement, or buyer  
105 agency agreement;

106

107 (23) engages in a practice or takes action inconsistent with the agency  
108 relationship that other real estate licensees have established with their clients;

109

110 The question posed from the IRC for guidance was as follows:

111

112 If a licensee encourages a client of another brokerage to break a representation  
113 agreement, does that invoke 40-57-710(A)(24) in the current licensing  
114 law?

115

116 Discussion ensued. Chair Lee and other Commissioners agreed that the language in the  
117 current law found in 40-57-710(A)(24) includes activities under the former 40-57-  
118 145(A)(22) such as inducing a party to break a listing or buyer agency agreement and is a  
119 redundancy.

120

121 Application Hearings

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123 **Angela Lynnese Dogan**

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125 The Commission held the Application Hearing regarding Ms. Angela Lynnese Dogan's  
126 application to take the South Carolina Salesperson Examination. Ms. Dogan appeared  
127 before the Commission where her identity was affirmed by the Court Reporter via  
128 Government Issued ID. Ms. Dogan confirmed she would not be represented by legal  
129 counsel, and there would not be any witness testimony presented.

130

131 Ms. Dogan was sworn in and presented her testimony to the Commission. Discussions  
132 were held and the following action was taken:

133

134 **MOTION**

135 Mr. Lockwood motioned to approve Ms. Angela Lynnese Dogan's application to take the  
136 South Carolina Salesperson Examination, Mr. Bethune seconded the motion, and the  
137 Commission voted in favor to approve the motion 7-1 with Ms. Mitchell voting nay. The  
138 motion passed.

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140 **Ryan Norman Kuhn**

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The Commission held the Application Hearing regarding Mr. Ryan Norman Kuhn's application to take the South Carolina Salesperson Examination. Mr. Kuhn appeared before the Commission where his identity was affirmed by the Court Reporter via Government Issued ID. Mr. Kuhn confirmed he would not be represented by legal counsel. It was confirmed there were two witnesses, Mr. Gary Watts and Mr. Pat Strubbe to provide testimony. .

Mr. Kuhn and both witnesses, Mr. Watts and Mr. Strubbe, were sworn in and presented their testimonies to the Commission. Discussions were held and the following actions were taken:

**MOTION**

Mr. Rinehart motioned to approve Mr. Ryan Norman Kuhn's application to take the South Carolina Salesperson Examination.

The motioned was not seconded, and the motion failed to pass..

**Executive Session- Convened 11:05 a.m.**

**MOTION**

On the motion of Ms. Pratt, seconded by Mr. Bethune, the Commission voted unanimously in favor to enter into Executive Session for the purpose of receiving legal advice.

**Executive Session- Reconvened 11:29 a.m.**

**MOTION**

On the motion of Mr. Lockwood, seconded by Ms. Pratt, the Commission voted unanimously in favor to exit from Executive Session where legal advice was received, and no actions were taken.

**MOTION**

Mr. Rinehart motioned to approve Mr. Ryan Norman Kuhn's application to take the South Carolina Salesperson Examination, Ms. Pratt seconded the motion, and the Commission voted unanimously in favor to the motion. The motion passed.

**RECESS**- 11:31 a.m. -11:42 a.m.

Chair Lee called for a five minute recess.

**Randesha Rykill Johnson**

The Commission held the Application Hearing regarding Ms. Randesha Rykill Johnson's application to take the South Carolina Salesperson Examination.

186 Ms. Johnson appeared before the Commission where her identity was affirmed by the  
187 Court Reporter via Government Issued ID. Ms. Johnson confirmed she would not be  
188 represented by legal counsel, and there would not be any witness testimony presented.  
189

190 Ms. Johnson was sworn in and presented her testimony to the Commission. Discussions were  
191 held, and the following action was taken:  
192

193 **MOTION**

194 Ms. Mitchell motioned to approve Ms. Randesha Rykill Johnson's application to take the  
195 South Carolina Salesperson Examination, Mr. Bethune seconded the motion, and the  
196 Commission voted in favor to approve the motion 7-1 with Mr. Lockwood voting nay.  
197 The motion passed.  
198

199 **Shadwick Ballenger**  
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201 The Commission held the Application Hearing regarding Mr. Shadwick Ballenger's  
202 application to take the South Carolina Salesperson Examination. Mr. Ballenger appeared  
203 before the Commission where his identity was affirmed by the Court Reporter via  
204 Government Issued ID. Mr. Ballenger confirmed he would not be represented by legal  
205 counsel, and there would not be any witness testimony presented.  
206

207 Mr. Ballenger was sworn in and presented his testimony to the Commission.  
208

209 Mr. Roderick Atkinson, Administrator of the South Carolina Real Estate Commission, was sworn  
210 in to provide testimony to the Commission.  
211

212 Discussions were held and the following action was taken:  
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214 **MOTION**

215 Mr. Lockwood motioned to deny Mr. Shadwick Ballenger's application to take the South  
216 Carolina Salesperson Examination due to the convictions presented in the applicant's  
217 background check report. Mr. Poplin seconded the motion, The Commission voted in  
218 favor to deny the application of Mr. Ballenger 7-1 with Mr. Stackhouse voting nay. The  
219 motion passed.  
220

221 **Michael Allen**  
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223 The Commission held the Application Hearing regarding Mr. Michael Allen's application  
224 to take the South Carolina Salesperson Examination. Mr. Allen appeared before the  
225 Commission where his identity was affirmed by the Court Reporter via Government  
226 Issued ID. Mr. Allen confirmed he would not be represented by legal counsel, and there  
227 would not be any witness testimony presented.  
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229 Mr. Allen was sworn in and presented his testimony to the Commission. Discussions were held,  
230 and the following actions were taken:  
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**Executive Session- Convened 1:04 p.m.**

**MOTION**

On the motion of Mr. Stackhouse, seconded by Ms. Mitchell, the Commission voted unanimously in favor to enter into Executive Session for the purpose of receiving legal advice.

**Executive Session- Reconvened 1:20 p.m.**

**MOTION**

On the motion of Mr. Stackhouse, seconded by Ms. Pratt, the Commission voted unanimously in favor to exit from Executive Session where legal advice was received, and no actions were taken.

**MOTION**

On the motion of Mr. Rinehart, seconded by Mr. Bethune, the Commission voted unanimously in favor to approve Mr. Michael Allen take the South Carolina Salesperson Examination. The motion passed.

**RECESS-** 1:31 p.m. - 1:44 p.m.

Chair Lee called for a brief recess.

**Paige M. Green**

The Commission held the Application Hearing regarding Ms. Paige M. Green's application to take the South Carolina Property Manager Examination. Ms. Green appeared before the Commission where her identity was affirmed by the Court Reporter via Government Issued ID. Ms. Green confirmed she would not be represented by legal counsel, and there would not be any witness testimony presented.

Ms. Green was sworn in and presented her testimony to the Commission. Discussions were held and the following actions were taken:

**MOTION (Tied)**

On the motion of Ms. Pratt to approve the application, seconded by Mr. Bethune, the Commission voted four in favor and four opposed to the motion.

In Favor: Ms. Pratt, Mr Bethune, Mr. Poplin, Mr. Lockwood  
Opposed: Mr. Burnett, Ms. Mitchell, Mr. Stackhouse, Mr. Rinehart

Due to a tie vote, Ms. Pratt requested to place this motion on hold for the purpose of going into Executive Session to receive legal advice.

**Executive Session- Convened 2:03 p.m.**

283 **MOTION**  
284 On the motion of Ms. Pratt, seconded by Mr. Lockwood, the Commission voted  
285 unanimously in favor to enter into Executive Session to receive legal advice.

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287 **Executive Session- Reconvened 2:08 p.m.**

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289 **MOTION**  
290 On the motion of Mr. Lockwood, seconded by Mr. Rinehart, the Commission voted  
291 unanimously in favor to exit into Executive Session to receive legal advice.

292  
293 **MOTION (Final)**  
294 On the motion of Ms. Pratt, seconded by Mr. Bethune, the Commission voted 5-4 to  
295 approve Ms. Paige M. Green to take the South Carolina Property Manager Examination.  
296 Chair Lee provided the tie breaking vote and the motion passed.

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298 **Unfinished Business**

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300 **Dual Agency Agreement Form**

301  
302 Mr. Atkinson presented the Commission with an updated Dual Agency document for approval.

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304 **MOTION**  
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306 On the motion of Mr. Lockwood, seconded by Mr. Poplin, the Commission voted  
307 unanimously in favor to approve the updated February 2021 Dual Agency, as presented.

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309 **Designated Agency Agreement Form**

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311 Mr. Atkinson presented the Commission with an updated Designated Agency Agreement Form  
312 for approval.

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314 **MOTION**  
315 On the motion of Mr. Rinehart, seconded by Ms. Mitchell, the Commission voted  
316 unanimously in favor to approve the updated February 2021 Designated Agency  
317 Agreement Form, as presented.

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319 **2021 Legislation**

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321 Mr. Atkinson addressed the following pending legislation. Discussion were held and  
322 there were no actions taken:

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324 **2021 Pending Legislation**

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326 **S.47**

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328 TO AMEND ARTICLE 1, CHAPTER 50, TITLE 27 OF THE 1976 CODE, RELATING TO  
329 RESIDENTIAL PROPERTY CONDITION DISCLOSURE STATEMENTS, TO REQUIRE

330 WATER QUALITY TESTS FOR WELLS AS A CONDITION OF CLOSING A REAL  
331 ESTATE TRANSACTION.

332

333 **S.158**

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335 TO AMEND SECTION 40-57-340, CODE OF LAWS OF SOUTH CAROLINA, 1976,  
336 RELATING TO EXEMPTIONS FROM CONTINUING EDUCATION REQUIREMENTS FOR  
337 REAL ESTATE BROKERS AND SALESPERSONS, SO AS TO PROVIDE AN EXEMPTION  
338 TO THE BIENNIAL CONTINUING EDUCATION REQUIREMENT FOR BROKERS AND  
339 SALESPERSONS WHO HAVE TWENTY-FIVE YEARS OF LICENSURE AND ARE SIXTY-  
340 FIVE YEARS OF AGE OR OLDER.

341

342 **H. 3255**

343

344 TO AMEND SECTION 40-60-30, CODE OF LAWS OF SOUTH CAROLINA, 1976,  
345 RELATING TO EXCEPTIONS FROM LICENSURE REQUIREMENTS FOR REAL ESTATE  
346 APPRAISERS, SO AS TO MODIFY EXEMPTIONS FOR LICENSEES OF THE REAL  
347 ESTATE COMMISSION; TO AMEND SECTION 40-60-31, RELATING TO  
348 REQUIREMENTS FOR LICENSURE BY THE BOARD OF REAL ESTATE APPRAISERS,  
349 SO AS TO REVISE AND PROVIDE COLLEGE EDUCATION REQUIREMENTS AND  
350 ACCEPTABLE EQUIVALENCIES FOR APPRENTICE APPRAISERS, RESIDENTIAL  
351 APPRAISERS, AND GENERAL APPRAISERS, AND TO EXEMPT CERTAIN MASS  
352 APPRAISERS FROM COLLEGE EDUCATION REQUIREMENTS; TO AMEND SECTION  
353 40-60-33, RELATING TO ADDITIONAL EDUCATIONAL AND APPLICABLE  
354 EXPERIENCE REQUIREMENTS FOR LICENSURE BY THE BOARD, SO AS TO REVISE  
355 VARIOUS REQUIREMENTS AND REVISE QUALIFICATIONS FOR CERTAIN LICENSED  
356 MASS APPRAISERS; TO AMEND SECTION 40-60-34, RELATING TO REQUIREMENTS  
357 CONCERNING APPRENTICE APPRAISERS AND APPRAISER SUPERVISING  
358 APPRENTICES, SO AS TO REVISE VARIOUS REQUIREMENTS; TO AMEND SECTION  
359 40-60-35, RELATING TO CONTINUING EDUCATION REQUIREMENTS, SO AS TO  
360 IMPOSE CERTAIN REPORTING REQUIREMENTS ON LICENSEES; TO AMEND  
361 SECTION 40-60-36, RELATING TO CONTINUING EDUCATION PROVIDERS, SO AS TO  
362 IMPOSE CERTAIN REPORTING REQUIREMENTS ON PROVIDERS; TO AMEND  
363 SECTION 40-60-37, RELATING TO QUALIFICATION REQUIREMENT WAIVERS FOR  
364 RECIPROCAL APPLICATIONS FOR APPRAISERS FROM OTHER JURISDICTIONS, SO  
365 AS TO MAKE A TECHNICAL CORRECTION; TO AMEND SECTION 40-60-40, RELATING  
366 TO APPRAISER CONTACT INFORMATION THAT MUST BE MAINTAINED ON FILE  
367 WITH THE BOARD, SO AS TO INCLUDE EMAIL ADDRESSES OF LICENSEES; TO  
368 AMEND SECTION 40-60-320, RELATING TO DEFINITIONS IN THE REAL ESTATE  
369 APPRAISER LICENSE AND CERTIFICATION ACT, SO AS TO REVISE THE DEFINITION  
370 OF AN APPRAISAL PANEL; TO AMEND SECTION 40-60-330, AS AMENDED,  
371 RELATING TO REGISTRATION REQUIREMENTS, SO AS TO REVISE REQUIREMENTS  
372 CONCERNING CERTAIN FINANCIAL INFORMATION; TO AMEND SECTION 40-60-360,  
373 RELATING TO THE PROMULGATION OF REGULATIONS, SO AS TO SPECIFY  
374 CERTAIN REQUIRED REGULATIONS; TO AMEND SECTION 40-60-420, RELATING TO  
375 RECORD-KEEPING REQUIREMENTS FOR REGISTRATION RENEWAL, SO AS TO  
376 REVISE REQUIREMENTS CONCERNING RECORDS THAT APPRAISAL MANAGEMENT  
377 COMPANIES MUST PROVIDE; AND TO AMEND SECTION 40-60-450, RELATING TO  
378 REQUIREMENTS CONCERNING COMPENSATION OF APPRAISERS BY APPRAISAL  
379 MANAGEMENT COMPANIES, SO AS TO CLARIFY THE APPLICABLE GOVERNING  
380 FEDERAL REGULATIONS.



381

382 **H. 3471**

383

384 TO AMEND SECTION 40-5-340, CODE OF LAWS OF SOUTH CAROLINA, 1976,  
385 RELATING TO LICENSE RENEWAL REQUIREMENTS FOR REAL ESTATE BROKERS,  
386 SALESPERSONS, AND BROKERS-IN-CHARGE, SO AS TO PROVIDE CONTINUING  
387 EDUCATION REQUIREMENTS MUST INCLUDE AT LEAST ONE HOUR EXCLUSIVELY  
388 DEVOTED TO THE TOPIC OF FAIR HOUSING AND DISCRIMINATION; TO AMEND  
389 SECTION 40-57-510, RELATING TO LICENSE RENEWAL REQUIREMENTS FOR  
390 PROPERTY MANAGERS AND PROPERTY MANAGERS-IN-CHARGE, SO AS TO  
391 REQUIRE ONE HOUR OF CONTINUING EDUCATION EXCLUSIVELY DEVOTED TO  
392 THE TOPIC OF FAIR HOUSING AND DISCRIMINATION; AND TO MAKE THE  
393 PROVISIONS OF THIS ACT EFFECTIVE AFTER THE CURRENT RENEWAL CYCLE  
394 ENDS.

395

396 **H. 3472**

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398 TO AMEND SECTION 40-57-720, CODE OF LAWS OF SOUTH CAROLINA, 1976,  
399 RELATING TO REAL ESTATE COMMISSION DISCIPLINARY ACTIONS AND REDRESS  
400 FOR VIOLATIONS, SO AS TO PROVIDE SPECIFIC MONETARY PENALTIES FOR  
401 VIOLATIONS OF FAIR HOUSING LAWS.

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403 **H. 3664**

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405 TO AMEND SECTION 40-57-115, CODE OF LAWS OF SOUTH CAROLINA, 1976,  
406 RELATING TO CRIMINAL BACKGROUND CHECKS REQUIRED FOR INITIAL  
407 LICENSURE BY THE REAL ESTATE COMMISSION, SO AS TO REQUIRE  
408 SOCIAL SECURITY NUMBER-BASED CRIMINAL RECORDS CHECKS IN  
409 ADDITION TO EXISTING REQUIREMENTS.

410

411 **Executive Session**

412 Executive Session was not needed.

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414 **Public Comments**

415 There were no comments received.

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417 **Adjournment**

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419 **MOTION**

420 On the motion of Mr. Bethune, seconded by Ms. Lockwood, the Commission voted  
421 unanimously in favor to adjourn. Time of Adjournment was at 3:08 p.m.