

1 MINUTES

2 South Carolina Real Estate Commission  
3 Synergy Business Park, Kingstree Building,  
4 110 Centerview Drive, Columbia, South Carolina 29210  
5 Wednesday, June 16, 2021, 10:00 a.m.  
6 Video/Teleconference Meeting  
7

8 **Meeting Called to Order**  
9

10 Chair Lee called the meeting of the South Carolina Real Estate Commission to order at  
11 10:00 a.m. and announced that public notice of this Meeting had been properly posted at  
12 the Commission's website and provided to all requesting persons, organizations, and  
13 news media in compliance with Section 30-4-80 of the South Carolina Freedom of  
14 Information Act. This Meeting was held via Video/Teleconferencing.  
15

16 **Roll Call of Commission Members and Staff**  
17

18 Commission Members and staff participating in the Video/Teleconference Meeting via  
19 WebEx platform included:  
20

21 **Commission Members**  
22

23 Andy Lee – Chair - 3<sup>rd</sup> Congressional District  
24 Candace Pratt – 1<sup>st</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 Johnathan Stackhouse - Public Member  
29 Gary A. Pickren- At Large Member  
30

31 **Invocation**  
32

33 Mr. Rinehart gave the invocation.  
34

35 **Approval of Excused Absences**  
36

37 The motion was deferred until the end of the meeting.  
38

39 **Staff Members**  
40

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

45 **Approval of Agenda**

46

47 **MOTION**

48 On the motion of Mr. Rinehart, seconded by Ms. Mitchell, the Commission voted  
49 unanimously in favor to approve the June 16, 2021 agenda with the modification of  
50 moving "Approval of Excused Absences" to the end of the meeting. The motion passed.

51

52 **Approval of Minutes- May 19<sup>th</sup>, 2021**

53

54 **MOTION**

55 On the motion of Ms. Mitchell, seconded by Ms. Pratt, the Commission voted in favor to  
56 approve the Commission's May 19, 2021, meeting minutes with the correction of  
57 removing the title of Chair for Ms. Pratt. Commissioner Pickren abstained, and the  
58 motion passed.

59

60 **Chair's Remarks- (Andy Lee)**

61

62 Chairman Lee welcomed Commissioner Gary A. Pickren as the newest member to the  
63 Commission.

64

65 **Administrator's Remarks- (Roderick Atkinson)**

66

67 Mr. Atkinson reminded the Commission of the ARELLO Mid-Year Conference in July  
68 2021, and addressed the upcoming ARELLO Annual Conference to be held September  
69 15, 2021 through September 19, 2021. He reported further information would be  
70 forthcoming and stated the Commission would need to maintain a quorum for the  
71 September 2021 Commission meeting(s). Mr. Atkinson also stated he would be working  
72 on getting approval for travel for the next meeting.

73

74 Mr. Atkinson recognized Mr. Rodney Pigford for the purposes of presenting the  
75 Investigative Review Committee ("IRC") Report.

76

77 **IRC Report- June 9, 2021**

78

79 Mr. Pigford presented the IRC's June 9, 2021 meeting recommendation. The IRC's  
80 recommendations to the Commission for approval were for 28 cases, which consisted of  
81 19 Dismissals, 1 Dismissal/Cease & Desist, 1 Formal Complaint, and 7 Letters of  
82 Caution.

83

84 **MOTION**

85 On the motion of Ms. Pratt, seconded by Ms. Mitchell, the Commission voted  
86 unanimously in favor to approve all categories of the June 9, 2021 IRC  
87 recommendations. The motion passed.

88

89 **IRC Professional Member Request**

90

91 Mr. Atkinson reported having 6 members on the IRC, and stated there was a vacancy on  
92 the IRC. Mr. Atkinson stated it would be in the purview of the Commission to go beyond  
93 6 members, if they desired.

94  
95 Mr. Atkinson addressed receiving a request from Mr. William Herlong to serve on the  
96 IRC, and stated he had provided the Commission with Mr. Herlong's resume for their  
97 consideration.

98  
99 Upon discussion(s) the following action was taken:

100  
101 **MOTION**  
102 On the motion of Mr. Rinehart, seconded by Mr. Pickren, the Commission voted  
103 unanimously in favor to approve the appointment of Mr. Herlong to the IRC. The motion  
104 passed.

105  
106 **Petition Regarding Canceled License**

107  
108 **Billy Oswald**

109  
110 Chairman Lee called the meeting to order to hear the petition to the Commission to  
111 consider the cancellation of the license of Petitioner Billy Oswald.

112  
113 Chairman Lee acknowledged there was a quorum of the Commission present. He also  
114 confirmed both Advice Counsel, Kyle Tennis, and Mr. Oswald were present.

115  
116 Mr. Oswald appeared before the Commission and confirmed he had legal counsel Mr.  
117 Tyler DeRosa, present. Mr. Oswald was sworn in after his identity was confirmed by Mr.  
118 DeRosa. Mr. Atkinson was also sworn in.

119  
120 Mr. Atkinson identified the documentation provided to the Commission and Petitioner  
121 and referenced the relevant sections in the statute(s), including S.C. Code Ann. §§ 40-57-  
122 110 and 40-57-310 (Supp. 2017).

123  
124 Mr. DeRosa presented opening remarks and addressed the issues concerning why the  
125 renewal of Mr. Oswald's license did not occur. Mr. Oswald also addressed the  
126 Commission requesting that he be given a 14-day extension to renew his license.

127  
128 Upon discussion(s) the following action was taken:

129  
130 **Executive Session- Convened 10:50 a.m.**

131  
132 **MOTION**  
133 On the motion of Ms. Mitchell, seconded by Ms. Pratt, the Commission voted  
134 unanimously in favor to enter into Executive Session for the purpose of receiving legal  
135 advice.

136  
137  
138

139 **Meeting reconvened 11:04 a.m.**

140

141 **MOTION**

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

145

146 Chairman Lee stated upon review and legal advice it was his view the Commission would  
147 not have the authority to override the statute.

148

149 Commissioner Rinehart stated his understanding was the Commission would not have the  
150 authority to override the statute.

151

152 The following action was taken:

153

154 **MOTION**

155 On the motion of Mr. Rinehart, seconded by Mr. Pickren, the Commission voted  
156 unanimously in favor to deny the petition of Mr. Oswald. The motion passed.

157

158 Chairman Lee concluded the Petition Hearing regarding the canceled license of Mr.  
159 Oswald.

160

161 **Application Hearings**

162

163 **Christopher Todd Howard**

164

165 Due to the this application hearing potentially involving confidential health information,  
166 Chairman Lee called for a motion to have a closed application hearing for Mr. Howard.

167

168 The following actions were taken:

169

170 **MOTION**

171 On the motion of Mr. Stackhouse, seconded by Ms. Pratt, the Commission voted  
172 unanimously in favor to hold a closed application hearing for Mr. Howard. The motion  
173 passed.

174

175 The Commission held the application hearing regarding Mr. Howard's application to take  
176 the South Carolina Salesperson Examination. Mr. Howard appeared before the  
177 Commission where his identity was affirmed by the Court Reporter via Government-  
178 Issued ID. Mr. Howard confirmed he would not be represented by legal counsel, and  
179 there would be witness testimony presented by Mr. Emery Shane, Jeff Cox, and Curtis  
180 Hodges.

181 Mr. Howard along with his witnesses were sworn in; and thereafter, testified before the  
182 Commission.

183

184 **Executive Session- Convened 11:44 a.m.**

185

186 **MOTION**

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

190

191 **Meeting reconvened 12:17 p.m.**

192

193 **MOTION**

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

197

198 Upon discussion(s) the following actions were taken:

199

200 **MOTION**

201 On the motion of Mr. Rinehart, seconded by Mr. Stackhouse, the Commission voted  
202 unanimously in favor to allow Mr. Howard to take the SC Real Estate Salesperson Exam  
203 under the following conditions: that the license would be a sales license until such time  
204 Mr. Howard completed probation and the Commission shall be notified if he violates  
205 probation, and such violation would require Mr. Howard to appear before the  
206 Commission concerning the continuation and/or suspension of his license.

207

208 **MOTION**

209 On the motion of Mr. Stackhouse, seconded by Ms. Mitchell, the Commission voted  
210 unanimously in favor to return to open session.

211

212 Chairman Lee concluded the application hearing for Mr. Howard.

213

214 **Lavettria Nacole Horry (Application Hearing Deferred)**

215

216 The applicant was not present, and the application hearing was deferred until later in the  
217 application hearings.

218

219 **Teresa Williams**

220

221 The Commission held the application hearing regarding Ms. Teresa Williams' application  
222 to take the South Carolina Property Manager Examination. Ms. Williams appeared  
223 before the Commission where her identity was affirmed by the Court Reporter via  
224 Government-Issued ID. Ms. Williams confirmed she would not be represented by legal  
225 counsel, and there would not be any witness testimony presented.

226

227 Ms. Williams was sworn in, and thereafter presented her testimony to the Commission.  
228 Discussions were held, and the following actions were taken:

229

230 **Executive Session- Convened 12:49 p.m.**

231

232 **MOTION**

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

236

237 **Meeting reconvened 1:10 p.m.**

238

239 **MOTION**

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

243

244 Upon discussion(s) the following action was taken:

245

246 **MOTION**

247 On the motion of Ms. Pratt, seconded by Ms. Mitchell, the Commission voted in favor to  
248 deny Ms. Williams' application to take the South Carolina Property Manager  
249 Examination. Mr. David Burnett abstained, and the motion passed.

250

251 **Lavettria Nacole Horry**

252

253 The Commission held the application hearing regarding Ms. Lavettria Nacole Horry's  
254 application to take the South Carolina Property Manager Examination. Ms. Horry  
255 appeared before the Commission where her identity was affirmed by the Court Reporter  
256 via Government-Issued ID. Ms. Horry confirmed she would not be represented by legal  
257 counsel, and there would not be any witness testimony presented.

258

259 Ms. Horry was sworn in, and thereafter presented her testimony to the Commission.  
260 Discussions were held, and the following action was taken:

261

262 **MOTION**

263 On the motion of Mr. Pickren, seconded by Mr. Rinehart, the Commission voted  
264 unanimously in favor to approve Ms. Lavettria Nacole Horry's application to take the  
265 South Carolina Property Manager Examination. The motion passed.

266

267 **RECESS- 1:55 p.m. until 2:03 p.m.**

268

269 Chairman Lee called for recess, and reported the meeting would reconvene at 2:05 p.m.;  
270 whereby, the application hearings would resume in accordance with the agenda.

271

272 **Paul Kentrell Garner**

273

274 The Commission held the application hearing regarding Mr. Paul Kentrell Garner's  
275 application to take the South Carolina Salesperson Examination. Mr. Garner appeared  
276 before the Commission where his identity was affirmed by the Court Reporter via  
277 Government-Issued ID. Mr. Garner confirmed he would not be represented by legal  
278 counsel, and there would not be any witness testimony presented.

279

280 Mr. Garner was sworn in, and thereafter presented his testimony to the Commission.  
281 Discussions were held, and the following actions were taken:

282

283 **Executive Session- Convened 2:15 p.m.**

284

285 **MOTION**

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

289

290 **Meeting reconvened 2:22 p.m.**

291

292 **MOTION**

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

296

297 **MOTION**

298 On the motion of Ms. Mitchell, seconded by Mr. Rinehart, the Commission voted  
299 unanimously in favor to approve Mr. Garner's application to take the Salesperson  
300 Examination. The motion passed.

301

302 **New Business**

303

304 **Buyer "Love Letters"**

305

306 Mr. Atkinson addressed the issue of buyers sending letters (also known as "love letters")  
307 along with information to sellers for the purpose of influencing the sellers' decisions.

308

309 Mr. Atkinson reported that the North Carolina Real Estate Commission cautioned its  
310 licensees to not send said letters due to possible fair housing implications.

311

312 Chairman Lee requested for this matter to be reviewed by the Mr. Atkinson and Mr.  
313 Tennis, and for it to be brought back before the Commission for further discussion and  
314 consideration.

315

316 **Wholesaling**

317

318 Mr. Atkinson addressed the issues relating to the subject of wholesaling. Discussions  
319 were held, and this item will be scheduled to be placed back on the agenda for a future  
320 meeting.

321

322 **Executive Session**

323

324 Executive Session was not required.

325

326 **Public Comments.**

327

328 Mr. Bill Beckwith spoke briefly on the matter of wholesaling.

329

330 **Approval of Excused Absences**

331

332 On the motion of Mr. Rinehart, seconded by Ms. Mitchell, the Commission voted  
333 unaniously in favor to excuse the absences of Commissioner Lockwood and  
334 Commissioner Bethune. The motion passed.

335

336 **Adjournment**

337

338 **MOTION**

339 On the motion of Mr. Stackhouse, seconded by Mr. Pickren, the Commission voted  
340 unaniously in favor to adjourn. Time of adjournment was 3:23 p.m.