

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 16, 2022, 10:00 a.m.**
6 **Video/Teleconference Meeting**

7
8 **Meeting Called to Order**
9

10 Chairman Lee called the meeting of the South Carolina Real Estate Commission to order
11 at 10:00 a.m. and announced that public notice of this meeting had been properly posted
12 at the S.C. Real Estate Commission Office, Synergy Business Park, Kingstree Building,
13 the Commission’s website, and was provided to all requesting persons, organizations, and
14 news media in compliance with Section 30-4-80 of the South Carolina Freedom of
15 Information Act. The meeting was held via Video/Teleconferencing.
16

17 **Roll Call of Commission Members and Staff**
18

19 Commission Members and staff participating in the meeting included:
20

21 **Commission Members**
22

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

33 **Staff Members**
34

35 Staff members participating during the meeting included Roderick Atkinson,
36 Commission Administrator; Gina Sams, Administrative Assistant; Kyle Tennis, Office of
37 Advice Counsel; and Rodney Pigford, Office of Investigations and Enforcement.
38

39 **Invocation**
40

41 Mr. Rinehart gave the invocation.
42
43
44
45

46 **Approval of Excused Absences**

47

48 There were no absences to be excused.

49

50 **Approval of Agenda**

51

52 **MOTION**

53 On the motion of Mr. Bethune, seconded by Mr. Burnett, the Commission voted
54 unanimously in favor to approve the February 16, 2022 agenda as presented. The motion
55 passed.

56

57 **Approval of Minutes- January 19, 2022**

58

59 **MOTION**

60 On the motion of Mr. Lockwood, seconded by Ms. Pratt, the Commission voted
61 unanimously in favor to adopt the Commission's January 19, 2022 meeting minutes. The
62 motion passed.

63

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

65

66 Chairman Lee forewent providing remarks.

67

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

69

70 Mr. Atkinson recognized Mr. Pigford to present the IRC Report.

71

72 **IRC Report- February 2, 2022 (Rodney Pigford)**

73

74 Mr. Pigford presented the IRC's February 2, 2022 meeting recommendations to the
75 Commission. The IRC's recommendations were for the Commission to consider the
76 approval of 25 cases, consisting of 15 Dismissals, 4 Dismissals with C&D, 3 Formal
77 Complaints, and 3 Letters of Caution.

78

79 Discussions were held on the IRC's recommendations for case numbers 2021-395, 2021-
80 621, and 2021-441, and the following actions were taken:

81

82 **MOTION**

83 Mr. Pickren moved to remove the recommendations for the letters of caution for Case
84 Numbers 2021-621 and 2021-441, as well as the recommendation for 1 dismissal for
85 Case Number 2021-395 from the IRC's recommendations being considered until further
86 information is provided at the next Commission meeting.

87

88 Upon further discussions, Mr. Pickren agreed to remove case number 2021-395 from his
89 motion. The following action was taken to amend the motion:

90

91 **MOTION**

92 On the motion of Mr. Pickren, seconded by Ms. Pratt, the Commission voted
93 unanimously in favor to amend the first motion, and to remove case numbers 2021-621

94 and 2021-441 from the IRC’s recommendations for approval until the Commission
95 receives further information on why both recommended for a letter of caution; and to
96 approve the remainder of the February 2, 2022 IRC recommendations. The motion
97 passed.

98

99 **2022 Statements of Economic Interest**

100

101 As a reminder, Mr. Atkinson reported that the SC Ethics Commission’s filing deadline
102 for the 2022 Statement of Economic Interest is March 30, 2022. He recommended for
103 Commissioners to contact the Ethics Commission if there were any questions with using
104 the new online filing processes.

105

106 **Legislative Update**

107

108 Mr. Atkinson provided an update on recent legislation H.3255 regarding the Real Estate
109 Appraisers Act and the Commission’s Practice Act. With respect to the Commission’s
110 Practice Act, this bill would add an age and experience continuing education waiver for
111 real estate licensees in S.C. Code Ann. § 40-57-340(B).

112

113 Mr. Atkinson reported there were 2 representatives considering filing legislation to give
114 clarity to the practice of wholesaling or marketing a contract for real property or equitable
115 interest in real property to the public. Mr. Atkinson anticipates that this potential
116 legislation would give further clarity and be in conformance with the Commission’s
117 existing interpretation of its Practice Act with respect to wholesaling.

118

119 Discussions were also held regarding S.295 regarding how professional licensing boards,
120 including the Commission, consider criminal convictions when evaluating applicants for
121 licensure.

122

123 Discussions were held, and there were no actions taken.

124

125 **ARELLO Leadership Symposium report (John Rinehart)**

126

127 Mr. Rinehart provided an overview of the purpose of the ARELLO Leadership
128 Symposium.

129

130 Mr. Rinehart encouraged Commission members to attend the investigator workshops as
131 the information that would be received would be timely and help with their consideration
132 of cases coming before them.

133

134 Mr. Rinehart reported on the following upcoming events:

135

136 -ARELLO Mid-Year Meeting, April 6–8, 2022, Savannah, Georgia

137

138 -Annual Conference, August 29–September 2, 2022 in Nashville, Tennessee

139

140 **ARELLO MID-Year Meeting-Savannah, GA – April 6-8, 2022**

141

142 Mr. Atkinson reported on the policy for attending conferences, and stated the
143 Commission would need to approve the attendance of those interested in attending the
144 ARELLO Mid-Year Meeting.

145
146 Upon discussions the following action was taken:

147
148 **MOTION**

149 On the motion of Ms. Pratt, seconded by Ms. Mitchell, the Commission voted
150 unanimously in favor to approve the attendance of interested Commissioners and
151 appropriate staff members to the ARELLO Mid-Year Meeting, and for those interested in
152 attending to report to Mr. Atkinson for further processing of their attendance and travel
153 approvals, as required.

154
155 **Application Hearings**

156
157 **Felicia Williams**

158
159 Chairman Lee called the Application Hearing to order.

160
161 The Commission held an application hearing regarding Ms. Williams' application to take
162 the South Carolina Salesperson Examination. Ms. Williams appeared before the
163 Commission where her identity was confirmed by the Court Reporter. Ms. Williams
164 confirmed she would not be represented by legal counsel, and there would be witness
165 testimony from Mr. Thomas Kevin Jones. The applicant and the witness were thereafter
166 sworn in.

167
168 Ms. Williams and Mr. Jones testified before the Commission, and upon discussions the
169 following action was taken:

170
171 **MOTION**

172 On the motion of Ms. Mitchell, seconded by Mr. Pickren, the Commission voted in favor
173 to approve Ms. Williams' application to take the South Carolina Real Estate Salesperson
174 Examination.

175
176 Mr. Rinehart and Mr. Bethune opposed. The motion passed.

177
178 **Chad Hatley**

179
180 Chairman Lee called the Application Hearing to order.

181
182 The Commission held an application hearing regarding Mr. Hatley's application to take
183 the South Carolina Salesperson Examination. Mr. Hatley appeared before the
184 Commission where his identity was confirmed by the Court Reporter. Mr. Hatley
185 confirmed he would not be represented by legal counsel, and there would be witness
186 testimony from by Ms. Marilyn Hatley and Mrs. Jacquelyne Vereen Hatley. The
187 applicant and both witnesses were thereafter sworn in.

188

189 Mr. Hatley and both witnesses testified before the Commission, and upon discussions the
190 following action was taken:

191

192 **MOTION**

193 On the motion of Mr. Bethune, seconded by Mr. Stackhouse, the Commission voted
194 unanimously in favor to approve Mr. Hatley's application to take the South Carolina Real
195 Estate Salesperson Examination. The motion passed.

196

197 **RECESS – 11:40 a.m.-11:51 a.m.**

198

199 Chairman Lee called for a 10 minute break.

200

201 Chairman Lee called the meeting back to order.

202

203 **Sammy Grinate**

204

205 Chairman Lee called the Application Hearing to order.

206

207 Mr. Grinate appeared before the Commission where his identity was confirmed by the
208 Court Reporter. Mr. Grinate confirmed he would not be represented by legal counsel,
209 and there would not be witness testimony presented. The applicant was thereafter sworn
210 in.

211

212 Mr. Grinate spoke before the Commission where discussions were held concerning his
213 reference letters not being provided to the Commission for consideration in advance of
214 the meeting.

215

216 Because these letters were not timely submitted in advance of the hearing, Chairman Lee
217 stated the Commission would postpone the application hearing for Mr. Sammy Grinate
218 until later in the meeting. Chairman Lee requested for Mr. Grinate to forward his
219 reference letters to Mr. Atkinson, which would then be provided to the Commission.

220

221 **John Summers**

222

223 Chairman Lee called the Application Hearing to order.

224

225 The Commission held an application hearing regarding Mr. Summers' application to take
226 the South Carolina Salesperson Examination. Mr. Summers appeared before the
227 Commission where his identity was confirmed by the Court Reporter. Mr. Summers
228 confirmed he would not be represented by legal counsel, and stated there would be
229 witness testimony from both Ms. Amanda Fulford and Mr. Tad Fulford. The applicant
230 and both witnesses were thereafter sworn in.

231

232 Mr. Summers spoke before the Commission, and both witnesses testified. Upon
233 discussion the following action was taken:

234

235 **MOTION**

236 On the motion of Mr. Pickren, seconded by Mr. Lockwood, the Commission voted in
237 favor to approve Mr. Summers' application to take the South Carolina Real Estate
238 Salesperson Examination. Ms. Mitchell opposed, Ms. Pratt abstained, and the motion
239 passed.

240

241 **Tyrell Taylor**

242

243 Chairman Lee called the Application Hearing to order.

244

245 The Commission held an application hearing regarding Mr. Taylor's application to take
246 the South Carolina Broker Examination. Mr. Taylor appeared before the Commission
247 where his identity was confirmed by the Court Reporter. Mr. Taylor confirmed he would
248 not be represented by legal counsel, and there would not be any witnesses testifying on
249 his behalf. The applicant was thereafter sworn in.

250

251 Mr. Taylor spoke before the Commission, and upon discussions the following actions
252 were taken:

253

254 **Executive Session- Convened 12:34 p.m.**

255

256 **MOTION**

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

260

261 **Meeting reconvened 12:56 p.m.**

262

263 **MOTION**

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

267

268 Because the Applicant submitted a broker application despite not having the required
269 experience pursuant to S.C. Code Ann. § 40-57-320(A)(2)(a), Chairman Lee suggested
270 for Mr. Taylor to withdraw his current broker examination application and to submit the
271 salesperson examination application and reappear before the Commission at the
272 Commission's next available meeting.

273

274 Mr. Taylor withdrew his broker examination application and intends to submit a
275 salesperson examination application.

276

277 **Nichael Lessey**

278

279 Chairman Lee called the Application Hearing to order.

280

281 The Commission held an application hearing regarding Ms. Nichael Lessey's application
282 to take the South Carolina Salesperson Examination. Ms. Lessey appeared before the
283 Commission where her identity was confirmed by the Court Reporter. Ms. Lessey

284 confirmed she would not be represented by legal counsel, and there would not be any
285 witnesses testifying on her behalf. The applicant was thereafter sworn in.

286

287 Ms. Lessey testified before the Commission, and upon discussion the following action
288 was taken:

289

290 **MOTION**

291 On the motion of Mr. Pickren, seconded by Mr. Bethune, the Commission voted
292 unanimously to deny the application for Ms. Lessey to sit for the South Carolina
293 Salesperson Examination. The motion passed.

294

295 **Sammy Grinate**

296

297 Chairman Lee called the Application Hearing to order again after it was initially
298 postponed from earlier in the meeting due to Applicant not providing Commission staff
299 with reference letters prior to the meeting.

300

301 The Commission held an application hearing regarding Mr. Grinate's application to take
302 the South Carolina Salesperson Examination. Mr. Grinate appeared before the
303 Commission where his identity was confirmed by the Court Reporter. Mr. Grinate again
304 confirmed he would not be represented by legal counsel, and there would not be any
305 witnesses testifying on his behalf. The applicant was thereafter sworn in.

306

307 Mr. Grinate spoke before the Commission, and upon discussion the following action was
308 taken:

309

310 **MOTION**

311 On the motion of Mr. Bethune, seconded by Mr. Pickren, the Commission voted in favor
312 to approve Mr. Grinate's application to take the South Carolina Real Estate Salesperson
313 Examination. Mr. Rinehart and Mr. Burnett opposed. The motion passed.

314

315 **Executive Session**

316

317 Executive Session was not required.

318

319 **Public Comments**

320

321 Austin Smallwood with the South Carolina Association of Realtors provided an update
322 and/or received feedback from the Commission regarding the following topics:

323

324 - Fingerprinting Notifications were sent out to members along with forms to
325 coordinate fingerprinting events with IdentoGO.

326

327 - Clarification of NAR Code of Ethics regarding Offer Rejection Forms: To avoid
328 confusion regarding the requirements of South Carolina real estate licensing law,
329 the Commission indicated that the offer rejection form promulgated by the South
330 Carolina Real Estate Commission per S.C. Code Ann. § 40-57-135(I)(5) should
331 not be used for purposes other than what is required for license law compliance.

- 332 - Wholesaling: There was discussion regarding the practice referred to as
333 wholesaling, or the marketing of assignable contracts/equitable interests in real
334 property by individuals who are not the legal owner of the property.
335 -
336 - It has been interpreted by the Commission that the advertising of real property,
337 belonging to another with the expectation of compensation falls under the
338 statutory definition of “broker” in S.C. Code Ann. § 40-57-30(3)(a) and requires
339 licensure. If unlicensed individuals are advertising these real property interests
340 publicly with the expectation of compensation, the Commission has directed that
341 Cease and Desist Orders be issued against those individuals. Pursuant to S.C.
342 Code Ann. § 40-57-240(1), the licensing requirements of the Commission do not
343 apply to the sale, lease, or rental of real estate by an *unlicensed owner* of real
344 estate who owns any interest in the real estate if the interest being sold, leased, or
345 rented is *identical to the owner’s legal interest*. The Commission has interpreted
346 that having an equitable interest is not equivalent to an owner’s legal interest.
347 Thus, an individual that only has an equitable interest in property that he is
348 marketing for sale is not the property’s owner and has no legal interest in the
349 property for purposes of qualifying for the aforementioned exemption from
350 licensure. Licensees are also reminded that they are required to have a listing
351 agreement with the legal owner of the property before marketing a property
352 pursuant to S.C. Code Ann. § -40-57-135(E)(1).

353

354 **Adjournment**

355

356 **MOTION**

357 On the motion of Mr. Rinehart, seconded by Ms. Pratt, the Commission voted
358 unanimously in favor to adjourn. Time of adjournment was 2:07 p.m.