

MINUTES

**South Carolina Real Estate Commission
Synergy Business Park, Kingtree Building,
110 Centerview Drive, Columbia, South Carolina 29210
Wednesday, March 16, 2022, 10:00 a.m.**

Meeting Called to Order

Chair Lee called the meeting of the South Carolina Real Estate Commission to order at 10:00 a.m. and announced that public notice of this meeting had been properly posted at the S.C. Real Estate Commission Office, Synergy Business Park, Kingtree Building, the Commission's website, and was provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Roll Call of Commission Members and Staff

Commission Members and staff participating in the meeting included:

Commission Members

Andy Lee - Chair - 3rd Congressional District
David C. Lockwood, III - Vice Chair - 2nd Congressional District
Candace Pratt - 1st Congressional District
David Burnett - 4th Congressional District
John Rinehart - 5th Congressional District
Janelle Mitchell - 6th Congressional District
Johnathan Stackhouse - Public Member

Staff Members

Staff members participating during the meeting included Roderick Atkinson, Commission Administrator; Gina Sams, Administrative Assistant; Hardwick Stuart, Office of Advice Counsel; Rowland Alston with the Office of Disciplinary Counsel.

Invocation

Mr. Rinehart gave the invocation.

Pledge of Allegiance

The Pledge of Allegiance was recited by all present.

Approval of Excused Absences

MOTION

Ms. Pratt moved to approve the absences of Commissioner Bethune and Commissioner Pickren. The motion was not seconded in error, and therefore did not pass. As a correction, the Commission voted on this item at the end of this meeting.

Approval of Agenda

MOTION

On the motion of Mr. Rinehart, seconded by Ms. Pratt, the Commission voted unanimously in favor to approve the March 16, 2022 agenda, with the amendment of removing Aaron Rowley, John True and Brent Case from the disciplinary hearings due to their hearings being granted continuances. The motion passed.

Approval of Minutes- February 16, 2022

MOTION

On the motion of Mr. Lockwood, seconded by Ms. Pratt, the Commission voted unanimously in favor to adopt the Commission's February 16, 2022 meeting minutes with the following correction: removing lines 43 through 45, which indicated the Pledge of Allegiance had been recited. The motion passed.

Chair's Remarks- (Andy Lee)

Chairman Lee forewent providing remarks.

Administrator's Remarks- (Roderick Atkinson)

Mr. Atkinson provided a report on the IRC Recommendations.

Discussions were held regarding the IRC's process and overview of cases being considered for disciplinary action.

IRC Report- March 3, 2022

The IRC provided the following March 3, 2022 IRC meeting recommendations:

The IRC's recommendations were for the Commission to approve 31 cases, which consisted of 19 Dismissals, 1 Dismiss Cease & Desist, 2 Formal Complaints, and 9 Letters of Caution.

Upon discussions, Ms. Pratt recused herself from the vote and the following action was taken:

MOTION

On the motion of Mr. Rinehart, seconded by Mr. Lockwood, the Commission voted in favor to approve all categories of the March 3, 2022 IRC recommendations. The motion passed.

Commissioner Burnett opposed the motion, and Commission Pratt was recused from the vote.

ODC Case Report (Informational Purposes Only)

Mr. Atkinson reported on the Office of Disciplinary Counsel/ODC Case Report (as of February 28, 2022). The information was present for informational purposes only, discussions were held, and there were no actions taken.

Licensing Update

Mr. Atkinson presented an overview to the Commission on the various real estate license types, which included the number of active and inactive licensees as of March 9, 2022. Mr. Atkinson's reported 48,687 active licensees and 11,103 inactive licensees for a total of 59,790 licensees.

Budget Update

Mr. Atkinson provided an overview of the SC Real Estate Commission Cash Report, which had been updated through January 31, 2022. The report provided summaries of Direct Expenditures as well as Indirect Expenditures.

Discussions were held and there were no actions taken.

Mr. Atkinson introduced Ms. Jennifer Stillwell, Program Coordinator for the Office of Investigation and Enforcement to the Commission.

Recess

Chairman Lee called for a 5 minute recess.

Application Hearings

Sharon Shotwell (MOA)

The purpose of the hearing was to consider the charges in the Memorandum of Agreement and Stipulation of Facts (MOA) for Case Number 2021-187. Chairman Lee called the disciplinary hearing to order, at which time the Respondent, Sharon Renee Shotwell, was sworn in.

Mr. Alston, representative of the State with the Office of Disciplinary Counsel presented the State's case.

The Respondent responded to the alleged violations.

Mr. Alston concluded the State's case and recommended a public reprimand be issued on this case. The following actions were taken:

Executive Session- Convened 11:18 a.m.

MOTION

On the motion of Mr. Burnett, seconded by Mr. Rinehart, the Commission voted unanimously to enter into Executive Session for the purpose of receiving legal advice.

Meeting reconvened 11:30 a.m.

MOTION

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

Chairman Lee asked if there was anything else to be presented to the Commission. Mr. Alston reported the State had rested.

The Respondent requested the Commission to issue a letter of caution on this case.

MOTION

On the motion of Mr. Rinehart, seconded by Ms. Mitchell, Mr. Rinehart moved that Commission had met its burden of proof as to a violation of S.C. Code Ann. § 40-57-710(A)(24) (2017 Supp.), that the MOA be accepted, and that a \$500 fine and a public reprimand be imposed. The motion failed to pass.

MOTION

On the motion of Mr. Lockwood, seconded by Mr. Burnett, Mr. Lockwood moved that Commission had met its burden as to a violation of S.C. Code Ann. § 40-57-710 (A)(24) (2017 Supp.) and to impose a public reprimand and accept the MOA. The motion passed.

Unfinished Business

Legislative Update

Mr. Atkinson provided an overview on the following legislative items:

BILL H.3255- Bill adding a full continuing education exemption to the Real Estate Practice Act for licensees with at least 25 years of active experience and who are at least 65 years of age.

BILL H.4994- Bill relating to disclosure statements required for real property transactions, so as to require the disclosure of adjacent property utilized for agricultural purposes.

BILL S.295- Bill applicable to LLR licensing boards, including the Commission, providing, in part, that licensure may only be denied for criminal offenses if the offenses directly relate to the duties and responsibilities of the profession or occupation. The bill is currently in the Senate LCI Committee.

Upon discussions the following action was taken:

MOTION

On the motion of Mr. Rinehart, seconded by Mr. Lockwood, the Commission voted unanimously in favor to approve to send a letter expressing the Commission's concerns regarding S.295. The motion passed.

Executive Session

Executive Session was not required.

Public Comments.

There were no public comments presented.

Adjournment

MOTION

On the motion of Mr. Lockwood, seconded by Ms. Pratt, the Commission voted unanimously in favor to adjourn.

MOTION

On the motion of Mr. Lockwood, seconded by Ms. Pratt, Commission voted unanimously to withdraw the motion to adjourn.

Approval of Excused Absences

MOTION

On the motion of Mr. Rinehart, seconded by Ms. Pratt, the Commission voted unanimously in favor to approve the absences of Commissioner Bethune and Commissioner Pickren.

Adjournment

MOTION

On the motion of Mr. Lockwood, seconded by Ms. Mitchell, the Commission voted unanimously in favor to adjourn. Time of adjournment was 12:02 p.m.