

MINUTES

**South Carolina Real Estate Commission
Synergy Business Park, Kingstree Building,
110 Centerview Drive, Columbia, South Carolina 29210
Wednesday, March 30, 2022, 3:00 p.m.
Video/Teleconference Meeting**

Meeting Called to Order

Chair Lee called the meeting of the South Carolina Real Estate Commission to order at 3:00 p.m. and announced that public notice of this meeting had been properly posted at the S.C. Real Estate Commission Office, Synergy Business Park, Kingstree 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 and the meeting was held via Video/Teleconferencing.

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
John Rinehart - 5th Congressional District
Janelle Mitchell - 6th Congressional District
W. Brown Bethune - 7th Congressional District
Johnathan Stackhouse - Public Member
Gary A. Pickren - At Large Member

Staff Members

Staff members participating during the meeting included Roderick Atkinson, Commission Administrator and Kyle Tennis, Office of Advice Counsel.

Invocation

Mr. Rinehart gave the invocation.

Approval of Agenda

MOTION

On the motion of Mr. Lockwood, seconded by Ms. Mitchell, the Commission voted unanimously in favor to approve the March 30, 2022 agenda as presented. The motion passed.

Unfinished Business

1, Review of Commission concerns regarding Senate Bill S.295 and approval of letter expressing those concerns.

Discussion ensued regarding the draft letter prepared by Advice Counsel at the request of and on behalf of the Commission expressing their concerns with the language of Senate Bill S.295. The Commission indicated that the draft adequately presented their concerns regarding this bill and that the letter should be directed to the appropriate House Committee that will receive the bill after it passes over from the Senate.

Advice Counsel also asked the Commission if they had reviewed and had any concerns regarding the section of the Bill entitled the "Earn and Learn Act of 2022," which will require licensing boards to accept proof of completion of a United States Department of Labor-approved and registered apprenticeship in lieu of Commission-approved pre-licensing education courses. Advice counsel indicated that there is an approved and registered apprenticeship for property managers, which is a license category under the Commission's jurisdiction. The Commission also expressed concerns regarding the disproportionate amount of property management complaints they hear, and expressed that they would like to also express their concerns regarding the applicable apprenticeship provisions of S.295 in the aforementioned letter.

MOTION

Commissioner Lockwood made a motion to delegate authority to the Chair to review additional language expressing these concerns to be added to the letter and to be able to approve the final draft of the letter on behalf of the Commission. The motion was seconded by Commissioner Rinehart, and the Commission voted unanimously to approve the motion.

2, Discussion regarding House Bill H.4994 (SC Residential Property Condition Disclosure Form – Agricultural use of adjacent properties)

Chair Lee indicated that he had attended and testified before the House Committee on Agricultural, Natural Resources and Environmental Affairs regarding this bill and the potential liability it could create for homeowners and real estate agents to be responsible for disclosing the agricultural use of neighboring properties. It was noted that shortly before the Commission's meeting, the bill had been amended to provide that the purchaser was solely responsible for investigating off-site conditions of the property including, but not limited to, adjacent properties being used for agricultural purposes.

Chair Lee indicated that the Commission would work on putting together a draft disclaimer to be added to the SC Residential Property Condition Disclosure Form if the bill passes.

MOTION

Commissioner Rinehart made a motion that draft disclaimer language be added to the form to be presented at the next Commission meeting. Commissioner David Lockwood seconded the motion and the Commission voted unanimously to approve the motion.

Executive Session

Executive Session was not required.

Public Comments

There were no public comments.

Adjournment

MOTION

On the motion of Commissioner Bethune, seconded by Commissioner Mitchell, the Commission voted unanimously to adjourn. Time of adjournment was 3:26 p.m.