

1 **MINUTES**

2 **South Carolina Real Estate Commission**

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

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

5 **Wednesday, April 20, 2022, 10:00 a.m.**

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7 **Meeting Called to Order**

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9 Chair Lee called the meeting of the South Carolina Real Estate Commission to order at 10:05 a.m.
10 and announced that public notice of this meeting had been properly posted at the S.C. Real Estate
11 Commission Office, Synergy Business Park, Kingstree Building, the Commission’s website, and
12 was provided to all requesting persons, organizations, and news media in compliance with Section
13 30-4-80 of the South Carolina Freedom of Information Act.
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15 **Roll Call of Commission Members and Staff**

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17 Commission Members and staff participating in the meeting included:
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19 **Commission Members**

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21 William “Andy” Lee - Chair - 3rd Congressional District
22 David C. Lockwood, III - Vice Chair - 2nd Congressional District
23 David Burnett - 4th Congressional District
24 John Rinehart - 5th Congressional District
25 Janelle Mitchell - 6th Congressional District
26 W. Brown Bethune – 7th Congressional District
27 Johnathan Stackhouse - Public Member
28 Gary A. Pickren – At Large Member
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30 **Staff Members**

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32 Roderick Atkinson, Commission Administrator
33 Kyle Tennis, Office of Advice Counsel
34 Rowland Alston, Office of Disciplinary Counsel
35 Rodney Pigford, Jennifer Stillwell, Tyler Livejoy, Michael “Doc” Smith, and Rosa McCoy, Office
36 of Investigations and Enforcement
37 Shaun Strother, Administrative Assistant
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39 **Invocation**

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41 Ms. Mitchell gave the invocation.
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43 **Pledge of Allegiance**

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45 The Pledge of Allegiance was recited by all present.

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47 **Approval of Excused Absences**

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49 **MOTION**
50 On the motion of Mr. Bethune, seconded by Mr. Lockwood, the Commission voted unanimously
51 to approve the absence of Commissioner Pratt. The motion passed.

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53 **Approval of Agenda**

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55 **MOTION**
56 On the motion of Mr. Lockwood, seconded by Mr. Bethune, the Commission voted unanimously
57 to approve the Agenda with the amendment of removing Adam Jahnke from the application
58 hearings. The motion passed.

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60 **Approval of Minutes - March 16, 2022 and March 30, 2022**

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62 **MOTION**
63 On the motion of Mr. Lockwood, seconded by Mr. Rinehart, the Commission voted unanimously
64 in favor to approve the March 16, 2022 minutes. The motion passed.

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66 **MOTION**
67 On the motion of Mr. Lockwood, seconded by Mr. Rinehart, the Commission voted unanimously
68 in favor to approve the March 30, 2022 minutes. The motion passed.

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70 **Chair's Remarks – William “Andy” Lee**

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72 Chairman Lee addressed the Commission regarding office exclusives or pocket listings, which
73 occur when a home is sold by a licensee to buyers procured by associated licensees within the
74 same brokerage, but not put on the MLS or widely marketed to the public. Discussions were held
75 in which it was discussed whether these types of listings were truly in the client's best interests.
76 During the discussion it was also noted that in some instances (such as where privacy of the seller
77 is an important consideration) office exclusives may be appropriate, but cautioned that a client's
78 best interest is paramount, not the interest of the brokerage in assuring ease of the transaction or
79 receiving commissions from both sides of the transaction.

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81 **Administrator's Remarks - Roderick Atkinson**

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83 Mr. Atkinson addressed the Commission regarding a prospective disciplinary hearing date for
84 Wednesday, July 13, 2022, and presented the IRC report.

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86 **MOTION**
87 Mr. Pickren made a motion to approve July 13, 2022, as a potential Commission meeting date for
88 disciplinary hearings. The motion was seconded by Mr. Bethune. All were in favor and the motion
89 passed.

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1. IRC Report – April 6, 2022

Mr. Pigford, Office of Investigations and Enforcement presented the seventeen (17) cases to the Commission: 8 Dismissals, 1 Dismissal Cease & Desist, 2 Formal Complaints, and 6 Letters of Caution.

MOTION

Mr. Pickren made a motion to accept and approve the IRC recommendations for 8 Dismissals, 1 Dismissal Cease & Desist, 2 Formal Complaints, and 6 Letters of Caution.

The motion was seconded by Ms. Mitchell. All were in favor and the motion passed.

2. 2022 ARELLO Mid-Year Meeting Update

Mr. Rinehart, Ms. Mitchell, and Mr. Pigford addressed the Commission and provided an update on the 2022 Association of Real Estate License Law Officials (ARELLO) Mid-Year Meeting. Mr. Rinehart also stated that the Annual ARELLO conference will be held August 29, 2022, to September 2, 2022, in Nashville, Tennessee and expressed interest on approving attendance at a later Commission meeting.

Application Hearings

Danetta Pinckney: The purpose of this hearing was to determine if Ms. Pinckney should be granted approval to take the property manager exam. Ms. Pinckney personally appeared before the Commission and waived her right to counsel. Ms. Pinckney testified before the Commission and answered the Commission’s questions. Upon discussion, the following action was taken:

MOTION

Mr. Pickren made a motion to approve Ms. Pinckney to be allowed to sit for the property manager exam. The motion was seconded by Mr. Lockwood. All were in favor and the motion passed.

Jeremiah S. Overstreet: The purpose of this hearing was to determine if Mr. Overstreet should be granted approval to take the salesperson exam. Mr. Overstreet personally appeared before the Commission and waived his right to counsel. Mr. Overstreet testified before the Commission and answered the Commission’s questions. Upon discussion, the following action was taken:

MOTION

Mr. Bethune made a motion to approve Mr. Overstreet to be allowed to sit for the salesperson exam. The motion was seconded by Mr. Rinehart. All were in favor and the motion passed.

Stephen Michael Dugan: The purpose of this hearing was to determine if Mr. Dugan should be granted approval to take the salesperson exam. Mr. Dugan personally appeared before the Commission and waived his right to counsel. Mr. Dugan testified before the Commission and answered the Commission’s questions. Upon discussion, the following action was taken:

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MOTION

Mr. Pickren made a motion to go into executive session to receive legal advice from counsel regarding Mr. Dugan’s application. The motion was seconded by Mr. Stackhouse. All were in favor and the motion passed.

Executive Session: No votes were taken during executive session.

MOTION

Mr. Rinehart made a motion to come out of executive session. The motion was seconded by Mr. Stackhouse. All were in favor and the motion passed.

MOTION

Mr. Lockwood moved to allow Mr. Dugan to sit for the exam, and if he passes the exam and obtains a salesperson license, his continued licensure would be subject to the following conditions:

- a) The approval to sit for the salesperson examination is contingent on Mr. Dugan producing an updated background check showing no inconsistencies with the previous background check submitted to the Commission. The Commission’s administrator will review the new background check, and if there are any new charges, then Mr. Dugan may not sit for the salesperson examination.
- b) If Mr. Dugan violates the terms of his probation, he must notify the Commission within ten days of the violation.
- c) Mr. Dugan’s license will be limited to a salesperson license only until such time as he has completed his probation.

Mr. Bethune seconded the motion, and the Commission voted in favor of the above-described motion. Three Commissioners opposed. The motion passed.

30 Minute Lunch Break

Jacob Westervelt: The purpose of this hearing was to determine if Mr. Westervelt should be granted approval to take the salesperson examination. Mr. Westervelt personally appeared before the Commission and waived his right to counsel. Mr. Westervelt testified before the Commission and answered the Commission’s questions. Kirk Westervelt, Mr. Westervelt’s father, also testified on his son’s behalf. Upon discussion, the following action was taken:

MOTION

Mr. Rinehart made a motion to go into executive session to receive legal advice from counsel regarding Mr. Westervelt’s application. The motion was seconded. All were in favor and the motion passed.

Executive Session: No votes were taken during executive session.

MOTION

Ms. Mitchell made a motion to come out of executive session. The motion was seconded. All were in favor and the motion passed.

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MOTION

Mr. Pickren made a motion to deny Mr. Westervelt’s request to take the salesperson examination. The motion was seconded by Mr. Rinehart and the Commission voted in favor of the motion. Two Commissioners opposed. The motion passed.

Matthew Markland Branson:

MOTION

Upon a motion to have a closed hearing that was properly seconded, the Commission voted unanimously to hold a closed application hearing regarding Mr. Branson.

The purpose of this hearing was to determine if Mr. Branson should be granted approval to take the salesperson examination. Mr. Branson personally appeared before the Commission and waived his right to counsel. Mr. Branson testified before the Commission and answered the Commission’s questions. Upon discussion, the following action was taken:

MOTION

Mr. Lockwood made a motion to approve Mr. Branson to sit for the salesperson exam. The motion was seconded by Mr. Bethune. All were in favor and the motion passed.

MOTION

On the motion of Mr. Lockwood, seconded by Mr. Stackhouse, the Commission voted unanimously to come out of closed session and return to open session.

Unfinished Business

- 1. Legislative Update:** Mr. Atkinson provided the Commission with the legislative update.
- 2. H.4994 and S.C. Residential Property Condition Disclosure Form Draft Update:**

Mr. Atkinson discussed the draft amended SC Residential Property Condition Disclosure Form provided to the Commission. The form would be amended to include a purchaser acknowledgement that they are solely responsible for investigating off-site conditions of the property including, but not limited to, adjacent properties being used for agricultural properties.

Discussion ensued regarding whether the acknowledgement of purchaser responsibility to inspect off-site conditions was too narrow in focusing on agricultural use. After discussion, the Commission agreed that the language matches the pending legislation in H.4994 and is sufficient in having the language “including, but not limited to.”

MOTION

Mr. Rinehart made a motion to approve the amendment to the South Carolina Residential Property Condition Disclosure Form with an effective date of July 1, 2022, if H.4994 passes in its current form. The motion was seconded. All were in favor and the motion passed.

233 Mr. Lockwood mentioned data pulled by Mr. Atkinson upon his request regarding the numbers of
234 inactive status licensees who had been inactive since the 2017 law change, for 10 years, and for
235 15 years. No action was taken on this information.
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237 **Executive Session:** Executive Session was not required.
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239 **Public Comments:** Austin Smallwood with the South Carolina Association of Realtors addressed
240 the Commission, seeking clarification regarding the implementation of the aforementioned
241 updated South Carolina Residential Property Condition Disclosure Form would be contingent
242 upon passing of H.4994. Mr. Smallwood indicated that the General Assembly was waiting on the
243 S.C. Real Estate Commission to implement the change before moving forward. After discussion
244 and in conformance with the Residential Property Condition Disclosure Statements Act, the
245 following motion was made regarding the implementation of the updated form:
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247 **MOTION**

248 Mr. Bethune made a motion, which was seconded by Mr. Stackhouse, that the effective date of the
249 updated South Carolina Residential Property Condition Disclosure form be July 1, 2022, but that
250 it be implemented immediately rather than waiting. The Commission voted unanimously in favor
251 and the motion passed.
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254 **Adjournment:**
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256 **MOTION**

257 Mr. Lockwood made a motion to adjourn. The motion was seconded and the Commission voted
258 unanimously in favor to adjourn. There being no other business, the meeting was adjourned at 2:30
259 p.m.
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