

1 **MINUTES**

2 **South Carolina Real Estate Commission**

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

4 **110 Centerview Drive, Columbia, South Carolina 29210 - Room 108**

5 **Wednesday, August 17, 2022, 10:00 a.m.**

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7 **Meeting Called to Order**

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

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16 **Invocation**

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18 Mr. Burnett gave the invocation.

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20 **Pledge of Allegiance**

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22 The Pledge of Allegiance was recited by all present.

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24 **Introduction of Commission Members and Staff**

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26 Commission Members and staff present at the meeting included:

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28 **Commission Members**

29 David C. Lockwood, III - Vice Chair - 2nd Congressional District
30 Candace Pratt - 1st Congressional District
31 David Burnett - 4th Congressional District
32 John Rinehart - 5th Congressional District
33 Janelle Mitchell - 6th Congressional District
34 W. Brown Bethune – 7th Congressional District
35 Johnathan Stackhouse - Public Member

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37 **Staff Members**

38 Emily Farr, S.C. LLR Agency Director
39 Patrick Jarvis, Finance and Procurement
40 Robbie Boland, LLR Assistant Deputy Director/Interim Real Estate Commission
41 Administrator
42 Kyle Tennis, Office of Advice Counsel
43 Rowland Alston, Office of Disciplinary Counsel
44 Chuck Waters, Office of Investigations and Enforcement
45 James Kemfort, Office of Investigations and Enforcement

46 Michael “Doc” Smith, Office of Investigations and Enforcement
47 Rodney Pigford, Office of Investigations and Enforcement
48 Rosa McCoy, Office of Investigations and Enforcement
49 Wattie Wharton, Office of Investigations and Enforcement
50 Shaun Strother, Administrative Assistant

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52 **Approval of Excused Absences**

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54 **MOTION**

55 On the motion of Mr. Bethune, seconded by Ms. Pratt, the Commission voted unanimously
56 to approve the absences of Commissioners William (Andy) Lee and Gary Pickren. The
57 motion passed.

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59 **Approval of Agenda**

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61 **MOTION**

62 On the motion of Mr. Rinehart, seconded by Mr. Bethune, the Commission voted
63 unanimously to approve the agenda with the following amendment: continuing the
64 disciplinary matter of Terry Notartomaso. The motion passed.

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66 **Finance Presentation – Emily Farr and Patrick Jarvis**

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68 Director Farr and Mr. Jarvis addressed the Commission regarding finances and fees. Upon
69 discussion, it was decided that Director Farr and Mr. Jarvis should return to next
70 Commission meeting during which time the Commission and LLR staff can discuss
71 licensing fees and ways in which the Commission’s funds could best be used.

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73 **Comfort Break**

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75 **Approval of Minutes – June 15, 2022, and July 13, 2022**

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77 **MOTION**

78 On the motion of Mr. Rinehart, seconded by Mr. Bethune, the Commission voted to
79 approve the June 15, 2022 meeting minutes. Ms. Pratt abstained from voting because she
80 was not present at the June 2022 meeting. The motion passed.

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82 **MOTION**

83 On the motion of Mr. Burnett, seconded by Ms. Pratt, the Commission voted in favor to
84 approve the July 13, 2022 meeting minutes with corrections noted. Mr. Stackhouse and
85 Ms. Mitchell both abstained from voting because they were not present at the July 2022
86 meeting. The motion passed.

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88 **Vice Chair’s Remarks – David C. Lockwood, III**

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90 Vice Chair Lockwood forewent remarks.

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Administrator’s Remarks

1. IRC Report – August 4, 2022 (Rodney Pigford)

Mr. Pigford, Office of Investigations and Enforcement, presented the IRC report that included forty-seven (47) cases to the Commission as follows: 20 Dismissals, 1 Dismissal Cease and Desist, 16 Formal Complaints, and 10 Letters of Caution.

MOTION

Mr. Rinehart made a motion to accept and approve the IRC report as presented. The motion was seconded by Mr. Stackhouse. All were in favor and the motion passed.

2. ODC Report – August 3, 2022 (Robbie Boland)

Mr. Boland presented the Office of Disciplinary Counsel (ODC) Case Report as of August 3, 2022, for informational purposes only.

Mr. Boland also let the Commission know that the SR & I social security number-based background check has been approved and implemented. He also provided that the core course and BIC courses will be implemented on September 1st.

Disciplinary Hearing

2. Oscar Troy Ott

The purpose of this hearing was to consider the Formal Complaint’s allegations for Case Numbers 2021-330, 2021-393, 201-435, and 2021-691. Vice Chair Lockwood opened the disciplinary hearing. Respondent was present, sworn in, and was represented by Daniel Atkinson, Esq. and Michael Wilkes, Esq. Commissioner Pickren was recused from these matters, and his absence from the meeting had been previously excused.

Prior to opening statements, Respondent’s two pre-hearing motions and the State’s one pre-hearing motion were argued. With Respondent having no objection regarding the State’s motion to amend the formal complaint due to scrivener’s errors, the State’s motion was approved. The following action then took place:

MOTION

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

Executive Session – Convened (No Votes Were Taken During This Time)

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MOTION

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

Respondent’s two motions, a renewed and supplemental motion to dismiss and a motion for judgment as a matter of law as to Case No. 2021-330, were both denied.

After opening statements were made, Mr. Alston, with the Office of Disciplinary Counsel presented the State’s cases. In doing so, the State called Bryant McWilliams, Angela Williams, Emory Hagan, and Investigator Michael “Doc” Smith, who were sworn in as witnesses. These witnesses testified, were cross-examined, and answered questions posed by the Commission.

After the State rested, Respondent presented his defense. In doing so, Respondent testified and called Emile DeFelice to testify, who was sworn in as a witness. Respondent was also cross-examined and answered questions posed by the Commission.

Lunch Break – 1:51 p.m.

Respondent continued to present his defense.

Commissioner Rinehart Departed - 3:17 p.m.

Commissioner Pratt Departed – 4:30 p.m.

Upon the conclusion of Respondent’s defense and presentation regarding the cases brought against him, both parties made closing arguments.

Comfort Break

The following actions were taken:

MOTION

On the motion of Ms. Mitchell, seconded by Mr. Bethune, the Commission voted unanimously in favor to enter into Executive Session for the purpose of receiving legal advice regarding these disciplinary matters.

Executive Session – Convened (No Votes Were Taken During This Time)

MOTION

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

MOTION

On the motion of Mr. Burnett, seconded by Mr. Bethune, the Commission voted unanimously to deny Respondent’s renewed motion for judgment as a matter of law for

189 Case No. 2021-330 as well as the renewed and supplemental motion to dismiss.
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192 **MOTION**

193 On the motion of Mr. Bethune, seconded by Ms. Mitchell, the Commission voted
194 unanimately that the State met its burden of proving the following violations:
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196 With respect to Case No. 2021-330, the State had proven Respondent violated
197 S.C. Code Ann. § 40-57-710(A)(5) (2017 Supp.).
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199 With respect to Case No. 2021-393, the State had proven Respondent violated S.C.
200 Code Ann. § 40-57-710(A)(5) (2017 Supp.), and S.C. Code Ann. § 40-57-710(A)(21) (2017
201 Supp.) in that Respondent violated S.C. Code Ann. § 40-57-136(D)(1) (2017 Supp.) and
202 S.C. Code Ann. § 40-57-136(B)(3) (2017 Supp.)
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204 With respect to Case No. 2021-435, the State had proven Respondent violated S.C.
205 Code Ann. § 40-57-710(A)(5) (2017 Supp.), and S.C. Code Ann. § 40-57-710(A)(21) (2017
206 Supp.) in that Respondent violated S.C. Code Ann. § 40-57-350(C)(1)(a) (2017 Supp.), 207
S.C. Code Ann. § 40-57-350(C)(1)(b)(i) (2017 Supp.), and S.C. Code Ann. § 40-57- 208
350(C)(1)(c) (2017 Supp.).

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210 With respect to Case No. 2021-691, the State had proven Respondent violated S.C.
211 Code Ann. § 40-57-710(A)(2) (2017 Supp.) and S.C. Code Ann. § 40-57-710(A)(5) (2017
212 Supp.).
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214 Following, the Commission ordered Respondent's license be revoked and imposed
215 a total civil penalty of \$15,000 fine payable within 180 days from the date of the final order.
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217 **New Business**

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219 **1. Addition of Thursday, September 22, 2022 Meeting Date**
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221 **MOTION**

222 On the motion of Mr. Stackhouse, seconded by Ms. Mitchell, the Commission voted
223 unanimately to add September 22, 2022 as a second S.C. Real Estate Commission meeting
224 date. The three (3) remaining items on the Agenda listed under New Business will be
225 discussed at that time: CE Broker, Regulatory Review, and Limitations on Retaking
226 Licensing Examinations. All were in favor and the motion passed.
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228 **Public Comments:**

229 Austin Smallwood from the South Carolina Association of Realtors addressed the
230 Commission. In following up from the finance presentation earlier in the meeting, he
231 provided that the SCR would welcome anything the Commission sees fit with respect to
232 education, training, and supplemental materials.
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234 **Adjournment:**

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236 **MOTION**

237 On the motion of Mr. Bethune, seconded by Mr. Stackhouse, the Commission voted
238 unaniously in favor to adjourn. There being no other business, the meeting was
239 adjourned at 6:24 p.m.