

6 months rule

MINUTES

South Carolina Real Estate Commission

Wednesday, January 18, 2017, 10:00am

Synergy Business Park, Kingstree Building, Conference Room 105

110 Centerview Drive, Columbia, South Carolina 29210

Meeting Called to Order:

Chairman Crigler called the meeting of the South Carolina Real Estate Commission to order at 10:00 a.m. Board members participating in this meeting included:

David Crigler – Chair – 4th Congressional District
G. Hamlin O’Kelley – Vice Chair - Public Member
David C. Lockwood, III, 2nd Congressional District
Andy Lee – 3rd Congressional District
John Rinehart – 5th Congressional District
Janelle Mitchell – 6th Congressional District
Tony Cox – 7th Congressional District
Johnathan Stackhouse – Public Member

Staff members participating during the meeting included Roderick Atkinson, Board Administrator; Wanda Cooke, Administrative Assistant; Georgia Lewis, Office of Advice Counsel; Sharon Cook, Office of Investigations and Enforcement; Roland Alston and Erin Baldwin, Office of Disciplinary Counsel.

Public Notice:

Chairman Crigler announced that public notice of this meeting was properly posted at the S.C. Real Estate Commission Office, Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Pledge of Allegiance:

The Pledge of Allegiance was recited by all present.

Invocation:

Invocation was offered by Commissioner Stackhouse.

Approval of Absences:

Candace Pratt – 1st Congressional District
Wayne Poplin – At-Large Member

MOTION:

Mr. Rinehart made a motion to approve the absence of Ms. Pratt and Mr. Poplin. Mr. Cox seconded the motion, which carried unanimously.

APPLICATION HEARING

Donald Cookson

The Commission held an Application Hearing regarding Donald Cookson. Mr. Cookson appeared before the Commission to present testimony, and waived his right to be represented by legal counsel.

MOTION:

Mr. Rinehart made a motion to enter Executive Session to receive legal advice. Mr. Lee seconded the motion, which carried unanimously.

MOTION:

Mr. Cox made a motion to enter Open Session. Mr. Rinehart seconded the motion, which carried unanimously.

MOTION:

Mr. Rinehart made a motion to deny Mr. Cookson's request to become licensed in South Carolina. Mr. Lee seconded the motion, which was carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

UNFINISHED BUSINESS

1. Qualifications for Resident Licensees of Other Jurisdictions – Mr. Atkinson explained the questions and concerns that have arisen since the law changed to require anyone who is a resident, to take the courses and exams here, even though they may hold a license in another state. Discussion ensued.

MOTION:

Mr. Cox made a motion to enter Executive Session to receive legal advice. Mr. Lockwood seconded the motion, which carried unanimously.

MOTION:

Mr. Rinehart made a motion to enter Open Session. Mr. O'Kelley seconded the motion, which carried unanimously.

MOTION:

Mr. Cox made a motion to accept the following three (3) recommendations:

- Applicants must have been a South Carolina resident no more than six (6) months to use certification of licensure from another jurisdiction to qualify in South Carolina.
- Salesperson applicants licensed in another jurisdiction who do not meet residency exemption in the last six (6) months must complete the SC Advanced Real Estate Principles course.
- Broker applicants licensed in another jurisdiction who do not meet residency exemption in the last six (6) months must complete the Broker IIIA and Broker IIIB courses.

Mr. Rinehart seconded the motion, which was carried unanimously.

2. Offer Rejection Form –Discussion was held concerning certain situations when the Offer Rejection Form may or may not be necessary.

MOTION:

Mr. Rinehart made a motion that the Offer Rejection Form is not required for counter offers, and the Offer Rejection Form is required if the time of the initial offer has expired. Mr. Cox seconded the motion, which carried unanimously.

MOTION:

Mr. Cox made a motion that the Offer Rejection Form is required on a rejected offer, regardless of the medium in which the rejection is received, and the agent who submits the offer is responsible for executing the Offer Rejection Form. Mr. Stackhouse seconded the motion, which carried unanimously.

DISCIPLINARY HEARING

Ted Morris

The Commission held a Disciplinary Hearing regarding Ted Morris. Mr. Morris was not present and was not represented by legal counsel. Erin Baldwin, Office of Disciplinary Counsel, represented the State, and presented the facts of the cases. Discussion ensued.

MOTION:

Mr. O’Kelley made a motion that the State appropriately served notice to Mr. Morris. Mr. Rinehart seconded the motion, which carried unanimously. Discuss ensued.

MOTION:

Mr. Lockwood made a motion to enter Executive Session to receive legal advice. Mr. Rinehart seconded the motion, which carried with a 6/1 vote.

MOTION:

Mr. Stackhouse made a motion to enter Open Session. Mr. Cox seconded the motion, which carried unanimously.

MOTION:

Mr. O’Kelley made a motion that the state has met the burden of proof that in all seven (7) cases presented, Mr. Morris has violated sections 27-32-110-7; 27-32-110 (11); 27-32-63; 27-32-40-(A) of the SC Timeshare Act and section 40-1-110-(1) (F) of the engine. Mr. Ted Morris should Cease & Desist from all involvement and business in the Time Sharing Industry. His timeshare registration will be revoked. There will be a \$500 fine for each of the seven (7) cases, for a total of \$3500. Mr. Lee seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

MOTION:

Mr. Cox made a motion to adjourn at 4:10 p.m. Mr. Lee seconded the motion, which carried unanimously.