

## 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 – 4<sup>th</sup> Congressional District  
G. Hamlin O’Kelley – Vice Chair - Public Member  
David C. Lockwood, III, 2<sup>nd</sup> Congressional District  
Andy Lee – 3<sup>rd</sup> Congressional District  
John Rinehart – 5<sup>th</sup> Congressional District  
Janelle Mitchell – 6<sup>th</sup> Congressional District  
Tony Cox – 7<sup>th</sup> 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 – 1<sup>st</sup> 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.

## **Introduction of Board Members and Staff**

### **Approval of Agenda:**

#### **MOTION:**

Mr. Atkinson noted that Mr. Bill Kitchens has signed a Voluntary Surrender, therefore, no hearing will be held today for Mr. Kitchens. Also, there was a correction of a typographical error under Administrator's Remarks, item #8. This should read "January 9, 2017 *Instructor* Workshop Update". Mr. Stackhouse made a motion to approve the agenda, as amended. Mr. Rinehart seconded the motion, which carried unanimously.

### **Approval of the Meeting Minutes from December 14, 2016**

#### **MOTION:**

Mr. Lockwood made a motion to approve the minutes of the December 14, 2016, meeting. Mr. Rinehart seconded the motion, which carried unanimously.

### **Chairman's Remarks:**

Chairman Crigler thanked Mr. Atkinson for his efforts in visiting various Associations around the state to hold informational sessions covering key highlights of the new Real Estate license law. Chairman Crigler also thanked everyone in the Real Estate industry for their patience and understanding as we begin implementation of the new Real Estate license law.

Chairman Crigler offered condolences from the Commission to Ms. Pratt, whose mother passed away recently.

### **Administrator's Remarks:**

*Rod Atkinson*

#### **1. Licensure Update as of January 10, 2017**

• Broker	5149
• Broker In Charge	7455
• Property Manager	1449
• Property Manager In Charge	1252
• Salesman	21473
• Salesman (Provisional)	2173
<b>TOTAL ACTIVE</b>	<b>38,951</b>
• Inactive Broker	1520
• Inactive Property Manager	499
• Inactive Salesman	5298
<b>TOTAL INACTIVE</b>	<b>7,317</b>

**TOTAL CURRENT LICENSES  
AS OF 1/10/17 46,268**

It was noted that the licensing numbers are down some this month. This is due to the number of licensees who failed to renew and their licenses were lapsed on December 31, 2016.

2. **Budget** - The board reviewed the budget reports for December 2016.
3. **Investigations and Enforcement** - Sharon Cook presented the Commission with an overview of the opened and closed cases from January 1, 2017 –January 11, 2017, as well as the same time frame for the previous year.
4. **IRC Report** - The Commission reviewed the IRC report from January 9, 2017.

**MOTION:**

Mr. Cox made the motion to approve the *Dismissal* portion of the IRC report from January 9, 2017. Mr. O’Kelley seconded the motion, which carried unanimously.

**MOTION:**

Mr. O’Kelley made the motion to approve the *Cease & Desist* portion of the IRC report from January 9, 2017. Mr. Lee seconded the motion, which carried unanimously.

**MOTION:**

Mr. Lee made the motion to approve the *Formal Complaint* portion of the IRC report from January 9, 2017. Mr. O’Kelley seconded the motion, which carried unanimously.

**MOTION:**

Mr. Cox made the motion to approve the *Letter of Caution* portion of the IRC report from January 9, 2017. Mr. Rinehart seconded the motion, which carried unanimously.

5. Rowland Alston presented the Office of Disciplinary Counsel case load report.
6. ARELLO Mid-Year Meeting will be held April 26-29, 2017 in Louisville, KY.
7. 2017 State Ethics Commission filings – Deadline is March 30, 2017.
8. Mr. Atkinson gave a report on the Instructor Workshop that was held on January 9, 2017, in Columbia, SC. This workshop covered the new Real Estate Licensing Law. Approximately 165 Instructors were in attendance. Discussion ensued.

**MOTION:**

Mr. Rinehart made a motion to allow instructors who were unable to attend on January 9<sup>th</sup>, to attend another seminar with the same content, presented by Dianna Brouthers or Rod Atkinson. Mr. Cox seconded the motion, which carried unanimously.

Mr. Atkinson thanked all who participated and contributed in making this Workshop possible, including Dianna Brouthers and The South Carolina Realtors.

Ms. Lewis noted that she received positive comments at the Workshop concerning Mr. Atkinson and the thorough and knowledgeable information of the Real Estate License Law that he exudes.

## **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.