

MINUTES

South Carolina Real Estate Commission

Wednesday, June 15, 2016, 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
Candace Pratt – 1st Congressional District
David C. Lockwood, III, 2nd Congressional District
Andy Lee – 3rd Congressional District
Manning Biggers – 5th Congressional District
Buccie Harley – 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 Wolfe, Office of Investigations and Enforcement; 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 Mr. Biggers.

Excused Absences

Wayne Poplin – At-Large Member

MOTION:

Mr. Stackhouse made a motion to excuse Mr. Poplin. Ms. Pratt seconded the motion, which carried unanimously.

Approval of Agenda:

MOTION:

Mr. Cox made a motion to approve the agenda, with the removal of the IRC Report. Ms. Pratt seconded the motion, which carried unanimously.

Approval of the Meeting Minutes from May 18, 2016

MOTION:

Mr. Lockwood made a motion to approve the minutes of the May 18, 2016 meeting, with one correction. A statement will be added after line 181 regarding a court reporter making verbatim transcripts available, in accordance with the law. Mr. Harley seconded the motion, which carried unanimously.

Introduction of Board Members and Staff

Chairman Crigler welcomed new Commissioner John Rinehart. Mr. Rinehart will begin his term at the August 2016 meeting.

Chairman's Remarks:

David Crigler

A reception was held prior to this meeting to acknowledge the years of service by outgoing Commissioners Buccie Harley and Manning Biggers. Mr. Harley has served the Commission since 1996, and Mr. Biggers has served the Commission since 1984.

Chairman Crigler recognized Administrator Rod Atkinson, for his completion of the South Carolina Certified Public Manager's program.

Administrator's Remarks:

Rod Atkinson

1. Licensure Update as of June 10, 2016

| | |
|------------------------------|---------------|
| • Broker | 5130 |
| • Broker In Charge | 7471 |
| • Property Manager | 1444 |
| • Property Manager In Charge | 1231 |
| • Salesman | 20534 |
| • Salesman (Provisional) | 2094 |
| TOTAL ACTIVE | 37,904 |
| • Inactive Broker | 1605 |
| • Inactive Property Manager | 519 |
| • Inactive Salesman | 5281 |
| TOTAL INACTIVE | 7,405 |

**TOTAL CURRENT LICENSES
AS OF 6/10/16 45,309**

2. **Budget** – The budget report for May 2016 was reviewed.

3. **Investigations and Enforcement**

Sharon Wolfe presented the Commission with an overview of the opened and closed cases from January 1, 2016 – June 15, 2016, as well as the same time frame for the previous year. Commission requested that Ms. Wolfe add percentage of cases involving *property management*.

4. **ODC Report** – Erin Baldwin, Office of General Counsel, presented a report of case load statistics as of June 8, 2016.

5. Mr. Atkinson briefly updated the Commission on current staffing issues.

New Business

1. *Electronic Rent Payments to Unlicensed 3rd Party Clearinghouse* – SCR representative Austin Smalls, addressed the Commission to discuss rent payments being made electronically, to 3rd party companies. Also present, was Eric Wetherington, Broker in Charge, Carolina One Property Management. Discussion ensued.

MOTION:

Mr. O’Kelley made a motion that the Commission study this topic in greater detail, consult with the investigative staff, and revisit at the August 2016 agenda. Mr. Cox seconded the motion, which carried unanimously.

APPLICATION HEARINGS

Joveco Scott

The Commission held an Application Hearing regarding Joveco Scott. Mr. Scott appeared before the Commission to present testimony and was not represented by legal counsel. Discussion ensued.

MOTION:

Mr. Lockwood made a motion to approve Mr. Scott’s application for licensure by reciprocity. Mr. Harley 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.)

DISCIPLINARY HEARINGS

Phillip Roland

The Commission held a Disciplinary Hearing regarding Phillip Roland. Mr. Roland was present and was represented by Holly Patterson, legal counsel. Erin Baldwin, Office of Disciplinary Counsel, represented the State, and presented the facts of the case. Ms. Baldwin presented a Memorandum of Agreement, signed by Mr. Roland.

MOTION:

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

MOTION:

Mr. Lee made a motion to enter Open Session. Ms. Pratt seconded the motion, which carried unanimously.

MOTION:

Mr. O'Kelley made a motion to accept the signed Memorandum of Agreement and issue a Public Reprimand. Mr. Roland will be placed on probation for a period of one (1) year. In addition, Mr. Roland will be required to attend in classroom training for a course entitled *Contracts vs. Agency Agreements* within six (6) months from the date of the order. It was further stipulated that this course cannot be used for continuing education credit. Mr. Cox 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.)

Scott Lemons

The Commission held a Disciplinary Hearing regarding Scott Lemons. Ms. Baldwin informed that Commission that Mr. Lemons' legal counsel requested a continuance since the respondent was unable to attend the hearing today. The continuance was denied.

Erin Baldwin, Office of Disciplinary Counsel, represented the State, and presented the facts of the case. Ms. Baldwin presented a Memorandum of Agreement, signed by Mr. Lemons. Commissioner Cox was recused from the hearing; however, a quorum was maintained.

MOTION:

Mr. Lockwood made a motion to enter Executive Session to obtain legal advice. Ms. Pratt seconded the motion, which carried unanimously.

MOTION:

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

MOTION:

Mr. Lockwood made a motion to enter Executive Session to obtain legal advice. Ms. Pratt seconded the motion, which carried unanimously.

MOTION:

Ms. Pratt made a motion to enter Open Session. Mr. Biggers seconded the motion, which carried unanimously.

MOTION:

Mr. Lockwood made a motion to accept the signed Memorandum of Agreement and issue a Public Reprimand. Mr. Lemons' license will be revoked and a fine of \$1000 will be imposed. Mr. Biggers 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.)

PUBLIC COMMENTS

MOTION:

Mr. Harley made a motion to adjourn at 12:45 p.m. Mr. Biggers seconded the motion, which carried unanimously.