

MINUTES

South Carolina Real Estate Commission

Wednesday, September 7, 2016, 10:00am

Synergy Business Park, Kingstree Building, Conference Room 108

110 Centerview Drive, Columbia, South Carolina 29210

Meeting Called to Order:

Chairman Crigler called the Special Called 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
John Rinehart – 5th Congressional District
Tony Cox – 7th Congressional District (via teleconference)
Wayne Poplin – At-Large Member
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 Cox.

Introduction of Board Members and Staff

Excused Absences

None

Approval of Agenda:

MOTION:

Mr. Cox made a motion to approve the agenda. Mr. Rinehart seconded the motion, which carried unanimously.

Chairman's Remarks:

David Crigler

Administrator's Remarks:

Rod Atkinson

Mr. Atkinson asked the Commission's approval to send new Disciplinary Counsel, Rowland Alston, to the ARELLO Investigator Workshop.

MOTION:

Mr. Lockwood made a motion to allow Mr. Alston to attend the ARELLO Investigator Workshop. Ms. Pratt seconded the motion, which carried unanimously.

NEW BUSINESS

Kiawah Island, SC Condominium Development

Attorneys, Dan Saxon and Maria Parker represented The Timbers Resort on Kiawah Island, SC. Managing Director of Development, Chris Burden, addressed the Commission concerning the Timbers project, and asked that this project be properly termed and approved as a Vacation Multiple Ownership Plan, as prescribed in Section 27-32-250 of the South Carolina Timeshare Act. Discussion ensued.

MOTION:

Mr. O'Kelley made a motion to enter Executive Session to obtain legal advice. Mr. Poplin seconded the motion, which carried unanimously.

MOTION:

Mr. Lee made a motion to return to Open Session. Mr. Lockwood seconded the motion, which carried unanimously.

MOTION:

Mr. O'Kelley made a motion that, based on the information presented, the Timbers project at Kiawah Island, SC, qualifies as a Vacation Multiple Ownership Plan. It was further noted, that due to the conflicting language in the statute, these items need to be determined on a case by case basis, and could not have been approved at staff level. 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.)

Commission Review of Proposed Regulation Amendments

Commissioner Poplin and Beau Tiller, Education Manager, gave a report from the studies of the Task Force that was formed to update Education Regulations; convert the Post Licensing to Unit II course; and expand the Distance Education Standards policies. Discussion ensued.

MOTION:

Mr. Rinehart made a motion to approve the recommended changes to the Education Regulations. Mr. Stackhouse seconded the motion, which carried unanimously.

Holly Beeson gave a brief overview of the process for promulgating changes to the Regulations to conform to the Practice Act. The public must be given the opportunity to appear at a Regulations Hearing with the Administrative Law Court, if anything is being challenged.

The Task Force also reviewed the “acceptable and unacceptable topics” for courses, which is policy only, and may be modified as needed.

MOTION:

Mr. Poplin made a motion to approve the “acceptable and unacceptable” topics policy. Mr. Lee seconded the motion, which carried unanimously.

MOTION:

Mr. Poplin made a motion to approve the Distance Education Standards policy. Mr. Cox seconded the motion, which carried unanimously.

MOTION:

Mr. Poplin made a motion to approve the Advanced Real Estate Principles (Unit II) course, which will be equivalent to the Post Licensing 1-5 classroom courses. Mr. Stackhouse seconded the motion, which carried unanimously.

MOTION:

Mr. Lockwood made a motion to approve the new 7 hour Property Manager in Charge Course. Mr. Lee seconded the motion, which carried unanimously.

MOTION:

Mr. Poplin made a motion to approve the new Broker in Charge Mandatory Continuing Education Course. Mr. Cox seconded the motion, which carried unanimously.

Review of SC Real Estate License Law Effective January 1, 2017 (Act No. 170)

A public forum was held to give interested individuals an opportunity to voice their concerns with regards to the revised Real Estate License Law, which will take effect on January 1, 2017. A sign-in sheet was distributed and each individual was given three (3) minutes to address the Commission. Effective implementation dates will be a topic of discussion at the next regularly scheduled Commission meeting.

MOTION:

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

MOTION:

Mr. O’Kelley made a motion to return to Open Session. Ms. Pratt seconded the motion, which carried unanimously.

Mr. Atkinson read comments that were sent in from members of the public who were unable to attend the meeting. Mr. Atkinson also reviewed with the Commission, the new licensing law with highlighted changes.

Development of Revision of Forms

A task force, Chaired by David Lockwood, will be formed to revise forms to comply with the new license law. An update will be given at a later meeting.

MOTION:

Mr. Lee made a motion to adjourn at 4:00 p.m. Mr. Lockwood seconded, which carried unanimously.