

## **MINUTES**

### **South Carolina Real Estate Commission**

**Wednesday, September 21, 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 – 4<sup>th</sup> Congressional District  
G. Hamlin O’Kelley – Vice Chair - Public Member  
Candace Pratt – 1<sup>st</sup> Congressional District  
David C. Lockwood, III, 2<sup>nd</sup> Congressional District  
Andy Lee – 3<sup>rd</sup> Congressional District  
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 and Rowland Alston, 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. Lockwood.

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

#### **Approval of Excused Absences:**

John Rinehart – 5<sup>th</sup> Congressional District  
Tony Cox – 7<sup>th</sup> Congressional District

**MOTION:**

Ms. Pratt made a motion to approve the absences of Mr. Cox and Mr. Rinehart, who were attending the ARELLO conference in Vancouver, British Columbia, Canada. Mr. Poplin seconded the motion, which carried unanimously.

**Approval of Agenda:**

Disciplinary Hearing respondent, Ted Morris, has requested a continuance, based on medical complications preventing him from attending today. Mr. Morris will be removed from the agenda. It was noted that this is the second request for continuance for Ted Morris. The first continuance was granted due to the absence of legal counsel. The Commission discussed the fact that this would be the last time that a continuance could be granted since the State has called witnesses from out of state, who have traveled to be here.

**MOTION:**

Mr. Lee made a motion to approve the amended agenda. Ms. Pratt seconded the motion, which carried unanimously.

**MOTION:**

Mr. O'Kelley made a motion that no additional continuances be granted for Mr. Ted Morris. Mr. Lee seconded the motion, which carried unanimously.

Erin Baldwin, Disciplinary Counsel, requested that the Commission select a special hearing date to hear the case involving Ted Morris within sixty (60) days, so as not to further delay cases already scheduled. Mr. Atkinson will refer to the board calendar and set up a new hearing date as soon as possible.

Erin Baldwin, Disciplinary Counsel, requested that the Commission consider travel reimbursement for witnesses who have been subpoenaed from other states, since the hearing has been continued.

**MOTION:**

Mr. Lockwood made a motion to allow reimbursement for travel expenses for people who were called as witnesses in the matter of Ted Morris, provided that Advice Counsel determines this is permissible by LLR. Mr. Lee seconded the motion, which carried unanimously.

**Approval of the Meeting Minutes from August 17, 2016**

**MOTION:**

Mr. Stackhouse made a motion to approve the minutes of the August 17, 2016, meeting. Ms. Pratt seconded the motion, which carried unanimously.

**Chairman's Remarks:**

*David Crigler*

**Administrator's Remarks:**

*Rod Atkinson*

**1. Licensure Update** as of September 14, 2016

• Broker	5182
• Broker In Charge	7518
• Property Manager	1469
• Property Manager In Charge	1242
• Salesman	21081
• Salesman (Provisional)	2435
<b>TOTAL ACTIVE</b>	<b>38,927</b>
• Inactive Broker	1630
• Inactive Property Manager	555
• Inactive Salesman	5592
<b>TOTAL INACTIVE</b>	<b>7,777</b>

**TOTAL CURRENT LICENSES  
AS OF 9/14/16 46,704**

**2. Budget** - The board reviewed the budget reports for August, 2016.

**3. Investigations and Enforcement**

Sharon Wolfe presented the Commission with an overview of the opened and closed cases from January 1, 2016 – September 15, 2016, as well as the same time frame for the previous year.

**4. IRC Report** - The Commission reviewed the IRC report from September 12, 2016.

**MOTION:**

Mr. Stackhouse made the motion to approve the *Dismissal* portion of the IRC report from September 12, 2016. Ms. Pratt seconded the motion, which carried unanimously.

**MOTION:**

Mr. Lee made the motion to approve the *Formal Complaint* portion of the IRC report from September 12, 2016. Mr. O'Kelley seconded the motion, which carried unanimously.

**MOTION:**

Ms. Pratt made the motion to approve the *Letters of Caution* portion of the IRC report from September 12, 2016. Mr. Stackhouse seconded the motion, which carried unanimously.

## **UNFINISHED BUSINESS**

### *I. 2017 Renewal Continuing Education Requirements – continued from Sept 7<sup>th</sup> meeting.*

The South Carolina Real Estate License Law has been amended, effective January 1, 2017, to require additional continuing education hours for renewal of a license. Since the Commission is currently in the middle of a renewal cycle, the question was discussed whether or not this change would affect the licensees who are currently in the middle of a renewal period; renewing in June 2017. Discussion ensued.

#### **MOTION:**

Mr. Lockwood made a motion to postpone the implementation of the additional continuing education requirements until July 1, 2017. Mr. Poplin seconded the motion, which carried unanimously.

#### **MOTION:**

Mr. Lee made a motion to require all South Carolina real estate course instructors to attend an Instructor Development Workshop, provided by the Commission, for purposes of reviewing the new Real Estate License Law. Mr. Stackhouse seconded the motion, which carried unanimously.

## **DISCIPLINARY HEARINGS**

### ***Jason Morris***

The Commission held a Disciplinary Hearing regarding Jason Morris. Mr. Morris was present and was represented by Steven Goldfinch, 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. Morris.

#### **MOTION:**

Mr. O'Kelley made a motion to accept the signed Memorandum of Agreement and issue a private Letter of Caution. Ms. Pratt 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.)*

### ***Jeffrey Lackey***

The Commission held a Disciplinary Hearing regarding Jeffrey Lackey. Mr. Lackey was present and was represented by Paul Dagenhart, 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. Lackey. Discussion ensued.

#### **MOTION:**

Mr. O'Kelley 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. O'Kelley seconded the motion, which carried unanimously.

**MOTION:**

Mr. Lee made a motion to accept the signed Memorandum of Agreement. It was determined that the State has met the burden of proof that the respondent has violated Sections 40-57-145(a)(2); 40-57-145(a)(4); and 40-1-110-(1)(D), Code of Laws of SC. Mr. Lackey's license will be revoked and a public reprimand will be issued. Mr. Lockwood 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.)*

***Mario Mitchell***

The Commission held a Disciplinary Hearing regarding Mario Mitchell. Mr. Mitchell was present and was not represented by legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State, and presented the facts of the case.

**MOTION:**

Ms. Pratt 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 enter Open Session. Mr. Lockwood seconded the motion, which carried unanimously.

**MOTION:**

Mr. O'Kelley made a motion that the State has met the burden of proof that the respondent is in violation of Section 40-1-110-(1)(B) Code of Laws of SC. The state has not proven that there was a violation of 40-57-145 (a)(4) based on evidence that Mr. Mitchell self-reported and the North Carolina Board has already dealt with this case. Mr. Mitchell will be issued a Letter of Caution. Mr. Lockwood 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. Poplin made a motion to adjourn at 1:00 p.m. Ms. Pratt seconded the motion, which carried unanimously.