

MINUTES

South Carolina Real Estate Commission

Wednesday, October 19, 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
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.

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. Rinehart.

Introduction of Board Members and Staff

Excused Absences

G. Hamlin O’Kelley – Vice Chair - Public Member

MOTION:

Ms. Pratt made a motion to approve the excused absence of Commissioner O’Kelley. Mr. Poplin seconded the motion, which carried unanimously.

Approval of Agenda:

MOTION:

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

Approval of the Meeting Minutes from September 7, 2016

MOTION:

Mr. Stackhouse made a motion to approve the minutes of the September 7, 2016 meeting. Mr. Lockwood seconded the motion, which carried unanimously.

Approval of the Meeting Minutes from September 21, 2016

Line 41 – need to add the word *excused* prior to *absences*.

MOTION:

Mr. Rinehart made a motion to approve the minutes, as amended, of the September 21, 2016 meeting. Ms. Pratt seconded the motion, which carried unanimously.

Chairman's Remarks:

David Crigler

Mr. Cox and Mr. Rinehart gave an overview of the ARELLO annual conference they just attended in Vancouver. At this conference, the Commission was presented an educational award for the course entitled “Trid Safely in a Flood of Disclosures”. Mr. Atkinson received the award on behalf of the staff.

Administrator's Remarks:

Rod Atkinson

Mr. Atkinson introduced the Agency new Interim Director, Emily Farr.

Mr. Atkinson informed the Commission that the contract has been awarded to *CE Broker* for the tracking and maintaining of the database for all continuing education. Hopefully this will be implemented by January 1, 2017.

1. Licensure Update as of October 13, 2016.

• Broker	5185
• Broker In Charge	7533
• Property Manager	1483
• Property Manager In Charge	1232
• Salesman	21168
• Salesman (Provisional)	2304
TOTAL ACTIVE	38,925
• Inactive Broker	1646
• Inactive Property Manager	559
• Inactive Salesman	5686
TOTAL INACTIVE	7,891
AS OF 10/13 /2016	46,816

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

3. **Investigations and Enforcement**

Sharon Wolfe presented the Commission with an overview of the opened and closed cases from January 1, 2016 –October 12, 2016, as well as the same time frame for the previous year.

4. **IRC Report** - The Commission reviewed the IRC reports from October 10, 2016.

MOTION:

Mr. Cox made the motion to approve the *Dismissals* portion of the IRC report from October 10, 2016. Mr. Rinehart seconded the motion, which carried unanimously.

MOTION:

Mr. Cox made the motion to approve the *Cease and Desist* portion of the IRC report from October 10, 2016. Ms. Pratt seconded the motion, which carried unanimously.

MOTION:

Mr. Poplin made the motion to approve the *Formal Complaints* portion of the IRC report from October 10, 2016. Ms. Pratt seconded the motion, which carried unanimously.

MOTION:

Ms. Pratt made the motion to approve the *Letter of Caution* portion of the IRC report from October 10, 2016. Mr. Rinehart seconded the motion, which carried unanimously.

Mr. Atkinson presented a case overview provided by the Office of Disciplinary Counsel.

Mr. Atkinson noted that the Commission will host an Instructor Development Workshop in January 2017, to educate all instructors on the new Real Estate License Law, and how best to communicate this material to their students. Dianna Brouters will be responsible for the content of the curriculum of this Workshop. It will be held at the Columbia Conference Center. Notice will be sent out to all instructors within the next 30 (thirty) days, as to the time and date of this workshop.

NEW BUSINESS

1. **Forms Work Group**

Mr. Lockwood chaired a task force that worked to update forms to comply with the newly passed Real Estate License Law.

MOTION:

Mr. Lockwood made a motion to accept the South Carolina Disclosure of Real Estate Brokerage Relationships Form. Mr. Rinehart seconded the motion, which carried unanimously.

MOTION:

Mr. Lockwood made a motion to accept the Real Estate Offer Rejection Form. Mr. Poplin seconded the motion, which carried unanimously.

MOTION:

Mr. Lockwood made a motion to accept the Transaction Brokerage Agreement. Mr. Rinehart seconded the motion, which carried unanimously.

MOTION:

Mr. Lockwood made a motion to accept the Required Language for South Carolina Listing Contracts, Buyer Representation Agreements and Transaction Broker Agreements. Mr. Rinehart seconded the motion, which carried unanimously.

2. Subagency and Transaction Brokerage

Brief discussion was held on this topic and it was then tabled until the next regularly scheduled meeting.

UNFINISHED BUSINESS

1. Electronic Rent/Deposit Payments to Unlicensed 3rd Party Clearinghouse

Mr. Stackhouse presented guidelines that have been prepared by a task force regarding the use of unlicensed third party clearinghouses for electronic rent and deposit payments. Accompanying Commissioner Stackhouse in this effort, were Rod Atkinson, Administrator, Gigi Lewis, Office of Advice Counsel; Christa Bell, Office of Investigations and Enforcement; Austin Smallwood, SRC, and Eric Wetherington, BIC, Carolina One Property Management. A lengthy discussion followed.

MOTION:

Mr. Cox made a motion to require the Broker in Charge or the Property Manager in Charge to obtain a bond sufficient to cover the monies involved to ensure no loss to the consumer. Discussion followed. The motion died due to lack of a second.

MOTION:

Mr. Stackhouse made a motion to approve the recommended guidelines for disclosure to be used when an unlicensed third party is used for receiving of rent and deposit payments. Mr. Rinehart seconded the motion, which carried with a 6/2 vote.

Mr. Lockwood left the meeting at 11:15 a.m., however, a quorum was maintained.

Mr. Atkinson introduced Rebecca Leach to the Commission. Ms. Leach works with Holly Beeson in government and legislative matters that involve the Commission.

CE EXEMPTION PETITION

Brian Goode

Mr. Goode was not present for the hearing. The Commission reviewed a request from Brian Goode to be granted an exemption from continuing education. The current law states that one must be licensed for 25 years and be at least 65 years of age, to receive an exemption. Mr. Goode will be 6 months short of the 25 years.

MOTION:

Mr. Rinehart made a motion to deny Mr. Goode's request for a continuing education exemption. Mr. Cox seconded the motion, which carried unanimously.

APPLICATION HEARINGS

David A. Dupont

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

MOTION:

Mr. Stackhouse made a motion to allow Mr. Dupont to sit for the real estate sales exam. 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.)

Bradley Martin

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

MOTION:

Mr. Lee made a motion to allow Mr. Martin to sit for the real estate sales examination. 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.)

LaToya Robinson

The Commission held an Application Hearing regarding LaToya Robinson. Ms. Robinson appeared before the Commission to present testimony and was not represented by legal counsel. Discussion ensued.

MOTION:

Mr. Rinehart made a motion to allow Ms. Robinson to sit for the real estate sales examination. 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.)

Jeffrey Bean

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

MOTION:

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

MOTION:

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

MOTION:

Mr. Stackhouse made a motion to allow Mr. Bean to sit for the real estate sales examination. Once obtaining a license, Mr. Bean will be on probation for a period of one (1) year. After that year, Mr. Bean will be required to submit an updated criminal background check, as well as any time in the future that Mr. Bean requests a license upgrade. Ms. Pratt seconded the motion, which carried with a 4/2 vote.

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

Jason Dodd

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

MOTION:

Mr. Rinehart made a motion to allow Mr. Dodd to sit for the real estate sales examination. Mr. Poplin 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.)

Veldon Bates

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

MOTION:

Ms. Pratt made a motion to enter Executive Session to obtain legal advice. Mr. Cox 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. Bates' request to sit for the real estate sales examination. 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.)

The application hearings for Christal King and Bruce Harrell were not held because the applicants did not appear.

MOTION:

Mr. Poplin made a motion to adjourn at 2:00 p.m. Mr. Lee seconded, which carried unanimously.