

**South Carolina Real Estate Commission
Meeting Minutes**

Wednesday, March 15, 2023 at 10:00 am
110 Centerview Dr., Kingstree Building, Room 105
Columbia, South Carolina 29210

Public notice of this meeting was properly posted at the S.C. Real Estate Commission Office, Synergy Business Park, Kingstree Building, Commission website, 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.

Commission Members Present:

William “Andy” Lee, Chair – 3rd Congressional District
John Rinehart, Vice Chair – 5th Congressional District
Allen Wilkerson – 2nd Congressional District
David Burnett – 4th Congressional District
Janelle Mitchell – 6th Congressional District
W. Brown Bethune – 7th Congressional District
Gary A. Pickren, Esq. – At-Large Member
Jonathan Stackhouse – Public Member

SCLLR STAFF PRESENT:

Kyle Tennis, Esq., Office of Advice Counsel
Meredith Buttler, Administrator
Ashlynn Kirk, Administrative Coordinator
Rowland Alston, Esq., Office of Disciplinary Counsel
Chuck Waters, Office of Investigations and Enforcement
Michael “Doc” Smith, Office of Investigations and Enforcement
Wattie Wharton, Office of Investigations and Enforcement
James Kemfort, Office of Investigations and Enforcement

PRESENT:

Cortney Glover, Court Reporter
Austin Smallwood, SCR
Connie Jeffcoat
Twanja Windley
DeCarlous Sims
Marvin Ward
David Anderson, Esq.
Arthur Linhart
Deitra Simmons-Bell

CALLED TO ORDER: Mr. Lee, Chair, called the meeting to order at 10:01 am.

INVOCATION

Ms. Mitchell gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by all present.

INTRODUCTION OF COMMISSION MEMBERS AND STAFF

Commission members and staff introduced themselves.

APPROVAL OF EXCUSED ABSENCES

Motion: To approve the absence of Commissioner Candace Pratt.

Moved by Mr. Rinehart and seconded by Mr. Bethune, the motion carried by unanimous vote.

APPROVAL OF AGENDA

Motion: To approve the agenda.

Moved by Mr. Pickren and seconded by Ms. Mitchell, the motion carried by unanimous vote.

CHAIRMAN'S REMARKS

None

DISCIPLINARY HEARINGS

a. 2022-570 – Marvin Ward

The purpose of this hearing was to consider the Memoranda of Agreement (“MOA”) for Case No. 2022-570. Mr. Ward appeared before the Commission and was represented by Mr. David Anderson, Esq. Mr. Arthur Linhart served as a witness on behalf of Respondent. All were sworn in.

Disciplinary hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To enter into closed session.

The Respondent’s legal counsel moved for a closed session, and the State had no objection. The motion was granted.

Motion: To enter into executive session for legal advice.

Moved by Mr. Bethune and seconded by Mr. Stackhouse, the motion carried by unanimous vote.

Motion: To return to closed session and for the minutes to reflect no votes were taken during executive session.

Moved by Mr. Stackhouse and seconded by Mr. Bethune, the motion carried by unanimous vote.

Motion: To enter into executive session for legal advice.

Moved by Mr. Pickren and seconded by Mr. Bethune, the motion carried by unanimous vote.

Motion: To return to closed session and for the minutes to reflect no votes were taken during executive session.

Moved by Mr. Stackhouse and seconded by Mr. Pickren, the motion carried by unanimous vote.

Motion: Accept the MOA in which Respondent admitted he was in violation of S.C. Code Ann. § 40-1-110(1)(f)(2011), S.C. Code Ann. § 40-57-710(A)(5) (2017 Supp.) and S.C. Code Ann § 40-57-710(A)(23)(2017 Supp.); order that the Respondent be issued a public reprimand; that he pay a fine of \$1,000 per violation, totaling \$3,000, to be paid within 90 days of the date of the final order; order that Respondent take the 3-hour “Sex and Real Estate: Sexual Harassment, Sexual Discrimination , and Fair Housing” course provided by The CE Shop, Inc. to be completed within 90 days from the date of the final order (this will not count towards continuing education hours); and that Respondent’s license status as a broker is reduced to salesperson as of the date the final order is issued. Respondent must be a salesperson for 3 years before can apply to be a broker.

Moved by Mr. Rinehart and seconded by Mr. Burnett, the motion carried by a vote of 7 in favor to 1 opposed.

Motion: To return to Open session

Moved by Mr. Stackhouse and seconded by Ms. Mitchel, the motion carried by unanimous vote.

b. 2022-121 – Deitra Simmons-Bell

The purpose of this hearing was to consider the Formal Complaint allegations for Case No. 2022-121. Ms. Deitra Simmons-Bell appeared before the Commission, she was not represented by counsel. Mr. James Kemfort and Mr. DeCarlous Sims served as witnesses of the State. All were sworn in.

Disciplinary hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To enter into executive session for legal advice.

Moved by Mr. Pickren and seconded by Mr. Burnett, the motion carried by unanimous vote.

Motion: To return to public session and for the minutes to reflect no votes were taken during executive session.

Moved by Mr. Stackhouse and seconded by Mr. Rinehart, the motion carried by unanimous vote.

Motion: With respect to Case No. 2022-121, The State had proven Respondent violated

S.C. Code Ann. § 40-57-710(A)(2)(2017 Supp.), S.C. Code Ann. §40-57-710(A)(5)(2017 Supp.), and S.C. Code Ann. § 40-57-710(A)(24)(2017 Supp.). The Respondent will be publicly reprimanded, and ordered to take Unit I and Unit II of the Pre-Licensing course to be completed and passed within six (6) months from the date of the final order. If Respondent fails to pass the course exams, she would be suspended until she appeared again before the Commission.

Moved by Mr. Pickren and seconded by Mr. Bethune, the motion carried by unanimous vote.

Mr. Alston requested clarification from the Commission regarding whether or not a broker-in-charge can give authority to an associated licensee based upon their office policy manuals. After discussion, Mr. Lee asked for this topic to be added to a future agenda.

EXECUTIVE SESSION

Executive session was not needed.

PUBLIC COMMENTS

Mr. Pickren stated to the Commission that at the recent Finance Taskforce meeting, Mr. Nick Kremydas of SCR advised Mr. Pickren that he was proud of the work the Commission has been doing recently and appreciates the efforts of the Commission.

Mr. Rinehart brought to the attention of the Commission S.C. Code Ann. § 40-57-350(B) regarding the written policy of a brokerage firm, answering Mr. Alston's earlier question for clarification.

ADJOURNMENT

Motion: To adjourn.

Moved by Mr. Bethune and seconded by Mr. Stackhouse, the motion carried by unanimous vote.

The meeting adjourned at 2:31 pm.