

**South Carolina Real Estate Commission  
Meeting Minutes**

Wednesday, May 17, 2023 at 10:00 am  
110 Centerview Dr., Kingtree 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, Kingtree 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 – 3<sup>rd</sup> Congressional District  
John Rinehart, Vice Chair – 5<sup>th</sup> Congressional District  
Candace Pratt – 1<sup>st</sup> Congressional District  
Allen Wilkerson – 2<sup>nd</sup> Congressional District  
David Burnett – 4<sup>th</sup> 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  
James Kemfort, Office of Investigations and Enforcement  
Chuck Waters, Office of Investigations and Enforcement  
Tori Smith, Office of Investigations and Enforcement  
Charles Turkal, Office of Investigations and Enforcement  
Wattie Wharton, Office of Investigations and Enforcement

**PRESENT:**

Sarah Costilow, Court Reporter  
Doc Smith  
Hammond Love  
Ashley Love  
Allen B. Wise, Esq.  
T. Lowides Pope, Esq.  
Morgan Hamill  
David Anderson, Esq.

**CALLED TO ORDER:** Mr. Rinehart, Vice Chair, called the meeting to order at 10:02 am.

**INVOCATION**

Mr. Burnett 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 Commissioners Janelle Mitchell and W. Brown Bethune.  
Moved by Ms. Pratt and seconded by Mr. Pickren, the motion carried by unanimous vote.

## **APPROVAL OF AGENDA**

**Motion:** To approve the agenda.  
Moved by Mr. Stackhouse and seconded by Ms. Pratt, the motion carried by unanimous vote.

## **APPROVAL OF MEETING MINUTES**

**Motion:** To approve the April 13, 2023 Inspection Taskforce meeting minutes.  
Moved by Mr. Burnett and seconded by Mr. Pickren, the motion carried by unanimous vote.

**Motion:** To approve the April 19, 2023 Commission meeting minutes.  
Moved by Ms. Pratt and seconded by Mr. Stackhouse, the motion carried by unanimous vote.

## **STAFF REPORTS**

- a. Office of Investigations and Enforcement (OIE) Report  
Mr. Kemfort reported that from January 1, 2023, to May 15, 2023, 272 complaints have been filed. OIE currently has 51 active cases and 2 cases have been closed during that time period.

Mr. Lee entered the meeting at 10:34am.

- a. Investigative Review Conference (IRC) Report  
Mr. Kemfort reported the IRC met on May 2, 2023, via teleconference. The IRC recommends the following: 11 cases for dismissals, 8 cases for Letters of Caution, 5 cases for dismissal with a cease and desist, and 2 formal complaints.

Ms. Pratt asked why the two Formal Complaints were brought back to the IRC for re-consideration. Mr. Alston explained that they wanted to make sure that they had the proper legal basis to go forward with the complaint, and it was decided that they did have the proper legal basis to go forward.

Mr. Burnett expressed concerns regarding Case No. 2022-776. Mr. Burnett also expressed concerns regard Case No. 2022-836 being similar to a previously-heard case involving what appears to be a similar issue where the respondent in the previously-heard case received harsher sanctions than just a letter of caution.

**Motion:** To enter into Executive session for legal advice.  
Moved by Mr. Burnett and seconded by Mr. Pickren, 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 Ms. Pratt and seconded by Mr. Stackhouse, the motion carried by unanimous vote.

**Motion:** To elevate Case No. 2022-776 from a Dismissal to a Letter of Caution.  
Moved by Mr. Burnett and seconded by Ms. Pratt, the motion carried by unanimous vote.

Mr. Alston suggested that the Letter of Caution contain language from S.C. Code Ann. § 40-57-350(C)(1)(c).

**Motion:** To send Case No. 2022-836 back to IRC for reconsideration.  
Moved by Mr. Burnett and seconded by Mr. Pickren, the motion carried by unanimous vote.

**Motion:** To accept IRC recommendations with amendments.  
Moved by Mr. Stackhouse and seconded by Ms. Pratt, the motion carried by unanimous vote. Mr. Pickren abstained.

Mr. Pickren commended Investigator Doc Smith for his service on the Investigations team and wished him well in his retirement.

b. Office of Disciplinary Counsel (ODC) Report

Mr. Alston reported as of May 3, 2023, there are 65 open cases of which 35 are pending hearings and agreements, 0 pending closure, 1 is on appeal, and 29 have been closed since January 1, 2023.

d. Administrator Report

Mrs. Buttler reported there are currently 5,130 active Broker-in-Charge licensees with 2,318 in active-in-renewal status; 3,309 active Broker licensees with 1,535 in active-in-renewal status; 21,719 active Salesperson licensees with 11,764 active-in-renewal status; 1,128 active Property Manager-in-Charge licensees with 293 in active-in-renewal status; and 1,337 Property Manager licensees with 415 in active-in-renewal status. The Commission was also presented the totals for Timeshare Salesperson Registrants, Real Estate or Property Manager Office registrations, and Initial Application Volume from 2015 to present.

The Commission's current account balance as of April 30, 2023, is \$7,580,382.53. Also included in the meeting materials was the cash balance report for the Education and Research fund as well as the Timeshare fund.

Mrs. Buttler stated that Renewals are open and as of Monday May 15, 2023, approximately 24% of licenses have renewed so far. The Commission office did see an influx of renewals following the two e-blasts that were sent out in mid-April and early May. The office will continue to send communications out through May and June. One stream of communications will be targeted to BICs and PMICs to ensure they are aware of the changes in the renewal process and to remind them of their supervisory duty of ensuring licensees who do not renew do not practice with lapsed licenses. The other communication stream will be to licensees who have yet to renew and to make sure they are aware of the change as well.

Mrs. Buttler was excited to share that SCR has invited her to participate in a broadcast. The podcast session will be focusing on renewals and process changes. She greatly appreciated SCR extending this invitation so that we can continue to educate the licensees.

Mrs. Buttler stated that due to scheduling conflicts with the ARELLO Mid-Year conference occurring in 2024, the Commission meeting dates in April 2024 have been changed to April 10<sup>th</sup> and 11<sup>th</sup>. Copies of the updated 2024 meeting dates are included in the Commissioners folders.

Mr. Burnett stated that he has concerns with the October 18, 2023 meeting potentially conflicting with the National Realtor Conference. Mrs. Buttler and Ms. Kirk will reach out to the Commissioners via email to see if there will be a quorum for October 18, 2023. If there will not be a quorum, then a new date for October 2023 will be brought to the Commission.

### **CHAIRMAN'S REMARKS**

Mr. Lee has spoken with some educators regarding Continuing Education and clarification if South Carolina can accept Continuing Education from another states. Mrs. Buttler stated that per S.C. Code Ann. § 40-57-340(B)(1)(c), if a South Carolina licensee has a license in another jurisdiction and reside in that other jurisdiction, they are exempt from South Carolina Continuing Education. If the licensee resides in South Carolina, then they must complete South Carolina Continuing Education.

### **DISCIPLINARY HEARINGS**

a. 2022-253 & 2022-305 –Kristina Moore

The purpose of this hearing was to consider the Formal Complaint allegations for Case Nos. 2022-253 and 2022-305. Ms. Moore did not appear before the Commission despite being properly noticed. Ms. Kim Long (LLR), Mr. James Kemfort (LLR), Mr. Doc Smith, and Mr. Phillip Lui served as a 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 Ms. Pratt and seconded by Mr. Stackhouse, 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 Ms. Pratt and seconded by Mr. Rinehart the motion carried by unanimous vote.

**Motion:** With respect to Case No. 2022-253, The State had proven Respondent violated S.C. Code Ann. §40-57-710(A)(25)(2017 Supp.) and S.C. Code Ann. §40-57-710(A)(27). With respect to Case 2022-305, The State had proven Respondent violated S.C. Code Ann. §40-57-710(A)(5)(2017 Supp.), S.C. Code Ann. §40-57-710(A)(11)(2017 Supp.), S.C. Code Ann. §40-57-710(A)(25)(2017 Supp.), S.C. Code Ann. §40-57-710(A)(27)(2017 Supp.), and S.C. Code Ann. §40-1-110(1)(g)(2011). The motion included the following sanctions: Respondent's license be revoked permanently and that she pays a fine of \$5,000 per violation, totaling \$35,000, to be paid within 90 days of the date of the final order.  
Moved by Mr. Pickren and seconded by Ms. Pratt, the motion carried unanimous vote.

- b. 2022-541  
The purpose of this hearing was to consider the Memoranda of Agreement ("MOA") for Case No. 2022-541.

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

**Motion:** With respect to Case No. 2022-54, a Letter of Caution be issued.

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

- c. 2022-367  
The purpose of this hearing was to consider the Memoranda of Agreement ("MOA") for Case No. 2022-367.

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

**Motion:** To enter into closed session and return to open session at the call of the Chair.  
Moved by Mr. Rinehart and seconded by Mr. Stackhouse, the motion carried by unanimous vote.

**Motion:** To enter into executive session for legal advice.

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

**Motion:** To enter into executive session for legal advice.

Moved by Mr. Pickren 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. Pickren, the motion carried by unanimous vote.

**Motion:** To dismiss the case.

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

Ms. Pratt exited the meeting at 1:45pm.

## **OLD BUSINESS**

- a. Waiver of In-Person final exam proctoring requirement for pre-licensing courses.

Mrs. Buttler brought to the attention of the Commission, that at its December 14, 2022 meeting, the South Carolina Real Estate Commission extended its temporary waiver of the in-person final exam proctoring requirement for distance pre-licensing courses until 06/30/2023 in accordance with S.C. Code Ann. Regs. 105-6(C). This allows for virtual proctoring of the final examinations required for pre-licensing course completion. Mrs. Buttler received a request to ask the Commission to reconsider the expiration of the waiver and to make this a permanent implementation. Mrs. Buttler is asking if the Commission would like to make the waiver permanent or further extend the waiver. After discussion, the following motion was made.

**Motion:** To extend the waiver for In-Person final exam proctoring requirement for pre-licensing courses for 12 months (ending 6/30/2024).

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

## **NEW BUSINESS**

- a. Clarification: Payment of Commissions and Lapsed Licenses

At a recent SCR meeting in Spartanburg, a question regarding payment of commissions to those with lapsed licenses was brought before Mr. Burnett and Mrs. Buttler. The question asked was whether a liThey are asking the Commission for clarification of if a

license is lapsed, does the licensee received commissions during that time? Mrs. Buttler provided the Commission with applicable laws.

After discussion, the Commission came to the conclusion that per the applicable statutes, including S.C. Code Ann. §§ 40-57-20, 40-57-30, 40-57-135, and 4-57-710, commissions cannot be paid to licensees whose licenses have lapsed, as an individual with a lapsed license is unlicensed. Only commissions should be paid for transactions that took place during active licensing.

Mrs. Buttler stated she will communicate with SCR regarding the clarification of payment of commission.

## **LEGISLATIVE UPDATE**

### a. Act 13 of 2023 (H.3605) Delegation

On behalf of Katie Phillips, Mr. Tennis provided the legislative update.

Mr. Tennis stated that Bill H.3605 has been signed into law by Governor McMaster. Part of this bill requires that the name of the complainant be provided to the licensee, unless the board believes good cause exists to withhold the name of the complainant. The Commission will need to delegate a position to make a good cause determination regarding whether a complainant name should or should not be withheld.

**Motion:** To delegate this good cause determination to always sit with the Vice Chair.

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

Mr. Tennis also stated that there are 3 other bills in the House currently. Two of the bills — H.4464 and H.4223 — involve the licensing of real estate companies, to include vacation rental platforms needing licenses, such as VRBO/AirBnB. These have had first reading and have been referred to the House LCI Committee. The third bill — H.4225 — would amend Section 27-50-250 regarding the transfer of title of residential property subject to a vacation rental agreement. The section provides that a grantee of residential property subject to a vacation rental shall take title subject to that rental agreement and to the management agreement for all vacation rental periods that begin no later than 180 days after the date the interest is recorded by the purchaser with the register of deeds. Current law provides that the period begins no later than 90 days. Additionally, the bill would provide that if the vacation rental begins more than 180 days after the grantee's interest is recorded, then no party has the right to enforce the terms of the rental agreement or occupancy but the tenant must be granted a refund of any payments made toward the agreement within 45 days of the recording. Current law sets the cutoff date as 90 days. This bill has had first reading and has also been referred to the House LCI Committee.

Mr. Pickren asked if there was any information regarding the bill amending the limitations on alien land ownership and providing restrictions on land ownership by foreign adversaries, S.576, and stated that this is something the Commission needs to be aware of. Mrs. Buttler found that the Bill has passed the Senate and it is in Committee and in the House.

## **AGENDA TOPICS FOR FUTURE MEETINGS**

Mr. Pickren requested that the topic of Marketing/Advertising on MLS/Social Media be added to the next Administrative day agenda. After previous discussion, The Commission agreed that at the next Administrative day agenda in June a topic for regulatory change and possible Notice of Drafting be added. Mr. Burnett requested the topic of clarification regarding Brokerage appearance on advertising and if this can be handled in the regulations. Mr. Burnett would also like clarification and communication regarding “no representation” on the Residential Property Condition Disclosure Statement. Mr. Burnett stated that there is a new NAR fair housing requirement, and would like for the Fair Housing Taskforce to potentially look into making 2 hours of Continuing Education in compliance with the NAR fair housing requirement.

## **EXECUTIVE SESSION**

Executive session was not needed.

## **PUBLIC COMMENTS**

None

## **ADJOURNMENT**

**Motion:** To adjourn.

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

The meeting adjourned at 2:11 pm.