

**South Carolina Real Estate Commission  
Meeting Minutes**

Wednesday, August 16, 2023 at 10:00 am  
110 Centerview Dr., Kingtree Building, Upstate Conference Room  
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  
Janelle Mitchell – 6<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  
Ashlynn Kirk, Administrative Coordinator  
Joi Middleton, Education Manager  
Rowland Alston, Esq., Office of Disciplinary Counsel  
LeAnna McMenamin, Esq., Office of Disciplinary Counsel  
Charles Turkal, Office of Investigations and Enforcement  
Wattie Wharton, Office of Investigations and Enforcement

**PRESENT:**

Cortney Glover, Court Reporter	Lou Redbord
Doc Smith	Charles Mace
Daniel Gaffney	Cindy Bagwell
Kimberly Gaffney	Vanonna Squire
Daryld Scott	Torrance Squire
John Keffer, Esq.	Alexander Imgrund, Esq.
Bernand Tyler	Rocky Milligan

**CALLED TO ORDER:** Mr. Lee called the meeting to order at 10:04 am.

**INVOCATION**

Mr. Rinehart 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 W. Brown Bethune.

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

## **APPROVAL OF AGENDA**

**Motion:** To approve the agenda with the amendment to remove item 11c.

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

## **APPROVAL OF MEETING MINUTES**

**Motion:** To approve the June 21, 2023 Commission meeting minutes with amendment.

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

**Motion:** To approve the June 22, 2023 Commission meeting minutes.

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

**Motion:** To approve the July 11, 2023 Special-Called Teleconference meeting minutes.

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

**Motion:** To approve the August 2, 2023 Education Taskforce meeting minutes.

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

## **CHAIRMAN'S REMARKS**

None

## **STAFF REPORTS**

a. Office of Investigations and Enforcement (OIE) Report

On behalf of Mr. Kemfort, Mr. Wharton reported that from January 1, 2023, to August 4, 2023, 368 complaints have been filed. OIE currently has 89 active cases and 27 cases have been closed during that time period.

b. Investigative Review Counsel (IRC) Report

On behalf of Mr. Kemfort, Mr. Wharton reported the IRC met on August 1, 2023, via teleconference. The IRC recommends the following: 9 cases for dismissals, 6 cases for Letters of Caution, 0 case for dismissal with a cease and desist, and 5 formal complaints.

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

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

**Motion:** To accept IRC recommendations with the exception of cases 2022-734, 2022-878, and 2023-263, which are to be brought back to the Commission once the Investigator is available for questions.

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

Mr. Pickren recused himself from all cases related to wholesaling.

c. Office of Disciplinary Counsel (ODC) Report

On behalf of Mr. Alston, Mrs. McMenamain reported as of August 2, 2023, there are 57 open cases of which 23 are pending hearings and agreements, 0 pending closure, and 51 have been closed since January 1, 2023.

d. Board Executive Report

Mrs. Buttler reported there are currently 7,188 active broker-in-charge licensees; 4,840 active broker licensees; 32,463 active salesperson licensees; 1,412 active property manager-in-charge licensees; and 1,724 property manager licensees. The Commission was also presented the totals for timeshare salesperson registrants, real estate or property management office registrations, and initial application volume from 2015 to present. Mrs. Buttler also included the number of lapsed licensees for the Commission's information. The Commission office has gone through records and cleaned up the lapsed broker-in-charge and property manager-in-charges to remove them from supervision of a firm or office and has inactivated any associated licensees under their supervision.

The Commission's current account balance as of June 30, 2023, is \$7,579,346.05. Also included in the meeting materials is the cash balance report for the Education and Research Fund as well as the Timeshare Fund.

Requests for quotes have been submitted to the Finance Department for the remediation courses and preparation on the request for wholesaling study quote has also begun. Once quotes are submitted, that information will be brought back to the respective taskforces.

## **TASKFORCE REPORT**

a. Education Taskforce- David Burnett

Mr. Burnett stated that the Taskforce is continuing to work on suggestions for potential regulation changes. He is requesting insight and direction from the Commission regarding recruitment and solicitation during classes. Mr. Lee stated he has had agents that attended classes where the instructor taught the material but also taught their

company culture. Mr. Lee stated that zero recruiting should be allowed. Ms. Mitchell stated that in the past the broker-in-charge used to sign off on if agents could take a course and suggested that this may help with decreasing the issue of recruitment during course time. It was agreed upon by the Commission that if instructors are using examples during instruction, the examples cannot be based on what the instructor's company utilizes as this could constitute as recruitment. The suggested regulation is that to solicit/recruit must be outside course instruction time, especially for non-real estate companies during non-instructional hours. Mr. Burnett advised the Commission that they will bring the suggestions for potential regulation changes to the September administrative day.

## **NEW BUSINESS**

a. Statutory Review of Agency and Contract Ownership- Gary Pickren

Requested during a taskforce meeting discussion, Mr. Pickren stated that there needed to be clarification of who has contract ownership between the broker-in charge versus the brokerage firm. Referencing existing statutory definitions, Mr. Lee stated that the brokerage firm holds the contract and the broker-in-charge oversees the associated licensees of the firm.

Mr. Pickren also requested that sub-agency be discussed at the next administrative day meeting.

b. WebEx Appearances for Applicants- Kyle Tennis, Esq.

Mr. Tennis asked for the Commission's approval for out-of-state applicants that need to appear for application hearings to have the option to appear for the hearings via WebEx. Discussion ensued.

Motion: To delegate to Commission staff to ability to review applicant requests for WebEx hearings and grant based upon Commission safety and extreme travel inconvenience considerations.

Moved by Mr. Pickren and seconded by Mr. Wilkerson, the motion carried by a vote of 6 in favor and 2 opposed.

## **DISCIPLINARY HEARINGS**

a. 2020-586

The purpose of this hearing was to consider the Formal Complaint for Case No. 2020-586.

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

Mr. Alston recommended the case be dismissed due to insufficient evidence as a result of a necessary witness being unavailable.

Motion: To accept the State's recommendation for dismissal.

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

b. 2021-468

The purpose of this hearing was to consider the Stipulation of Facts for Case No. 2021-468.

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

Mr. Pickren was recused.

**Motion:** To enter into executive session for legal advice where not votes will be taken. Moved by Mr. Stackhouse and seconded by Ms. Pratt, the motion carried by unanimous vote.

**Motion:** To exit executive session and return to public session. Moved by Ms. Pratt and seconded by Ms. Mitchell, the motion carried by unanimous vote.

**Motion:** With respect to Case No. 2021-468, a Letter of Caution be issued. Moved by Mr. Rinehart and seconded by Ms. Mitchell, the motion carried by a vote of 6 in favor and 1 opposed.

Mr. Pickren returned to the meeting.

d. 2022-761 –Trenton Erving

The purpose of this hearing was to consider the Formal Complaint allegations for Case No. 2022-761. Mr. Erving did not appear before the Commission despite being properly noticed. Ms. Kim Long (LLR), Doc Smith, and Kimberly Gaffney 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.

Mr. Pickren and Mr. Rinehart were recused. Mr. Rinehart left the meeting at 1:44pm.

**Motion:** To enter into executive session for legal advice where not votes will be taken. Moved by Ms. Pratt and seconded by Mr. Wilkerson, the motion carried by unanimous vote.

**Motion:** To exit executive session and return to public session. Moved by Mr. Stackhouse and seconded by Ms. Mitchell, the motion carried by unanimous vote.

**Motion:** With respect to Case No. 2022-761, 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.), S.C. Code Ann. §40-57-710(A)(14)(2017 Supp.), and S.C. Code Ann. §40-1-110(1)(g)(2011) and ordered the Respondent's license be permanently revoked.

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

Mr. Pickren returned to the meeting.

## **ELECTION OF OFFICERS**

a. Chair

**Motion:** Mr. Lee serve another term as Chair.

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

b. Vice-Chair

**Motion:** Mr. Rinehart serve another term as Vice Chair.

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

## **AGENDA TOPICS FOR FUTURE MEETINGS**

Mr. Pickren recommended the Commission look at lawsuits occurring across the country affecting the industry and see how these may impact real estate in this state.

Mr. Burnett requested time to discuss with OIE the procedures, communications, and acknowledgement of complaint submission.

## **EXECUTIVE SESSION**

Executive session was not needed.

## **PUBLIC COMMENTS**

Mr. Charles Mace congratulated Mr. Lee and Mr. Rinehart on being re-elected to their positions. Mr. Mace also thanked the Commission for all they do and that he always learned something from every meeting he attends.

## **ADJOURNMENT**

**Motion:** To adjourn.

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

The meeting adjourned at 2:52 pm.