

**South Carolina Real Estate Commission
Meeting Minutes**

Wednesday, November 8, 2023 at 10:00 am
110 Centerview Dr., Kingstree Building, Midlands 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, 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
Candace Pratt – 1st Congressional District
Allen Wilkerson – 2nd Congressional District
David Burnett – 4th Congressional District
Janelle Mitchell – 6th Congressional District
Johnathan Stackhouse – Public Member

SCLLR STAFF PRESENT:

Kyle Tennis, Esq., Office of Advice Counsel
Meredith Buttler, Program Director
Erica Wade, Commission Executive
Ashlynn Brown, Administrative Coordinator
Rowland Alston, Esq., Office of Disciplinary Counsel
Chuck Waters, Office of Investigations and Enforcement
Wattie Wharton, Lead Investigator Office of Investigations and Enforcement

PRESENT:

Cortney Glover, Court Reporter
Austin Smallwood, Esq., SCR
Emmett Williams
Tabitha Holden
Joshua Holden
Nilo Crespo
Jomaine Case

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

INVOCATION

Mrs. Pratt 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 absences of W. Brown Bethune and Gary Pickren.

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

APPROVAL OF AGENDA

Motion: To approve the agenda.

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

APPROVAL OF MEETING MINUTES

Motion: To approve the October 5th, October 9th, October 10th, and October 18, 2023

Commission meeting minutes as provided with the one exception of amending the Commissioner identified as providing the invocation at the October 18th meeting from Mr. Rinehart to Mrs. Mitchell.

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

CHAIRMAN'S REMARKS

None

STAFF REPORTS

a. Office of Investigations and Enforcement (OIE) Report

Mr. Wharton reported that from January 1, 2023, to November 6, 2023, 519 complaints have been filed. OIE currently has 93 active cases and 48 cases have been closed during that time period.

b. Investigative Review Counsel (IRC) Report

Mr. Wharton reported the IRC met on October 31, 2023, via teleconference. The IRC recommends the following: 6 cases for dismissal, 2 cases for letters of caution, 2 cases for dismissal with a cease and desist, and 3 formal complaints.

Motion: To accept IRC recommendations as presented.

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

c. Office of Disciplinary Counsel (ODC) Report

Mr. Alston reported as of October 26, 2023, there are 45 open cases of which 21 are pending hearings and agreements, 1 pending closure, 1 appeal, and 64 have been closed since January 1, 2023.

d. Board Executive Report

Mrs. Wade reported there are currently 7,296 active broker-in-charge licensees; 4,921 active broker licensees; 33,319 active salesperson licensees; 1,441 active property manager-in-charge licensees; and 1,797 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.

The Commission's current account balance as of September 30, 2023, is \$7,131,095.83. Also included in the meeting materials is the cash balance report for the Education and Research Fund as well as the Timeshare Fund.

Mrs. Wade notified the Commission that in moving forward with getting the remediation courses developed, in addition to CE Shop, REC staff also reached out to three additional agencies to get a primary quote in order to submit an RFQ. Since the last meeting, staff had two meetings with USC who has the potential to develop the courses in which case an interagency contract could be developed. Staff is waiting on information from the other agencies.

APPLICATION HEARINGS

a. Emmett Williams

Mr. Williams appeared before the Commission for a salesperson application hearing. He waived his right to counsel. Ms. Katherine Darrow served as witness on behalf of the applicant. All were sworn in by the court reporter. Application hearings are recorded by a certified reporter in the event a verbatim transcript is necessary.

Motion: To enter into executive session for legal advice where no votes will be taken.
Moved by Mr. Rinehart and seconded by Mrs. Mitchell, the motion carried by unanimous vote.

Motion: To exit executive session and return to open session.
Moved by Mr. Stackhouse and seconded by Mrs. Pratt, the motion carried by unanimous vote.

Motion: To approve Emmett Williams to sit for the salesperson exam after providing documentation to Commission staff that, if restitution was owed, he has already paid it or has taken action to repay any restitution owed.
Moved by Mrs. Mitchell and seconded by Mr. Rinehart, the motion carried by a unanimous vote.

b. Jomaine Case

Mr. Case appeared before the Commission for a salesperson application hearing. He waived his right to counsel and was sworn in by the court reporter. Application hearings are recorded by a certified reporter in the event a verbatim transcript is necessary.

Motion: To enter into executive session for legal advice where no votes will be taken.
Moved by Mr. Rinehart and seconded by Mrs. Pratt, the motion carried by unanimous vote.

Motion: To exit executive session and return to open session.
Moved by Mr. Rinehart and seconded by Mr. Wilkerson, the motion carried by unanimous vote.

Motion: To approve Jomaine Case to sit for the salesperson exam under the conditions that he must complete any restitution and finish parole before he may upgrade his license to any other category, and if he violates parole he would need to appear before the Commission regarding his continued licensure.
Moved by Mrs. Pratt and seconded by Mr. Stackhouse, the motion carried by a vote of 5 in favor to 2 opposed.

Allen Wilkerson left the meeting at 11:37am.

c. Nilo Crespo

Mr. Crespo appeared before the Commission for a salesperson application hearing. He waived his right to counsel and was sworn in by the court reporter. Application hearings are recorded by a certified reporter in the event a verbatim transcript is necessary.

Motion: To enter into closed session.
Moved by Mr. Rinehart and seconded by Mrs. Pratt, the motion carried by unanimous vote.

Motion: To approve Mr. Crespo to sit for the salesperson exam. Following passing of the exam and issuance of license, Mr. Crespo must take the 4-hour “Disclose, Disclose, Disclose” continuing education course within six (6) months of license issuance and provide to the Commission office proof of completion of the course. The hours received for this course will not be computed in and will not count toward the calculation of total continuing education hours required for licensure or renewal. Failure to do so will result in his license being administratively suspended.

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

Motion: To return to open session.
Moved by Mr. Stackhouse and seconded by Mrs. Pratt, the motion carried by unanimous vote.

d. Tabitha Holden

Mrs. Holden appeared before the Commission for a salesperson application hearing. She waived her right to counsel and was sworn in by the court reporter. Application hearings are recorded by a certified reporter in the event a verbatim transcript is necessary.

Motion: To enter into closed session.

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

Motion: To approve Mrs. Holden to sit for the salesperson exam.

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

Motion: To return to open session.

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

OLD BUSINESS

a. **Review of National Lawsuits Impacting the Practice of Real Estate**

At the September 14, 2023 meeting, Commissioner Pickren presented the Commission with a summary of several national lawsuits, some involving the National Association of Realtors, which have the potential of impacting on the practice of real estate in South Carolina. Today, Mr. Tennis provided an updated regarding the federal case of Burnett Vs. NAR out of Kansas City, MO. Plaintiffs in the matter in argued that the NAR's "cooperative compensation" rule curtails competition and leads to higher prices, and a jury reached a verdict in favor of the Plaintiffs. Defendants in the case have provided they will appeal, so final resolution may not be reached for years.

Mr. Burnett asked what the Commission can do to ensure that licensees comply with federal law as outcomes to these cases conclude. Mr. Rinehart suggested for licenses to continue educating themselves in matters regarding disclosure and buyer's agency. Mr. Lee stated that licensees need to use the Agency Disclosure form, as required by law, as it will help licensees tremendously.

NEW BUSINESS

a. **Approval: Updated FAQs- Erica Wade**

Mrs. Wade provided the Commission with a draft copy of an updated FAQ for the Commission's website. The draft shows an updated format as well as many questions that LLR staff receive daily, and is requesting approval of the format. If approved, Mrs. Brown will update any grammatical errors and any needed corrections before sending the updated FAQ to Mr. Tennis for review.

Motion: To approve the FAQ format for the Commission's website subject to review and editing by staff and advice counsel.

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

AGENDA TOPICS FOR FUTURE MEETINGS

The Commission will begin the December 2023 meeting at 9:00am.

EXECUTIVE SESSION

Executive session was not needed.

PUBLIC COMMENTS

None

ADJOURNMENT

Motion: To adjourn.

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

The meeting adjourned at 12:25 pm.