

**South Carolina Real Estate Commission  
Meeting Minutes**

Wednesday, December 13, 2023 at 9:00 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 – 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:**

Erica Wade, Commission Executive  
Ashlynn Brown, Administrative Coordinator  
Micah Hurtt, Administrative Coordinator  
Kyle Tennis, Esq., Office of Advice Counsel  
Meredith Buttler, Program Director  
Rowland Alston, Esq., Office of Disciplinary Counsel  
LeAnna McMenamin, Esq., Office of Disciplinary Counsel  
Chuck Waters, Office of Investigations and Enforcement  
Wattie Wharton, Lead Investigator Office of Investigations and Enforcement  
Tara Nixon, Esq., Office of Advice Counsel  
Tyler Livezey, Office of Immigration, Wages, and Child Labor

**PRESENT:**

Sarah Costilow, Court Reporter  
Austin Smallwood, Esq., SCR  
Michael “Doc” Smith  
John Carroll, Esq.  
Kristen Zimmerman  
Sharon Fleeman  
Denise Ross

**CALLED TO ORDER:** Mr. Lee called the meeting to order at 9:03 a.m.

## 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 AGENDA

**Motion:** To approve the agenda.

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

## APPROVAL OF MEETING MINUTES

**Motion:** To approve the November 8, 2023 Commission meeting minutes.

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

The approval of meeting minutes was revisited upon Mr. Burnett joining the meeting and the following motion was made:

**Motion:** To correct the motion made on page 4 in the November 8, 2023 minutes with respect to Mr. Crispo's application to accurately reflect the identity of the Commissioners that made and seconded that motion.

Moved by Mr. Burnett and seconded by Mr. Rinehart, 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 2, 2023, to December 04, 2023, 595 complaints have been filed. OIE currently has 100 active cases, 63 cases have been closed during that time period, and 137 cases are pending review by the complaint analyst.

b. Investigative Review Conference (IRC) Report

Mr. Wharton reported the IRC met on November 28, 2023, via teleconference. The IRC recommends the following: 2 cases for dismissal, 3 formal complaints, and 4 cases for Letters of Caution.

**Motion:** To accept IRC recommendations as presented.

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

c. Office of Disciplinary Counsel (ODC) Report

Mr. Alston reported as of November 29, 2023, there are 44 open cases of which 18 are pending hearings and agreements, 0 pending closure, 1 appeal, and 65 have been closed since January 1, 2023.

d. Board Executive Report

Mrs. Wade reported there are currently 7,270 active broker-in-charge licensees; 4,897 active broker licensees; 33,161 active salesperson licensees; 1,437 active property manager-in-charge licensees; and 1,781 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 October 31, 2023, is \$7,089,267.84. 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 also reported that she is putting together an end-of-year Newsletter. Mrs. Brown will email Commissioners soon requesting their most recent headshots.

Mrs. Wade notified the Commission that in preparation for the upcoming renewals, staff is working on updating the website to ensure the FAQs are up to date. Staff is also ensuring all clarifications are posted in key areas of the website and reviewing internal procedures to ensure the upcoming renewal runs smoothly.

Mr. Burnett entered the meeting at 9:08 a.m.

**NEW BUSINESS**

a. Proposed Updated Meeting calendar

Mr. Tennis proposed the following dates and changes to the 2024 Commission meeting calendar:

- The January 18, 2024 Commission meeting be changed to both an administrative and application hearing day.
- The February 14, 2024 Commission meeting be changed from an application hearing day to a disciplinary hearing day.
- The April 17-18, 2024 Commission meeting dates be changed to April 10-11, 2024, with April 10, 2024, becoming a disciplinary hearing day and April 11, 2024, becoming both an administrative and application hearing day.
- Cancel the May 15, 2024 Commission meeting

The Commission approved the aforementioned proposed meeting dates and changes.

b. Use of A.I.

At the request of a Commissioner, Mr. Tennis explained that Artificial Intelligence, or A.I., is becoming more commonly used in the practice of real estate. This topic has also come up at recent ARELLO conferences. While not in the real estate context, a decision from New York, *Mata v. Avianca*, was explained and used as a cautionary tale regarding

issues with the use of A.I. and that it cannot be used in place of human judgment. This particular use of A.I. resulted in legal filings that cited A.I.-created cases that did not actually exist, which ultimately caused the attorney using A.I. to be sanctioned.

Discussions were held, during which time A.I. was recognized as a useful tool, but that it cannot replace human judgment. The Commissioners agreed that in the day-to-day practice of real estate, licensees need to carefully perform and review all work, especially when using A.I., as licensees remain ultimately responsible.

Mrs. Pratt entered the meeting at 9:40 a.m.

c. Use of “Showing Agents”

Mr. Pickren requested that the Commission provide insight regarding the trend of using “showing agents” to show properties. This increasingly popular trend typically involves the use of certain websites that facilitate licensees hiring other licensees that are not affiliated with their brokerage firms to then show property on behalf of the hiring licensees. The North Carolina Real Estate Commission has provided a bulletin to their licensees in regards to their stance on the use of showing agents and the legal concerns inherent in the use of showing agents. Mr. Rinehart explained he was under the impression that the use of showing agents who are not affiliated with and under the supervision of the broker-in-charge is against South Carolina law. The Commission agreed.

**Motion:** For Advice Counsel to draft a bulletin regarding showing agents and present at the January 18, 2024 meeting.

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

Mr. Pickren entered the meeting at 9:55 a.m.

### **APPROVAL OF EXCUSED ABSENCES**

**Motion:** To approve the absence of W. Brown Bethune.

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

### **DISCIPLINARY HEARINGS**

a. 2021-713 Kristen Zimmerman

The purpose of this hearing was to consider the Formal Complaint for Case No. 2021-713. Ms. Zimmerman appeared before the Commission and was represented by John Carroll, Esq. Mr. Tyler Livezey (LLR) and Mrs. Meredith Buttler (LLR) served as witnesses for the State. All were sworn in.

After opening statements were made, Mr. Alston, with the Office of Disciplinary Counsel presented the State’s case. Respondent and her counsel presented her case and answered questions posed by the Commission.

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 where not votes will be taken. Moved by Mr. Stackhouse and seconded by Mr. Rinehart, the motion carried by unanimous vote.

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

**Motion:** With respect to Case No. 2021-713, the state had proven Respondent violated S.C. Code Ann. § 40-57-710(A)(21) (2017 Supp.) by violating S.C. Code Ann. §40-57-520(A)(5)(2017 Supp.). The motion included the following sanctions: Respondent be issued a public reprimand and pay \$500 within 60 days from the date of the final order. Moved by Mr. Pickren and seconded by Mr. Rinehart, the motion carried by a vote of 7 in favor and 1 opposed.

b. 2022-426 – Denise Ross

The purpose of this hearing was to consider the Formal Complaint for Case No. 2022-426. Ms. Ross appeared before the Commission and was not represented by counsel. Mr. Michael “Doc” Smith (Former LLR Investigator) served as the State’s witness. Both were sworn in.

After opening statements were made, Mr. Alston, with the Office of Disciplinary Counsel presented the State’s case. Respondent presented her case and answered questions posed by the Commission.

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 where not votes will be taken. Moved by Mr. Pickren and seconded by Mr. Burnett, the motion carried by unanimous vote.

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

**Motion:** With respect to Case No. 2022-426, the State had proven Respondent violated S.C. Code Ann. §40-1-110(f)(2011). The motion included the following sanctions: Respondent be issued a public reprimand; that she pays \$500 to be paid within 60 days from the date of the

final order, and that she take a 2-hour professionalism course that must be completed within 60 days from the date of the final order.  
Moved by Mr. Pickren and seconded by Mrs. Mitchell, the motion carried by a vote of 6 in favor and 2 opposed.

#### **AGENDA TOPICS FOR FUTURE MEETINGS**

Mr. Rinehart requested the topic of wholesaling be placed on the next meeting agenda.  
Mr. Lee requested an update regarding inspections on the next meeting agenda. In addition, Mr. Lee requests that the Inspections Taskforce meet before the next Commission meeting.  
Mrs. Mitchell requested the topic regarding Cross Marketing and posting on Facebook be added.  
Finally, Mr. Pickren requested for the topic of Buyer Use/Agency Agreement forms and addendums be added to the next meeting agenda as well.

#### **EXECUTIVE SESSION**

Executive session was not needed.

#### **PUBLIC COMMENTS**

None

#### **ADJOURNMENT**

**Motion:** To adjourn.

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

The meeting adjourned at 3:52 pm.