

**South Carolina Real Estate Commission
Meeting Minutes**

Wednesday, January 17, 2024 at 10:00 am
110 Centerview Dr., Kingstree 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, 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
Janelle Mitchell – 6th Congressional District
Johnathan Stackhouse – Public Member

SCLLR STAFF PRESENT:

Erica Wade, Commission Executive
Ashlynn Brown, 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
Kim Long, Office of Disciplinary Counsel

PRESENT:

Travis McLeod, Court Reporter
Austin Smallwood, Esq., SCR
Michael “Doc” Smith
Lee Brian Vining
James Akers Jr.
Chris Martin
Kaitlin Bowler

CALLED TO ORDER: Mr. Lee called the meeting to order at 10:01 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 EXCUSED ABSENCES

Motion: To approve the absences of W. Brown Bethune, Gary Pickren, and David Burnett.

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

APPROVAL OF AGENDA

Motion: To approve the agenda with the amendment to hear Mr. Sutton’s disciplinary hearing first.

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

CHAIRMAN’S REMARKS

None

DISCIPLINARY HEARINGS

a. 2022-475 – Edward Sutton

The purpose of this hearing was to consider the Formal Complaint for Case No. 2022-475. Mr. Sutton did not appear before the Commission despite being properly noticed. Mr. Michael “Doc” Smith and Mrs. Kim Long (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.

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 no votes will be taken.

Moved by Mrs. Pratt and seconded by Mrs. Mitchell, 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. 2022-475, the state had proven Respondent violated S.C. Code Ann. § 40-57-710(A)(11) (2011) and S.C. Code Ann. § 40-57-710(A)(25) (2017 Supp.).

The motion included the following sanctions: Respondent be issued a public reprimand and that he must appear before the Commission in the event he seeks licensure from the Commission again.

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

b. 2022-797 – Lee Brian Vining

The purpose of this hearing was to consider the Formal Complaint for Case No. 2022-426. Mr. Vining appeared before the Commission and was not represented by counsel. Mr. Chuck Waters, James Akers, and Kaitlin Bowler served as the State’s witnesses. All were sworn in.

Mr. Pickren was recused.

After opening statements were made, Mr. Alston, with the Office of Disciplinary Counsel presented the State’s case. Respondent presented his 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 Mrs. Pratt and seconded by Mrs. Mitchell, 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: To enter into executive session for legal advice where not votes will be taken. Moved by Mrs. 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. Rinehart and seconded by Mrs. Pratt, the motion carried by unanimous vote.

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

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

Motion: With respect to Case No. 2022-797, 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)(21) (2017 Supp.),

specifically by violating S.C. Code Ann. §40-57-135(E)(1) (2017 Supp.), S.C. Code Ann. §40-57-135(I)(2) (2017 Supp.), and S.C. Code Ann. § 40-57-350(C)(1)(c).

The motion included the following sanctions: Respondent be issued a public reprimand; the license be restricted from Broker-in-Charge to Broker within 30 days from the date of the final order and the license cannot be upgraded to Broker-in-Charge for 24 months from the date of the final order; that he pays \$2,000 per violation, totaling \$10,000 to be paid within 180 days from the date of the final order, and that he take the Broker IIIA and IIIB courses that must be completed within 180 days from the date of the final order. The courses will not count towards continuing education credit.

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

c. 2023-31

The purpose of this hearing was to consider the Stipulations of Fact for Case No. 2023-31.

Mr. Pickren was recused.

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 no votes will be taken. Moved by Mr. Wilkerson and seconded by Mr. Stackhouse, the motion carried by unanimous vote.

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

Motion: With respect to Case No. 2023-31, a Letter of Caution be issued.

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

PUBLIC COMMENTS

None

ADJOURNMENT

Motion: To adjourn. Moved by Mr. Stackhouse and seconded by Mrs. Mitchell, the motion carried by unanimous vote.

The meeting adjourned at 2:46 pm