

**South Carolina Real Estate Commission  
Meeting Minutes**

Wednesday, February 14, 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 – 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

**SCLLR STAFF PRESENT:**

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

**PRESENT:**

Sean Cary, Court Reporter  
Austin Smallwood, Esq., SCR  
Charles Mace  
Matthew Cawley

**CALLED TO ORDER:** Mr. Lee called the meeting to order at 10:03 a.m.

**INVOCATION**

Mrs. Mitchell 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 Johnathan Stackhouse.

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

## **APPROVAL OF AGENDA**

**Motion:** To approve the agenda with the amendment to remove agenda item 9a because the scheduled disciplinary hearing was continued.

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

## **APPROVAL OF MEETING MINUTES**

**Motion:** To approve the January 17, 2024 meeting minutes.

Moved by Mrs. Pratt and seconded by Mrs. Mitchell, the motion carried by unanimous vote. Mr. Pickren abstained from voting.

**Motion:** To approve the January 18, 2024 meeting minutes.

Moved by Mrs. Mitchell and seconded by Mrs. Pratt, the motion carried by unanimous vote. Mr. Pickren abstained from voting.

## **CHAIRMAN'S REMARKS**

None

## **STAFF REPORTS**

a. Office of Investigations and Enforcement (OIE) Report

Mr. Wharton reported that from January 2, 2023, to February 8, 2024, 692 complaints have been filed. OIE currently has 175 active cases, 95 cases have been closed during that time period, and 29 cases are pending review by the complaint analyst.

b. Investigative Review Counsel (IRC) Report

Mr. Wharton reported the IRC met on January 30, 2024, via teleconference. The IRC recommends the following: 2 cases for dismissal, 3 cases for letters of caution, and 2 formal complaints.

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

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

Discussions were held regarding the nature of the IRC meetings and if they were in-person, via phone, or otherwise. Mr. Burnett requested that for future IRC meetings be held via WebEx rather than just via telephone.

c. Office of Disciplinary Counsel (ODC) Report

Mr. Alston reported as of January 31, 2024, there are 38 open cases of which 15 are pending hearings and agreements, 2 pending closure, 1 appeal, and 9 have been closed since the last report.

d. Board Executive Report

Mrs. Wade reported there are currently 7,372 active broker-in-charge licensees; 4,923 active broker licensees; 33,425 active salesperson licensees; 1,483 active property manager-in-charge licensees; and 1,877 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 January 12, 2024, is \$6,792,871.49. 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 the invoice for the translation service, MasterWord, has been submitted to Finance for processing. As soon as the purchase order is submitted, we can begin the process of having our informational forms translated. Once translated, the documentation will be uploaded to the Forms & Resources page of the Real Estate Commission website.

The Reciprocity Agreement for North Carolina was accepted and signed by both parties. LLR staff has begun updating the website, applications, and overviews to reflect North Carolina and Georgia reciprocity. Staff will send an Eblast to the schools, SCR, and applicants in a pending status notice of the new agreement with North Carolina.

As of December 31, 2023, there were 3,603 licensees that went from lapsed to canceled status. Mrs. Pratt requested a report of canceled licensee numbers compared to years past. Mrs. Wade will email the report to the Commissioners.

Mr. Pickren also asked if there is a way to update the website with past Commission clarifications, alerts, and notices on website. Staff will look into adding this information to the website. Mr. Burnett questioned if the Cash summary report is for the whole year or just to date, Mrs. Buttler stated that it is for the fiscal year.

### **INSPECTION TASKFORCE REPORT- ANDY LEE**

Mr. Lee informed the Commission that the old inspection form is being updated. The old form has been broken down and separated into two forms, one form for Property Management and one form for Real Estate offices. The Taskforce is continuing to fine tune the forms. He hopes to have the final drafted forms for Commission review and approval by the April Administrative Commission meeting, and the Inspection Taskforce plans to meet again before the April 11, 2024 Commission meeting.

### **OLD BUSINESS**

a. Advertising and Coming Soon

Mr. Burnett requested this agenda topic. He has heard concerns from brokers that the blanket statement in the SCR listing agreement is opening up the brokerage to liability.

Mr. Burnett has also expressed concerns regarding advertising on social media, including that some licensees are not being respectful of the personal information of their clients or others. Mr. Rinehart stated that the Commission has not changed its stance or changed regulations to advertising, he then provided SC Code of Law 40-57-135(E). Mr. Pickren stated that there is a difference between marketing a home and marketing one's services. Agents should get permission in writing from the listing brokerage in order to share listings online, etc. Mr. Rinehart believes it would be useful to remind licensees of the law and, in a bulletin, provide any clarifications needed. Mr. Pickren reminded the Commission that "Coming Soon" is not referenced in current law. It is only referenced in MLS and the National Association.

**Motion:** For Advice Counsel to draft bulletins on Advertising and Coming Soon for the Commission for approval.

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

b. Agency Agreement Forms and Addendums

Mr. Pickren reminded the Commission of the NAR lawsuits. The current Agency Agreement forms may have problematic language. He believes it would be best to find a way to update these forms to prevent any issues in the future.

**Motion:** To enter into executive session for legal advice where no votes will be taken.

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

**Motion:** To exit executive session and return to open session.

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

## **NEW BUSINESS**

a. Definition of BIC/PMIC Supervision- Janelle Mitchell

Mrs. Mitchell was inquiring if the Commission can further define broker-in-charge and property manager-in-charge supervision in the interest of defining what exactly are the expectations for brokers-in-charge and property managers-in-charge. Mrs. Mitchell believes that there are agents who do not know what is expected of themselves in the brokerage and what their broker-in-charge does within the brokerage. Mr. Rinehart did advise that licensees should all be aware of their brokerage's office policy but that laws by their nature cannot be so specific as to address every situation or issue that may arise. Mrs. Buttler reminded the Commission that they approved the Finance Taskforce recommendation for the creation of licensee guidelines, including a guideline for brokers-in-charge and property managers-in-charge.

It is recommended that Commissioners' questions should be sent to staff so it can be compiled in preparation for creating the licensee guidelines. Mr. Tennis also reminded Commissioners of the recommended changes to the statutes including broker-in-charge and property manager-in-charge responsibilities, especially when a licensee under their supervision has a disciplinary hearing.

b. Approval of GA Reciprocity Agreement

Mrs. Buttler stated that she has sent a new proposed reciprocal agreement to the Georgia Real Estate Commission. Staff is currently waiting on an update from the Georgia Commission. Mr. Tennis clarified that while largely similar to the the original reciprocal agreement from 1991, the 1991 agreement includes residency verbiage, but the new proposed agreement does not.

**Motion:** If the amendments are approved by Georgia, for Chairman to sign the agreement.

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

c. Proposed 2025 Commission Meeting Dates

Mrs. Wade presented the proposed 2025 Commission meeting dates for Commission approval or edits.

**Motion:** To approve the 2025 proposed Commission Meeting Dates.

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

## LEGISLATIVE UPDATE

Before the reviewing the bills currently pending with the General Assembly, Mrs. Buttler provided that she attended a subcommittee meeting at the State House this morning regarding the Commission's proposed regulations. The subcommittee had specific inquiries regarding the recommendations to 105-8(D), the regulation subsection addressing recruiting and solicitation. Mrs. Buttler did explain to those in attendance that in that particular section regarding recruitment is not prohibiting all recruitment. However, any recruitment must be before or after class, and not during, to ensure the course hours are remain in place for education. Mrs. Buttler is willing to work with SCR to update the language of 105-8(D) to address the issues raised by the subcommittee on this regulation and resubmit the regulation with revised language addressing the isuses.

Because the subcommittee's concerns were raised the morning of the Commission meeting, Mr. Tennis explained that pursuant to S.C. Code Ann. § 30-4-80, in order for the Commission to address this issue, it can only be added to the agenda and action be taken by a two-thirds vote of the members present and voting and upon a finding by the Commission that an emergency or an exigent circumstance exists if the item is not added to the agenda.

**Motion:** To amend the agenda to add this to the agenda, finding that exigent circumstances exist and action needs to be taken.

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

**Motion:** To allow the chair to review approve the proposed updated language to Regulation 105-8(D).

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

House bills H.4223 and H.4464 are carry over from last year and both bills would prohibit a company from engaging in the real estate brokerage business unless the company's activities are conducted by licensees or under the supervision of a broker-in-charge or property manager-in-charge. Both bills also add short-term and long-term rentals to the definition of "real estate brokerage," and both bills add "in person, telephonically, or online" as means in which a real estate brokerage firm can be engaged in the business of real estate brokerage.

House Bill H.4225 is also a carry over from last year. It 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.

Senate bill S.576 is another carry over. This bill addresses alien ownership of real property in the state.

Newly-introduced House Bill H.4543 prohibits companies owned by the People's Republic of China or the Chinese Communist Party from owning real estate in South Carolina.

House bill H.4754 was newly introduced. It amends and adds to the Commission's Practice Act and includes most of the recommended proposed changes that the Commission recommended last fall.

Lastly, newly-introduced Senate Bill S.881 creates a prohibition on unfair real estate service agreements at S.C. Code Ann. § 27-28-10. H.4754, which revises the practice act, includes similar prohibition on bad faith agreements under Title 40.

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

None

#### **PUBLIC COMMENTS**

Mr. Mace thanked the Commission for their hard work and dedication to the profession of Real Estate in South Carolina. He voiced concerns of licensees advertising unlisted properties and the liability of the brokerage. Mr. Pickren requested this topic be added as an agenda item for the March Commission meeting.

Mr. Cawley appeared before the Commission to provide statement regarding current qualifications to apply for a South Carolina broker license from other states. He believes there

should be exemptions to the broker license requirements, especially with respect to pre-licensing education for applicants who have many years of experience in other states. Following Mr. Cawley's statement, Mr. Tennis explained that the Commission cannot take action regarding information presented during public comments, and any specific action would necessarily have to come before the Commission following the submission of an application for licensure. Further, the Commission is bound by the law, which includes S.C. Code Ann. § 40-57-120(A) as it relates to reciprocal agreements with other states. Mr. Cawley provided that he understood and that he has submitted an salesperson application with the Commission.

Mr. Smallwood advised the Commission that Bill S.881 did go through the subcommittee and was sent to judiciary for review. He provided insight that the SCR listing agreement states that the license allows other brokerage firms to advertise on the internet in accordance with the listing service rules and regulations. It allows for the IDX feed to be put on a website. It does not give carte blanche for an individual agent to post on facebook or social media.

### **ADJOURNMENT**

**Motion:** To adjourn.

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

The meeting adjourned at 12:27 pm