

South Carolina Real Estate Commission
Special-Called Teleconference Meeting Minutes
Thursday, September 5, 2024 at 2:30 p.m.

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. The telephone number and access code were provided on the posted agenda for members of the public wishing to join.

Commission Members Present:

David Burnett, Vice-Chair – 4th Congressional District
William “Andy” Lee – 3rd 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
LeAnna McMenamin, Esq., Office of Disciplinary Counsel
Shannon Davis, Esq., Office of Disciplinary Counsel
Carolyn Sutherland, Esq., Office of Advice Counsel
Wattie Wharton, Lead Investigator Office of Investigations and Enforcement

PRESENT:

Tina Behles, Court Reporter
Byron King, Esq., SCR
Austin Smallwood, Esq., SCR
Reah Smith, SCR
Tammy Hollis
Annie Wilson
Mercy Dirks
Richard Davis
Julie Whitesell

CALLED TO ORDER: Mr. Burnett, Vice-Chair, called the meeting to order at 2:33 p.m.

APPROVAL OF AGENDA

Motion: To approve the agenda.

Moved by Mr. Lee and seconded by Mr. Wilkerson. The motion was approved unanimously.

APPROVAL OF EXCUSED ABSENCES

Motion: To approve the absences of Gary Pickren, W. Brown Bethune, and John Rinehart.
Moved by Mr. Lee and seconded by Mrs. Mitchell, the motion carried by unanimous vote.

INTRODUCTION OF COMMISSION MEMBERS AND STAFF

Commissioners and staff introduced themselves.

GUIDANCE DOCUMENT- RECENT SETTLEMENT AND SOUTH CAROLINA LAW

Mr. Tennis explained the purpose of the guidance document was to address questions relating to the National Association of Realtor's recent settlement agreement. Paragraph 58 subsection 6 states, unless inconsistent with state or federal law and regulation, all Realtors working with a buyer must enter into a written agreement with that buyer before the buyer tours any home. The NAR agreement requires specific details regarding compensation as well. The Commission wants to publish a guidance document reminding licensees that this conflicts with existing South Carolina law. South Carolina law does not require a written agreement to tour a house. South Carolina licensees must provide the brokerage relationship form to all potential buyers and sellers with whom they have substantial contact. If the guidance document is approved, the guidance document will be posted to the Commission website.

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

Motion: To exit executive session and return to open session.
Moved by Mr. Lee and seconded by Mrs. Mitchell. The motion was carried by unanimous vote.

Motion: To approve the guidance document with any administrative edits that staff deem necessary with final approval by the Vice-Chair.
Moved by Mr. Lee and seconded by Mrs. Mitchell. The motion was carried by unanimous vote.

PUBLIC COMMENTS

None

ADJOURNMENT

Motion: To adjourn.
Moved by Mrs. Mitchell and seconded by Mr. Lee. The motion was carried by unanimous vote.

The meeting adjourned at 2:55 p.m.