

South Carolina Real Estate Commission
Regulation Taskforce Teleconference Meeting Minutes
Wednesday, January 8, 2025 at 1:00 p.m. Via WebEx

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

Taskforce Members Present:

Andy Lee – Commissioner, Taskforce Chair
David Burnett – Commissioner
Austin Smallwood, Esq. – SCR

SCLLR STAFF PRESENT:

Erica Wade, Commission Executive
Ashlynn Brown, Administrative Coordinator
Janina Coleman, Program Assistant
Brandy Duncan, Esq., Office of Advice Counsel
Joi Middleton, Education Manager
Meredith Buttler, Program Director
Shannon Davis, Esq., Office of Disciplinary Counsel

PRESENT:

Tine Behles, Court Reporter
Mercy Dirks

CALLED TO ORDER: Mr. Lee, Chair, called the meeting to order at 1:00 p.m.

APPROVAL OF AGENDA

Motion: To approve the agenda.

Moved by Mr. Burnett and seconded by Mr. Smallwood, the motion was approved unanimously.

INTRODUCTION OF TASKFORCE MEMBERS AND STAFF

Taskforce members and staff introduced themselves.

REVIEW OF REGULATION ALLOWANCE AND DISCUSSION OF FOCUS AREA

The Commission has requested the Regulation Committee review the 2024 amended statutes and develop regulations to address the various updates to the law in accordance with the powers and duties afforded the Commission by [S.C. Code Ann. §40-57-60\(A\)\(3\)](#). The below subjects were discussed for potential regulations:

Marketing & Advertising:

Identification of brokerage in advertising print and electronic advertising (S.C. Code [§40-57-135\(E\)\(2\)\(a\)](#)) Per Mr. Lee, some marketing and advertising was addressed in the new laws. Staff advised that the Committee can determine if law is enough or if further regulations are needed for marketing and advertising. Mr. Lee stated to keep this topic for potential regulations and the committee and discuss further at the next taskforce meeting.

Wholesaling

Mrs. Davis shared concerns that individuals who are practicing wholesaling are still finding work arounds to the new law, and believes regulations would be helpful.

The committee agreed on waiting to create potential regulations regarding wholesaling and assignment of contracts. They would like to see how the wholesaling and assignment of contracts advisory opinion that was posted to the Commission website on November 25, 2024 is received by the public.

Teams: Creation, operation, and registration of (S.C. Code §40-57-360(F))

Mr. Lee expressed concern regarding the Commission requiring registration of Teams or Team leaders because it makes individuals look like supervisors, which is contrary to the law in that the Broker-in-Charge is the supervisor.

The taskforce considered adding regulation regarding Team advertising. One suggestion being that the Team name size should be smaller compared to the firm/brokerage name. Mrs. Davis suggested clarifying how it should appear in advertising (size, font, etc.). The taskforce will continue discussion of this topic at the next taskforce meeting.

Written office policy:

Staff is currently working on a sample overview of what office policies should include for the Supervision Guidelines Manual. Mrs. Coleman has performed research for this topic which was incorporated in the Supervision Guidelines Manual. The taskforce agreed to proceed with developing regulations for written office policy.

Citations:

The taskforce agreed that regulations regarding citations is needed. Mrs. Buttler will pull together information of what other boards citations in regulations state. Mr. Lee believes the

citation section of the regulations will need to be specific with Mrs. Duncan further explaining the purpose of citations is to deal with matters that are black/white violations of the law and not issue that may require discretion to determine if a violation has taken place.

Administrative

Mrs. Buttler explained that for administrative changes, staff would like to take current practices and put it into regulation. For example, to take the current administrative processes for change of license classification (S.C. Code §§40-57-110(A) and 40-57-510(D)) and reactivation of inactive license (S.C. Code §§40-57-110(B) and 40-57-510(G)).

Mrs. Buttler and Mrs. Middleton will work on options and see what other states/boards do for electronic submission of CE & Qualifying courses (S.C. Code §40-57-910(D))

Staff also believes that the clarification of supervision will need to be included in regulation. Mr. Burnett inquired if regulations can limit the number of licensees under the supervision of a Broker-in-Charge or Property Manager-in-Charge? Mrs. Duncan will research to see if that is a potential regulation that can be done. Mr. Lee stated that recently the California Regulatory board did cite a Broker-in-charge for having too many licensees under their supervision. Mrs. Coleman's previous research showed some states have a geographic distance limit, Mr. Burnett and Mr. Lee showed interest in implementing a supervisory limit such as that.

Mr. Lee requested staff talk to Mr. Wharton about Investigators being unable to reach licensees. Ms. Duncan and Commission staff will review what can legally be done and if regulation can be drafted to address licensees who do not respond to inspection and/or investigation requests.

The committee requested Commission staff research the ability to develop regulatory language that places limitations on practicing outside of a licensees area of expertise, or to define "area of expertise."

The Taskforce agreed that the mentioned administrative topics are important and should be reviewed for potential regulations.

PUBLIC COMMENTS

None

ADJOURNMENT

Motion: To adjourn

Moved by Mr. Burnett and seconded by Mr. Smallwood, the motion was approved unanimously.

The meeting adjourned at 1:59 P.M.