

**South Carolina Real Estate Commission
Meeting Minutes**

Wednesday, February 12, 2025 at 10:00 am
110 Centerview Dr., Kingtree 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, 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.

Commissioners Present:

John Rinehart, Chair – 5th Congressional District
David Burnett, Vice-Chair – 4th Congressional District
Candace Pratt – 1st Congressional District
Allen Wilkerson – 2nd Congressional District
William “Andy” Lee – 3rd Congressional District
W. Brown Bethune – 7th Congressional District
Gary A. Pickren, Esq. – At-Large Member
Johnathan Stackhouse – Public Member

SCLLR STAFF PRESENT:

Erica Wade, Commission Executive
Ashlynn Brown, Administrative Coordinator
Brandy Duncan, Esq., Office of Advice Counsel
Meredith Buttler, Program Director
Erin Baldwin, Esq., Office of Disciplinary Counsel
Shannon Davis, Esq., Office of Disciplinary Counsel
Wattie Wharton, Lead Investigator Office of Investigations and Enforcement
Chuck Waters, Office of Investigations and Enforcement
Chuck Turkal, Office of Investigations and Enforcement
Jennifer Farmer, Office of Investigations and Enforcement
Eboni Best, Administrative Coordinator
Jennifer Stillwell, Chief Inspector, Office of Investigations and Enforcement
Garret Carter, Inspector, Office of Investigations and Enforcement
David Gilmore, Inspector, Office of Investigations and Enforcement
Lucas Holbrooks, Administrative Assistant

PRESENT:

Elizabeth Holt, Court Reporter
Austin Smallwood, Esq., SCR
Jessica Malachi
Melissa Smith
Sonia Hanchard
Aris Ferguson
Harratial Means

Eric Claman
Kamaria Nettles

CALLED TO ORDER: Mr. Rinehart called the meeting to order at 10:05 a.m.

INVOCATION

Mr. Burnett gave the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by all present.

INTRODUCTION OF COMMISSIONERS AND STAFF

Commissioners and staff introduced themselves.

APPROVAL OF EXCUSED ABSENCES

Motion: To approve the absence of Janelle Mitchell.

Mr. Burnett made a motion to approve, which was seconded by Mrs. Pratt. The motion carried by unanimous vote.

APPROVAL OF AGENDA

Motion: To approve the agenda as written.

Mr. Lee made a motion to approve, which was seconded by Mr. Wilkerson. The motion was carried by unanimous vote.

APPROVAL OF MEETING MINUTES

Motion: To approve the January 08, 2025 Regulation Taskforce meeting minutes.

Mr. Burnett made a motion to approve, which was seconded by Mr. Lee. The motion carried by unanimous vote.

Motion: To approve the January 15, 2025 meeting minutes.

Mr. Lee made a motion to approve, which was seconded by Mr. Wilkerson. The motion carried by unanimous vote.

CHAIRMAN'S REMARKS

Mr. Rinehart thanked Commissioners Burnett and Lee for their attendance at SCR Conference last week and providing up to date information to licensees. Mr. Rinehart also reminded licensees of the updated license laws that took effect May 21, 2024 and recommend all licensees review the updated laws. Licensees should also check the Commission website regularly as alerts are posted regularly.

STAFF REPORTS

a. Office of Investigations and Enforcement (OIE) Report

Mr. Wharton reported that from January 1, 2024, to February 5, 2025, 963 complaints have been filed. OIE currently has 244 active investigations and 216 cases have been closed during that time period.

b. Investigative Review Conference (IRC) Report

Mr. Wharton reported that the IRC met on January 29, 2025, via WebEx. The IRC recommends the following: 11 cases for dismissal, 10 case for a letter of caution, 5 cases for Cease and Desist, and 6 formal complaints.

Motion: To accept IRC recommendations as presented.

Mr. Burnett made a motion to accept the IRC recommendations as presented, which was seconded by Mr. Pickren. The motion was carried by unanimous vote. Mr. Pickren abstained from all cases involving wholesaling.

c. Office of Disciplinary Counsel (ODC) Report

Mrs. Davis reported as of January 30, 2025, there are 43 open cases of which 11 are pending hearings and agreements, 0 pending closure, 0 appeals, and 3 have been closed since the last report.

d. Board Executive Report

Mrs. Wade reported there are currently 7,280 active broker-in-charge licensees; 4,903 active broker licensees; 33,473 active associate licensees; 1,546 active property manager-in-charge licensees; and 1,992 active 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 December 31, 2024, is \$5,861,072.08. The Cash balance report for the Education and Research Fund as well as the Timeshare Fund was included in the meeting materials.

Staff is continuing to prepare for renewals which will begin April 1, 2025. When Commissioners speak with members of their local associations, they should advise that if licensees are up for renewals in this cycle they should double check that their contact information is accurate in the Commission's the system. Renewal reminders will be sent out to licensees prior to April.

Mrs. Wade and Mrs. Middleton have been invited to speak at the Western Upstate Association of Realtors on February 26, 2025. Staff has been asked to give updates to the Brokers in that area.

Staff has also been invited to speak at the Coastal Carolinas Association of Realtors Leadership Class on March 25, 2025. This event will be held at the SCR Building in Columbia.

Mr. Burnett requested finance staff to attend a Commission meeting.

INSPECTIONS

a. Proposed New Process- Meredith Buttler

Mrs. Buttler stated that the Commission had created the Inspection taskforce in 2023. The taskforce had reviewed and updated the inspection forms for the Inspections team. In mid-2024 the taskforce presented the updated inspection forms and a preliminary process of how the inspections would work. The Commission reviewed, but tabled the approval due to the new Real Estate Laws taking effect May 21, 2024. The Commission expressed interest in using inspections as a pro-active educational tool to let licensees know what is expected of them and catch any issues before they rise to the level of a disciplinary hearing. Since that time, staff has been working on updating the inspection process to include the new laws, recommendations from the Commission and Inspection staff, and to include the citation process. Mrs. Buttler provided a brief overview of the updated inspection process that included documentation for the Commission to review. Mr. Burnett recommended a few edits in order to make the overview documentation more user friendly to licensees.

b. Proposed Inspection Form and Guidelines- Meredith Buttler

Mrs. Buttler presented the updated inspection form and citation guidelines. Previously the form was separated into one for Brokerages and one for Property Management, staff has updated the inspection form into one form for both office types, to include the updated laws. The form has been reformatted, but includes the same questions as in the previously presented forms.

Mr. Burnett recommended a few edits in order to make the Inspection form user friendly to licensees. Once amendments created, Chair had assigned to Mr. Burnett to review.

Mrs. Buttler also asked for Commission Guidance regarding which portions of the guidelines the Commissioners must be involved in or to delegate at the discretion of the inspectors.

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

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

Motion: When the Commission enters the next executive session to amend the agenda to discuss Old Business item a. and New Business items e., f., and g. for legal advice where no votes will be taken.
Moved by Mr. Burnett and seconded by Mrs. Pratt, the motion carried by unanimous vote.

Motion: To have the staff update the forms to include Commission recommendations and propose to the Commission at a later date.

Moved by Mr. Lee and seconded by Mrs. Pratt, the motion carried by a vote of four in favor to three opposed.

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

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

Motion: To exit executive session and return to public session.

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

APPLICATION HEARINGS

a. **Sonia Hanchard**

Ms. Hanchard appeared before the Commission for a Property Manager application hearing. She waived her right to counsel. Ms. Hanchard and Aris Ferguson were sworn in by the court reporter. Application hearings are recorded by a certified reporter in the event a verbatim transcript is necessary.

Motion: To approve Ms. Hanchard to sit for the Property Manager exam.

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

b. **Jessica Malachi**

Ms. Malachi appeared before the Commission for an associate application hearing. She waived her right to counsel and was sworn in by the court reporter. Application hearings are recorded by a certified reporter in the event a verbatim transcript is necessary.

Motion: To approve Ms. Malachi to sit for the associate exam.

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

c. **Kamaria Nettles**

Ms. Nettles appeared before the Commission for a property manager application hearing. She waived her right to counsel and was sworn in by the court reporter. Application hearings are recorded by a certified reporter in the event a verbatim transcript is necessary.

Motion: To approve Ms. Nettles to sit for the property manager exam.

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

Mr. Lee left the meeting at 1:33pm.

Motion: To approve the absence of Andy Lee.

Mr. Wilkerson made a motion to approve, which was seconded by Mrs. Pratt. The motion carried by unanimous vote.

d. Catherine Outlaw

Ms. Outlaw did not appear.

Motion: To continue Ms. Outlaw's application hearing to the April 23rd Application hearings.

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

e. Melissa Smith

Ms. Smith appeared before the Commission for a Property Manager application hearing. She waived her right to counsel and was sworn in by the court reporter. Application hearings are recorded by a certified 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. Burnett and seconded by Mr. Pickren, the motion carried by unanimous vote.

Motion: To exit executive session and return to public session.

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

Motion: To approve Ms. Smith to sit for the Property Manager exam with the condition that if she ever wanted to upgrade her license to a higher level she would have to appear before the Commission for another hearing.

Moved by Ms. Pratt and seconded by Mr. Wilkerson. The motion failed by a vote of three in favor and four opposed.

Motion: To deny Ms. Smith to sit for the Property Manager exam.

Moved by Mr. Burnett and seconded by Mr. Pickren, the motion carried by a vote of four in favor to three opposed.

f. Harratial Means

Mr. Means appeared before the Commission for an associate application hearing. He waived his right to counsel and was sworn in by the court reporter. Application hearings are recorded by a certified reporter in the event a verbatim transcript is necessary.

Motion: To approve Mr. Means to sit for the associate exam.

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

- g. Joe Tucker
Mr. Tucker did not appear.

Motion: To continue Mr. Tucker's application hearing to the April 23rd Application hearings.

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

REGULATION TASKFORCE UPDATE

- a. Clarification of Written Office Policy Regulation- Andy Lee

Mrs. Buttler spoke on behalf of Mr. Lee, and presented the current draft of the written office policy regulation. The regulation taskforce is requesting clarification of what direction the Commission would like to take with the Written Office Policy Regulation, how in-depth should this regulation be?

Mr. Burnett stated that the law does not specify what to include with the written office policy. He shared concerns that if the written office policy is minimal, that licensees would only do the bare minimum. Mr. Rinehart stated the regulation cannot get into specific models for how a brokerage operates, but also believes that the regulation needs to be specific as to what the law requires. Mr. Pickren inquired what the subsection regarding Government officials would be for, Mrs. Buttler stated that portion was included based upon research of other states written office policy. Mr. Pickren shared concerns that having this subsection for Government officials would be better for licensees to consider placing in the written office policy, but is not required by law to have in an office manual.

Mrs. Duncan stated that subsection would also refer to when employees of LLR go to an office for inspections and investigations, South Carolina law states licensees must comply with investigations and inspections.

Mr. Pickren believes it should be less of a regulation and should be included with the Broker-in-Charge guidance document.

The Commission came to the general consensus the regulation for written office policy should list only those items explicitly required in State law. To the extent other items might be implied in the law as needing to be covered in written office policy, the Commission does not believe these should be listed in a regulation and would be more properly dealt with thorough guidance documents that may be issued in the future from the Commission.

OLD BUSINESS

- a. Proposed 2026 Meeting Dates- Erica Wade

Mrs. Wade presented two proposed options for the 2026 Commission Meeting dates.

Option one included at least one to two Commission meetings a month, with no meetings in July.

Option two included two-day meetings every other month, with no meetings in July.

Motion: To approve option one with the amendment of replacing the June 17th date, to June 24th.

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

NEW BUSINESS

a. **Recusal Refresher Training- Brandy Duncan**

Mrs. Duncan provided a short presentation to the Commissioners regarding when and how to recuse themselves during hearings and meetings.

b. **Property Management Licensure for Property owned by LLCs or Other Businesses- Brandy Duncan**

Mrs. Duncan informed the Commission that staff has been receiving calls and emails from individuals stating that individual owners they do not need their employees to be licensed.

Motion: To enter into executive session for legal advice where no 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. Pickren and seconded by Mr. Bethune, the motion carried by unanimous vote.

Motion: To table the topic until the next Commission meeting.

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

c. **Broker Licensure Extenuating Circumstances- David Burnett**

Mr. Burnett shared concerns that the current South Carolina statutes do not provide any leniency for associates to obtain broker licensure if they have not met the required South Carolina active associate licensure experience for five out of the past seven years, especially during extenuating circumstances.

Public Comment: Mr. Claman shared his experience with this issue and expressed that he wishes there was a section in the law where it allowed for associates to obtain their broker license due to extenuating circumstances even though they may not have the required five out of the past seven years as an active South Carolina associate licensee.

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

Moved by Mr. Bethune and seconded by Mr. Burnett, the motion carried by unanimous vote.

Motion: To exit executive session and return to public session.

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

Mr. Rinehart stated per statute that the Commission cannot provide extensions. Mrs. Duncan explained that the statutes do not currently provide any exceptions to the five year associate licensure requirement, other than in cases of death or medical incapacity of the former BIC and then the exception is only for 6 months

This is not a ruling as Mr. Claman is not in an application hearing, but the Commission wanted to address the issue of if there are any exceptions to the statutes for extenuating circumstances.

Mr. Stackhouse requested staff research what other states statutes have regarding licensure and extenuating circumstances.

Mrs. Pratt left the meeting at 2:51 pm

d. Continuing Education Exemption Clarification- Brandy Duncan and Meredith Buttler

Mrs. Duncan stated that staff has received several inquiries regarding Continuing Education exemptions. Specifically, associate licensees who have taken the Broker IIIA and IIIB courses and upgrade to Broker licensure prior to renewing. Staff is requesting clarification from Commission if associates who take the Broker IIIA and IIIB courses must be an Associate at the time of licensure renewal in order to obtain the Continuing Education exemption. Historically staff has been processing continuing education exemptions under the information that if an associate who has taken the Broker IIIA and IIIB courses and upgraded their licenses within the renewal cycle timeframe, but prior to actually renewing their license, then they do not qualify for the continuing education exemption.

Motion: To take allow licensees to not be an associate at the time of renewal in order to obtain the continuing education exemption in SC Code of Law Section 40-57-340(B)(1)(a). An associate who successfully completes a post-licensing course or takes a broker course shall be exempt for the renewal period during which the course was taken, even if they apply to upgrade their license to a broker license before the renewal period begins.

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

e. Travel Approval- 2025 FARB Summit on Regulatory Excellence, July 23-26, 2025 in Denver, CO- Erica Wade

Mrs. Wade requested travel approval for four staff members and up to two Commissioners to attend the 2025 FARB Summit on Regulatory Excellence Meeting for July 23-26, 2025 in Denver, Colorado.

Motion: To approve for reimbursement of four staff members and up to two Commissioners to attend the 2025 FARB Summit on Regulatory Excellence July 23-26, 2025 in Denver, Colorado.
Moved by Mr. Bethune and seconded by Mr. Pickren. The motion carried by unanimous vote

- f. Travel Approval- 2025 ARELLO Annual Conference September 9-12, 2025 in Miami, FL- Erica Wade

Mrs. Wade requested travel approval for six staff members and up to five Commissioners to attend the 2025 ARELLO Annual Conference September 9-12, 2025 in Miami, Florida.

Motion: To approve for reimbursement of six staff members and up to 5 Commissioners to attend the 2025 ARELLO Annual Conference September 9-12, 2025 in Miami, Florida.

Moved by Mr. Bethune and seconded by Mr. Pickren. The motion carried by unanimous vote

- g. Travel Approval- 2025 Annual REEA Conference July 29-August 2, 2025 in Myrtle Beach, SC- Erica Wade

Mrs. Wade requested travel approval for three staff members and up to five Commissioners to attend the 2025 REEA Annual Conference July 29-August 2, 2025 in Myrtle Beach, South Carolina.

Motion: To approve for reimbursement of three staff members and up to five Commissioners to attend the 2025 REEA Annual Conference July 29-August 2, 2025 in Myrtle Beach, South Carolina.

Moved by Mr. Bethune and seconded by Mr. Pickren. The motion carried by unanimous vote

PUBLIC COMMENTS

No additional comments beyond those made by Mr. Claman during the discussion of Broker Licensure Extenuating Circumstances as discussed above.-

ADJOURNMENT

Motion: To adjourn.

Moved by Mr. Wilkerson and seconded by Mr. Stackhouse. The motion carried by unanimous vote.

The meeting adjourned at 3:40pm