

**South Carolina Real Estate Commission
Meeting Minutes**

Wednesday, August 6, 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
Daniel Moskowitz – 1st Congressional District
Allen Wilkerson – 2nd Congressional District
William “Andy” Lee – 3rd Congressional District
Janelle Mitchell – 6th Congressional District
Gary A. Pickren, Esq. – At-Large Member
Johnathan Stackhouse – Public Member
Thomas Dugas, Esq. – Public Member

SCLLR STAFF PRESENT:

Erica Wade, Commission Executive
Ashlynn Brown, Administrative Coordinator
Brandy Duncan, Esq., Office of Advice 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

PRESENT:

Elizabeth Holt, Court Reporter
Austin Smallwood, Esq., SCR
Nicholas Maria
Brandy Campbell
Alex Chambers

CALLED TO ORDER: Mr. Rinehart called the meeting to order at 10:02 a.m.

INVOCATION

Mrs. Mitchell 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 W. Brown Bethune.

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

APPROVAL OF AGENDA

Motion: To approve the agenda.

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

APPROVAL OF MEETING MINUTES

Motion: To approve the June 11, 2025 meeting minutes.

Mr. Lee made a motion to approve, which was seconded by Mr. Moskowitz. The motion carried by unanimous vote. Mr. Pickren and Mrs. Mitchell abstained from voting due to not being present at the June 11, 2025 meeting

COMMISSION PURPOSE & CHAIRMAN'S REMARKS

The purpose of the Real Estate Commission is to regulate the real estate industry so as to protect the public's interest when involved in real estate transactions. The Commission also investigates complaints and conducts application and disciplinary hearings in accordance with State statutes and regulations.

Mr. Rinehart expressed his appreciation to Commission Members and staff for their time and dedication to the profession and protecting the public.

Mr. Rinehart shared that on July 31, 2025 he had the pleasure of inducting the President for the National Real Estate Educators Association in Myrtle Beach, SC.

STAFF REPORTS

a. Office of Investigations and Enforcement (OIE) Report

Mr. Wharton reported that from January 1, 2025, to August 1, 2025, 436 complaints have been filed. OIE currently has 78 active investigations, 5 citations have been issued (all for unlicensed practice), and 28 cases have been closed during that time period.

b. Investigative Review Conference (IRC) Report

Mr. Wharton reported that the IRC met on June 25, 2025, via WebEx. The IRC recommends the following: 14 cases for dismissal, 3 cases for a letter of caution, 0 cases for Cease and Desist, and 5 formal complaints.

Motion: To accept IRC recommendations as presented.

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

Mr. Wharton reported that the IRC met on July 24, 2025, via WebEx. The IRC recommends the following: 23 cases for dismissal, 4 cases for a letter of caution, 0 cases for Cease and Desist, and 5 formal complaints.

Motion: To accept IRC recommendations as presented.

Moved by Mr. Lee and seconded by Mr. Pickren. The motion was carried by unanimous vote. Mr. Pickren recused from case 2024-582.

c. Office of Disciplinary Counsel (ODC) Report

Mrs. Davis reported as of July 23, 2025, there are 64 open cases of which 19 are pending hearings and agreements, 0 pending closure, 0 appeals, and 11 have been closed since the last report.

d. Inspection Report

April Howe reported in 2025 there have been 76 total Inspections from January to July. Mr. Moskowitz stated that he had an inspection at his office recently and that he was impressed with the inspector and the process as a whole.

e. Board Executive Report

Mrs. Wade reported there are currently 6,920 active broker-in-charge licensees; 4,757 active broker licensees; 32,991 active associate licensees; 1,513 active property manager-in-charge licensees; and 2,026 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 June 30, 2025, is \$5,776,469.40. The Cash balance report for the Education and Research Fund as well as the Timeshare Recovery Fund were included in the meeting materials.

As of August 5, 2025, the total number of licensees that have renewed/reinstated is 26,830. Licensees that did not renew their license by June 30th, are in Lapsed status and have 24 months from their license expiration date to reinstate their license. Staff reminded Active status licensees that they have the ability to print their license pocket cards from the licensee portal, Active status licensees do not have to wait on a hard copy in the mail. Instructions for printing a pocket card can be found on the Commission website under the "Update My License" page.

Recently, a couple members of the Commission requested updates on the RFPs that are in process. Mrs. Wade stated that these are still going through the procurement process and due to Consolidated Procurement Code requirements, staff cannot speak publicly about the RFPs at this time. However, once the solicitation process is over and an award is issued, staff will update the Commission on the next steps.

Mrs. Wade reported that the reciprocity agreement with Georgia was signed and updated, however, the North Carolina Commission did not sign for an updated reciprocity agreement. As a result, any licensees that have both a North Carolina and a South Carolina license must complete South Carolina approved Continuing Education for renewal of their South Carolina licensure. For information regarding Continuing Education requirements, licensees can view that information on the Commission website under the Continuing Education page.

f. Education Report

Mrs. Middleton reported the PSI exam scores for Associate, Broker, and Property Manager state and national exams from the last 3 months. Mrs. Middleton provided the annual percentages for national and state for each license type, she reported that there have been some fluctuations with test taker performance for these exams, but the percentages are slowly climbing up from the previous year.

In September there will be a review for the Associate, Broker, and Property Manager state exams to ensure that these examinations are up to date and current regarding statutes and regulations.

Mrs. Wade and Mrs. Middleton had a meeting with PSI regarding the examination subject matter experts and the vetting process for the subject matter experts. PSI notified them that there is an 8-step process for the vetting of subject matter experts. Mrs. Middleton will send a copy of that document outlining the vetting process to Commission members via email. The next review of exam material will be in 2028, there is a content reviewer that continuously reviews the different exams to ensure they are current with statutes and regulations. Mrs. Middleton explained that the low percentages to the Associate exam, test takers are out of state licensees as well as new in-state applicants to take the SC State exam. Mr. Burnett stated that it was brought to his attention by some students that information that was taught by the provider is not being on the national portion of the exam. He inquired if there was any way to monitor or have someone take the national exam to see if there are actually issues with the exam or if it is just test takers not doing well. If there is truly an issue, then staff need to speak with PSI. Mrs. Middleton stated that staff did discuss that topic with PSI, there is a South Carolina representative that is a subject matter expert that goes through the exam as well. Mrs. Middleton will see if we can get information from PSI regarding comments that were made on questions throughout the exam. Mr. Rinehart requested Mrs. Middleton reach out to the North Carolina Commission and the North Carolina education providers regarding pass/fail ratios.

Mrs. Middleton stated that at the next administrative day for the Commission, Commissioners will receive the documentation staff has worked on for the Pre-Licensing education providers audits, to include an overview, example letters, example checklist, and the communication plan.

Mrs. Middleton reported that the Survey monkey link for providers to give to students at the end of the courses has been initiated. So far staff has received great information and input from the surveys of the students.

DISCIPLINARY HEARINGS

a. 2023-493 Nicholas Maria

The purpose of this hearing was to consider the Memorandum of Agreement (“MOA”) for Case No. 2023-493. Mr. Maria appeared before the Commission and was not represented by counsel. Mr. Maria and his Broker-in-Charge, Brandy Campbell, were sworn in. After opening statements were made, Mrs. Davis, with the Office of Disciplinary Counsel presented the MOA. Mr. Maria testified 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 no votes will be taken.
Moved by Mr. Lee and seconded by Mr. Pickren, the motion carried by unanimous vote.

Motion: To exit executive session and return to open session.
Moved by Mr. Stackhouse and seconded by Mr. Moskowitz, the motion carried by unanimous vote.

Motion: With respect to Case No. 2023-493, the MOA is accepted with the following sanctions: Respondent be issued a public reprimand, continuing education course Real Estate Ethics; Course number DEE3724 (which will not count towards licensure renewal) to be completed within 120 days from the date of the final order, and fined \$1,000 per violation for a total of \$2,000 in fines to be paid within 120 days from the date of the final order.
Moved by Mr. Lee and seconded by Mrs. Mitchell, the motion carried by unanimous vote.

b. 2022-693 Katrise Davenport

Hearing was canceled due to voluntary relinquishment of her license.

NEW BUSINESS

a. Multi-State Licensee Issues- Brandy Duncan and David Burnett

Mr. Burnett shared an issue that was brought to his attention recently. There are licensees that have a South Carolina license, but their Broker-in-Charge has both North Carolina & South Carolina licensure. Issues are arising where some agents with only South Carolina licensure are practicing in North Carolina. There may also be issues with North Carolina licensees practicing unlicensed in South Carolina, however they may have a Broker-in-Charge who is South Carolina & North Carolina licensed. For example, a North Carolina Agent listing their North Carolina property in a South Carolina MLS since their Broker-in-Charge has a South Carolina license.

Mr. Lee and Mr. Pickren both say that situation from the example given would be a listing/advertising violation of South Carolina Statute. Mr. Rinehart believes this is an MLS issue. Mr. Pickren stated there is an MLS component which the Commission does

not have jurisdiction, however, the statute regarding advertising comes into play. The Commission discussed listings belonging to the Brokerage/firm vs. the Broker-in-Charge. In conclusion, the Commission stated that in order to practice in South Carolina, the licensee and their Broker-in-Charge must be South Carolina licensed. The Commission agreed that no further action needs to be taken on this topic at this time.

b. Travel Approval Realtor Mania- SC Realtors Legal Conference September 16-18, 2025 in Isle of Palms, SC- Erica Wade

Mrs. Wade requested travel approval for three Commissioners to attend the Realtor Mania- SC Realtors Legal Conference from September 16-18, 2025 in Isle of Palms, SC.

Motion: To approve for reimbursement of three Commissioners to attend the Realtor Mania- SC Realtors Legal Conference from September 16-18, 2025 in Isle of Palms, SC

Moved by Mr. Lee and seconded by Mr. Moskowitz. The motion carried by unanimous vote.

c. Request for Notice of Drafting for Regulations 105- Erica Wade and Meredith Buttler

Mrs. Buttler explained that the Notice of Drafting (NOD) for Real Estate Commission Regulations was posted previously in 2024 (There were 2 NOD's for Chapter 105 and 1 NOD for Chapter 10). Staff is asking for approval for a new NOD so they can continue with the Chapter 10 Regulations and 1 NOD for Chapter 105 Regulations. Staff will schedule another regulation taskforce meeting soon and plan to bring the final proposed regulations drafts to the Commission in October for approval.

Motion: To approve the Notice of Drafting for Chapters 10 and 105 to be created, filed, and then posted.

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

d. "Only in Office" Listings or Private Listings- Andy Lee

Mr. Lee explained that he is seeing this process a lot in his area and in other areas within South Carolina. Agents take the listing and convince the seller everything is best handled in house and the listing doesn't get posted to MLS. Mr. Lee stated that other than a celebrity or an individual who is a victim of criminal domestic violence, there is no other reason why a home should not be listed for open market. Mr. Lee provided an example of an article regarding this topic, some call this "Pocket Listings" and can be seen as harmful to the public. Mr. Lee stated that it is state law that licensees have a fiduciary duty to the seller. Mr. Wilkerson stated that Private Listings happens normally for Commercial Real Estate and that it is not always the best course of action for commercial property to be listed on MLS. Mr. Pickren suggested a form for Residential listings, to have the seller sign that they understand what Private or "Only in Office" listings entail.

The Commission charged Advice Council to create a draft of a form for Residential Private/"Only in Office" Listings.

- e. January 2025 through June 2025 REC Discipline Overview Document Draft for Review & Approval- Brandy Duncan

Mrs. Duncan explained purpose of this summary document is to help keep licensees informed and provide examples of what not to do. This would be a semi-annual document posted to the Commission website for informational purposes.

Motion: To enter into executive session, and for the LLR staff present to join, for legal advice where no votes will be taken
Moved by Mr. Pickren and seconded by Mr. Lee, the motion 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 carried by unanimous vote.

Motion: For LLR to notify the BIC/PMIC and MLS of any license temporary suspensions, license relinquishments, or license revocations.
Moved by Mr. Burnett and seconded by Mr. Pickren, the motion carried by unanimous vote.

Motion: To approve the Discipline Overview document with grammatical amendments.
Moved by Mr. Stackhouse and seconded by Mr. Burnett, the motion carried by unanimous vote.

- f. Open Houses Hosted by Licensees Supervised by Different BICs within the Same Brokerage- Brandy Duncan, David Burnett, & Andy Lee

Mrs. Duncan presented a guidance document based off of recent inquiries/discussion regarding open houses hosted by licensees supervised by different Broker-in-Charges within the same brokerage franchise. The document is for the Commission review, and if they see a need for this guidance document, and Commission approval.

Motion: For Mrs. Duncan to continue working on the guidance document, this discussion will be tabled until such a time where the drafted guidance document is ready to present at a future meeting.
Moved by Mr. Lee and seconded by Mr. Stackhouse, the motion carried by unanimous vote.

- g. OIE Requested Clarification: SC Code of Law 40-57-30 Definitions- Brandy Duncan

Mrs. Duncan explained that a case recently came before the IRC that may need clarification on some of the definitions within the SC Code of Law.

Motion: To enter into executive session, and for Mr. Wharton and Mrs. Davis to join, for legal advice where no votes will be taken
Moved by Mr. Moskowitz and seconded by Mr. Wilkerson, the motion 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 carried by unanimous vote.

OLD BUSINESS

a. Disposition of Citation Funds Memo for Review- Brandy Duncan

Mrs. Duncan gave a brief explanation of the memo, stating that citation funds are remitted to the state treasurer and into a special fund established by LLR for department to defray administrative costs associated with Investigations and hearings. Mr. Wilkerson Inquired if the special fund established by LLR is for all boards administrative costs associated with Investigations and hearings or just for the Real Estate Commission specifically? Mrs. Duncan and staff will check with the Finance department for clarification.

c. Approval of Revisions: Criminal Background Check Approval Guidelines and Criminal History Reporting Guidance Document- Erica Wade and Brandy Duncan

Mrs. Duncan presented the updated draft of Criminal Background Check Guideline Document for staff, as well as the updated draft of a Criminal History Reporting Guidance Document for applicants and licensees, for Commission review and final approval.

Motion: To approve the Criminal Background check approval guidelines for staff.

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

Motion: To approve the updated Criminal History Reporting Guidance document.

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

d. BIC/PMIC Supervision Manual Draft for Review & Approval- Erica Wade

Mrs. Wade presented the updated document for review and final approval. Mr. Rinehart requested that if the document was approved, that staff share the final document with ARELLO.

Motion: To approve the document as presented.

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

COMMISSION OFFICER ELECTIONS

a. Chair

Motion: Mr. Rinehart serve a term as Chair.

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

b. Vice-Chair

Motion: Mr. Burnett serve a term as Vice-Chair.

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

PUBLIC COMMENTS

On behalf of SCR, Austin Smallwood provided a short statement regarding SCR and LLR working together on obtaining the most up to date license statuses in real time. Mrs. Buttler stated that she has a meeting with SCR on Friday August 8, 2025 to discuss this topic.

Mr. Smallwood stated that SCR has received inquiries regarding Brokerages that are merging or are having a transition period and their DBAs. Staff will research this topic and add it as a topic to the October agenda.

Alex Chambers with the Home Builders Association of South Carolina (HBASC), requested clarification of the “No Builder’s Agent exemption” guidance document dated June 12, 2025. He stated that the HBASC finds the assignment on buyer’s agent as not practical. Mr. Pickren explained that the Commission stated the document is for Real Estate practice; for example, builders calling the buyer to change the lender, that is a real estate practice matter. For tasks such as paint color, sheet rock, etc.; that is not related to the real estate practice. The Home Builder company cannot interfere with agency relationship.

Mr. Pickren stated the HBASC will need to reach out to state legislature for anything further as the Commission cannot make any amendment to statutes.

As all agenda topics were covered August, 6, 2025, there will not be a meeting on August 7, 2025.

ADJOURNMENT

Motion: To adjourn.

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

The meeting adjourned at 3:48pm