

**South Carolina Real Estate Commission**  
**Regulation Taskforce Teleconference Meeting Minutes**  
Tuesday, September 5, 2025 at 1:30 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  
Brandy Duncan, Esq., Office of Advice Counsel  
Meredith Buttler, Program Director

**PRESENT:**

Sean Cary, Court Reporter

**CALLED TO ORDER:** Mr. Lee, Chair, called the meeting to order at 1:30 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.

**DISCUSSION OF PROPOSED REGULATIONS**

The Regulation Taskforce previously met and reviewed potential updates and amendments to the Commission regulations for the 2024 Notice of Drafting. However, the Commission was unable to submit the proposed regulations in time for the legislative session that took place in early 2025. The Commission has requested the taskforce meet again to re-review the proposed

regulations. The below sections of proposed Regulations were discussed to present to the Commission:

#### Section 105-1

Regarding supervision, Mrs. Buttler explained that since the previous taskforce meeting, staff added a clarification of the term supervision, pulled language from the Broker-in-Charge (BIC)/Property Manager-in-Charge (PMIC) guidance document and reiterated that the BIC/PMIC cannot delegate supervision. Mr. Burnett inquired if there is a need to clarify the number of BIC/PMIC a licensee can be under, especially for those BIC/PMIC licenses who have North Carolina and South Carolina licensure. Mrs. Buttler stated that the Commission can only regulate South Carolina, that the Commission cannot have regulations regarding North Carolina as they do not have Jurisdiction over North Carolina licensees. Mrs. Duncan inquired if there is a need to clarify about not being supervised by more than one BIC/PMIC? Mr. Lee stated clarification might help eliminate questions if specifying about South Carolina BIC/PMIC supervision of South Carolina licensees. The taskforce amended the beginning of potential regulation 105-1(A)(3).

Mr. Smallwood brought to the attention of the taskforce members that regulation section 105-1(B)(3) may be concerning to have verbiage that might be misconstrued as specifying hours and days working per week. Mr. Lee pointed out the purpose of that particular section is to ensure the BIC/PMIC is available to the public. Mr. Smallwood suggested to reword that part to “available during business hours”, that way it reflects statute, the taskforce members agreed to the amendment.

#### Sections 105-2, 105-3 and 105-4 –

These sections were previously approved by the Taskforce. The members of the taskforce have no further updates or amendments.

#### Section 105-5:

Regarding written office policy, Mrs. Buttler explained that since the previous taskforce meeting, staff paired down item (D) in accordance with Commission guidance to only reflect what is in statute. The taskforce members approved of the amendment.

#### Section 105-6: Advertising –

Regarding advertising, Staff incorporated language that was previously developed for statute revision and language from the Commission approved guidance document on assignment of contracts vs. wholesaling. Mr. Smallwood mentioned that common questions he receives from licensees concern the laws of team name and full name of brokerage logo on advertising. Mr. Lee stated that the Team logo can be on advertisement, but right next to it should be the Brokerage of Firm name/logo. Mr. Smallwood suggested regulation should reflect SC Code of Law Section 40-57-360(D) that takes effect in 2027. Mr. Lee emphasized that on advertising, the public needs to blatantly see that Team is a part of the Brokerage. Staff will review this section and provide amended verbiage to the Committee for approval before presenting to Commission.

Mrs. Duncan made a suggestion for the amended verbiage to 105-6(B), the amendment was accepted by taskforce members.

#### Section 105-7:

Regarding teams, Mrs. Buttler stated that the Commission's Research Assistant provided extensive research compiled from all 50 states. As a result, staff incorporated language from that research to address team formation and agency agreement applicability. Based off of the research, most states only addressed team definition, including advertising and delegation of supervision. Mr. Lee stated that he is not entirely comfortable with first sentence of suggested regulation 105-7(A) as the Broker-in-Charge (BIC) is only licensee that has supervision authority and the BIC must maintain current record of all team names and their members. He recommends removing the suggested 105-7(B) and 105-7(C) becomes the new 105-7(B). Mr. Burnett stated in this section the Commission can include reiteration of BIC cannot delegate a new 105-7(C). Mr. Smallwood agreed and suggested verbiage to the effect of "team leader is not a position or license status recognized by the Commission." "The taskforce members agreed and approved of these amendments.

#### Section 105-9:

Regarding Time Sharing, Mrs. Buttler explained that the Commission should update this regulation to align with current statutes so it is in compliance and contains straightforward language. The taskforce members agreed and approved of these amendments.

#### Remaining regulations:

Mrs. Buttler explained that the only recommended updates are those that reference statutes, including updated verbiage such as the statute change of Salesperson to Associate. The taskforce members agreed and approved of these amendments to reflect current statutes.

#### Former Section 105-12:

Mrs. Buttler explained that the previous Section 105-12 was removed as it was duplicative, information regarding fees that are already mentioned in Chapter 10. The previous section was replaced with new section 105-12. Mr. Burnett inquired if there was already regulation about education Pre-licensing courses and the number of attempts to take the state exam. Mrs. Buttler stated that regulation was added regarding Pre-licensing courses examination attempts, but the number of attempts to take the state exam is not limited. Applicants have one year to take and pass the exam(s) when they apply and are made exam eligible.

Mr. Burnett inquired if the taskforce had any interest in an end of course testing for Continuing Education classes, where the licensee must receive a passing score in order to obtain the Continuing Education credit. Mrs. Buttler mentioned the RFP process and the creator of the course content would need to present the courses to Commission for approval before the courses can be posted for licensees. Staff will need to review statutes to see if an exit exam can be incorporated or if add assessment measures could potentially be added. Mr. Burnett expressed that an end of course assessment would be an attempt to help licensees remember the information and obtain better results from the Continuing Education courses. Mr. Smallwood understands Mr. Burnett's reasoning; however, many licensees would have opposing views on that. Mrs. Duncan reminded the taskforce members that the minimum Continuing Education

hours a licensee must attend is Ten, this does not mean licensees cannot do more courses if they want to.

**Motion:** To present the amended potential regulations to the Commission.

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

## **PUBLIC COMMENTS**

None

## **ADJOURNMENT**

**Motion:** To adjourn

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

The meeting adjourned at 2:08 P.M.