

## MINUTES

### South Carolina Real Estate Commission

Wednesday, March 21, 2018, 10:00am

Synergy Business Park, Kingstree Building, Conference Room 105

110 Centerview Drive, Columbia, South Carolina 29210

#### **Meeting Called to Order:**

Chair Pratt called the meeting of the South Carolina Real Estate Commission to order at 10:00 a.m. Board members participating in this meeting included:

Candace Pratt – Chair - 1<sup>st</sup> Congressional District  
Andy Lee – Vice Chair - 3<sup>rd</sup> Congressional District  
David C. Lockwood, III - 2<sup>nd</sup> Congressional District  
John Rinehart – 5<sup>th</sup> Congressional District  
Janelle Mitchell – 6<sup>th</sup> Congressional District  
Scott McNew – 7<sup>th</sup> Congressional District  
Wayne Poplin – At-Large Member  
Johnathan Stackhouse – Public Member

Staff members participating during the meeting included Roderick Atkinson, Board Administrator; Wanda Cooke, Administrative Assistant; Gigi Lewis, Office of Advice Counsel; Sharon Wolfe, Office of Investigations and Enforcement; Rowland Alston, Office of Disciplinary Counsel.

#### **Public Notice:**

Chair Pratt announced that public notice of this meeting was properly posted at the S.C. Real Estate Commission Office, Synergy Business Park, Kingstree Building, 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.

#### **Pledge of Allegiance:**

The Pledge of Allegiance was recited by all present.

#### **Invocation:**

Invocation was offered by Commissioner Mitchell.

#### **Approval of Absences:**

David Crigler - 4th Congressional District

#### **MOTION:**

Mr. Rinehart made a motion to approve the absence of Mr. Crigler. Mr. Lee seconded the motion, which carried unanimously.

#### **Introduction of Board Members and Staff**

**Approval of Agenda:**

The Disciplinary Hearing for Gary Heineke has been continued.

**MOTION:**

Mr. Stackhouse made a motion to amend the agenda to move New Business to before the Chair's remarks, to remove the Disciplinary Hearing for Gary Heineke, and to approve the agenda, as amended. Mr. Poplin seconded the motion, which carried unanimously.

**Approval of the Meeting Minutes from February 21, 2018.**

**MOTION:**

Mr. Lee made a motion to approve the minutes of the February 21, 2018 meeting. Mr. McNew seconded the motion, which carried unanimously.

**NEW BUSINESS**

**1. Renewal Late Fees – HB - 5046**

Mr. Atkinson informed the Commission the a Bill (HB 5046) has been introduced that would allow a one month grace period from the current renewal deadline of June 30, during which time no late fees can be assessed and the licensee would not be considered to have engaged in unlicensed practice. This Bill would lower the maximum late penalties to seventy-five dollars. Discussion ensued.

**MOTION:**

Mr. Rinehart made a motion that the Commission is opposed to this Bill as is it presented, as it creates a false deadline and will result in confusion to licensees and undue burden on Commission staff. The Commission will consider a reduction in late fees under the regulatory due process. Mr. Lockwood seconded the motion, which carried unanimously.

**Chair’s Remarks:**

*Candace Pratt*

Chair Pratt welcomed members of the Coastal Carolina Association of Realtors Leadership Class and members of the SC Association of Realtors Leadership Class.

**Administrator’s Remarks:**

*Rod Atkinson*

- 1. Licensure Update** as of March 13, 2018
- Broker 5147
  - Broker in Charge 7579
  - Property Manager 1570
  - Property Manager in Charge 1270
  - Salesman 25947
  - TOTAL ACTIVE 41,513**
  - Inactive Broker 1482
  - Inactive Property Manager 598

- Inactive Salesman 6020
- TOTAL INACTIVE 8,100**

**TOTAL CURRENT LICENSES  
AS OF 3/13/18 49,613**

2. **Budget Update** –The Board received for information, the budget reports for February 2018.
3. **Investigations and Enforcement** – the Commission received for information, an overview of the opened and closed cases from January 1, 2018 – March 13, 2018, as well as the same time period for the previous year.
4. **IRC Report** - The Commission reviewed the IRC report from March 5, 2018.

**MOTION:**

Mr. Stackhouse made the motion to approve the *Dismissal* portion of the IRC report from March 5, 2018. Mr. Lee seconded the motion, which carried unanimously.

**MOTION:**

Ms. Mitchell made the motion to approve the *Dismiss Cease & Desist* portion of the IRC report from March 5, 2018. Mr. Rinehart seconded the motion, which carried unanimously.

**MOTION:**

Mr. Lee made the motion to approve the *Formal Complaint* portion of the IRC report from March 5, 2018. Mr. Poplin seconded the motion, which carried unanimously.

**MOTION:**

Mr. Poplin made the motion to approve the *Letter of Caution* portion of the IRC report from March 5, 2018. Ms. Mitchell seconded the motion, which carried unanimously.

5. **ODC Report** – Rowland Alston
6. **Additional Disciplinary Hearings Dates** - Rowland Alston

At the request of Rowland Alston, Disciplinary Counsel, the Commission addressed the possibility of adding additional hearing dates and/or implementing alternative disciplinary procedures to process cases. Discussion ensued.

**MOTION:**

Mr. Stackhouse made a motion to approve adding July 25, 2018, and December 13, 2018, as additional dates for Disciplinary Hearings for 2018. Mr. Lee seconded the motion, which carried unanimously.

7. **2018 State Ethics Commission filings - Deadline March 30, 2018**  
Mr. Atkinson reminded the Commission of the deadline for filing with the State Ethics Commission.

## **DISCIPLINARY HEARINGS**

### ***James Simmons***

The Commission held a Disciplinary Hearing regarding James Simmons. Mr. Simmons was present and was represented by Wayne Patterson, legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State, and presented the facts of the case. The Commission reviewed such agreement and discussion ensued.

Mr. Lockwood left the meeting at 1:45 p.m., however, a quorum was maintained.

### **MOTION:**

Mr. Rinehart made a motion to enter Executive Session to receive legal advice. Ms. Mitchell seconded the motion, which carried unanimously.

### **MOTION:**

Mr. Rinehart made a motion to enter Open Session. Mr. Poplin seconded the motion, which carried unanimously.

### **MOTION:**

Mr. Lee made a motion that the State has not met its burden of proof that Mr. Simmons violated S.C. Code Ann. 40-57-145 (A) (4) (1976, as amended); S.C. Code Ann. 40-1-110 (1) (f) (1976, as amended); and S.C. Code Ann. 40-57-137 (F) (1976, as amended). Mr. Rinehart seconded the motion, which carried unanimously

### **MOTION:**

Mr. Lee made a motion that the State has met its burden of proof that Mr. Simmons violated S.C. Code Ann. 40-57-135 (C) (2) (1976, as amended), and that a Letter of Caution be issued. Ms. Mitchell seconded the motion, which carried unanimously.

*(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

### ***Shannon Thomas***

The Commission held a Disciplinary Hearing regarding Shannon Thomas. Ms. Thomas was present and was represented by Johnny Watson, legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State, and presented the facts of the case. The Commission reviewed such agreement and discussion ensued.

### **MOTION:**

Mr. Stackhouse made a motion to enter Executive Session to receive legal advice. Mr. Poplin seconded the motion, which carried unanimously.

### **MOTION:**

Mr. McNew made a motion to enter Open Session. Mr. Poplin seconded the motion, which carried unanimously.

**MOTION:**

Mr. Rinehart made a motion that the State has not met its burden of proof that Ms. Thomas violated S.C. Code Ann. 40-57-145 (A) (4) (1976, as amended); S.C. Code Ann. 40-57-145 (A) (5) (1976, as amended); and S.C. Code Ann. 40-57-145 (A) (24)(1976, as amended). The State has met its burden of proof that Ms. Thomas violated of S.C. Code Ann. 40-1-110 (1) (f) (1976, as amended). Respondent will be given a Public Reprimand and a penalty of five hundred dollars, to be paid within 60 (sixty) days from the date of the Order. Mr. Poplin seconded the motion, which carried unanimously

*(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

**MOTION:**

Mr. Stackhouse made a motion to adjourn at 6:15p.m. Mr. Poplin seconded the motion, which carried unanimously.