

## **MINUTES**

### **South Carolina Real Estate Commission**

**Thursday, March 22, 2018, 9:00am**

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 9:00 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  
David Crigler - 4<sup>th</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 Rinehart.

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

**Approval of Agenda:**

The Disciplinary Hearing for Paul Burgess has been continued and should be removed from the agenda.

**MOTION:**

Mr. Crigler made a motion to approve the agenda, as amended. Ms. Mitchell seconded the motion, which carried unanimously.

**DISCIPLINARY HEARINGS**

***Penny Boling***

The Commission held a Disciplinary Hearing regarding Penny Boling. Ms. Boling was present and was represented by David Haller, legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State, and presented the facts of the case. Mr. Alston informed the Commission that Ms. Boling has signed a Memorandum of Agreement. The Commission reviewed such agreement and discussion ensued.

**MOTION:**

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

**MOTION:**

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

**MOTION:**

Mr. Lee made a motion to accept the Memorandum of Agreement and issue a Letter of Caution. Mr. Stackhouse seconded the motion, which carried on a 6/2 vote.

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

***Cathy Herron***

The Commission held a Disciplinary Hearing regarding Cathy Herron. Ms. Herron was present and was represented by John Foster, legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State. Mr. Alston requested that the case be dismissed because subpoenaed witnesses were not present.

**MOTION:**

Mr. Rinehart made a motion to accept the request to dismiss the case against Cathy Herron. 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.)*

***Mark Moore***

The Commission held a Disciplinary Hearing regarding Mark Moore. Mr. Moore was not present and was not represented by legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State and presented the details of the case. Discussion ensued.

**MOTION:**

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

**MOTION:**

Mr. Crigler made a motion to enter Open Session. Ms. Mitchell seconded the motion, which carried unanimously.

Discussion continued. A brief recess was held. Testimony and discussion continued.

**MOTION:**

Mr. Crigler made a motion to enter Executive Session to receive legal advice. Mr. Poplin 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. Stackhouse made a motion that the State has met its burden of proof that Mr. Moore has violated S.C. Code Ann. 40-57-135 (A) (1) (1976, as amended); S.C. Code Ann. 40-57-135 (C) (2) (1976, as amended); and S.C. Code Ann. 40-1-110 (1) (f) (1976, as amended). Respondent will be given a Public Reprimand and his license will be revoked. A penalty of eighteen hundred twenty-five dollars will be assessed. Mr. Moore will be issued a Cease & Desist Letter and will be required to appear before the Commission prior to being approved for a license in the future. Mr. Crigler 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.)*

Mr. Rinehart made a motion to adjourn at 1:30 p.m. Mr. Poplin seconded the motion, which carried unanimously.