

MINUTES

South Carolina Real Estate Commission

Thursday, April 17, 2013, 10:00am

Synergy Business Park, Kingstree Building, Conference Room 105

110 Centerview Drive, Columbia, South Carolina 29210

Meeting Called to Order:

Tony Cox, Chairman, called the regular scheduled meeting of the South Carolina Real Estate Commission to order at 10:00a.m. Board members participating in this meeting included:

Tony Cox – 7th Congressional District
Candace Pratt – 1st Congressional District
Sarah Takacs – 2nd Congressional District
David Crigler – 4th Congressional District
Manning Biggers – 5th Congressional District
Buccie Harley – 6th Congressional District
Johnathan Stackhouse – Public Member
G. Hamlin O’Kelley – Public Member

Staff members participating during the meeting included Rod Atkinson, Administrator; Wanda Cooke, Administrative Assistant; Sharon Wolfe, John Sowell and Deleon Andrews, Investigations; Georgia Lewis, Office of Advice Counsel; Princess Hodges, Office of General Counsel and Dean Grigg, Deputy Director of Professional and Occupational Licensing.

Public Notice:

Chairman Cox 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 led by Chairman Cox.

A moment of silence was observed for the victims of the Boston bombings, and for our friend and colleague, Wayne Poplin, who is recovering from a stroke.

Chairman Cox introduced the newest member of the Commission, Candace Pratt, from the 1st Congressional District. All members present introduced themselves.

Excused Absences:

Carl Edwards and Wayne Poplin were absent from the meeting.

MOTION:

Mr. Crigler made a motion to approve these absences. The motion was seconded by Mr. O’Kelley, which carried unanimously.

Approval of the Meeting Minutes from March 14, 2013

MOTION:

Ms. Takacs made a motion to approve the March 14, 2013 meeting minutes. Mr. Harley seconded the motion, which carried unanimously.

Chairman's Remarks:

Tony Cox

Chairman Cox thanked the staff and Mr. O'Kelley and members of the task force for their efforts in rewriting the Residential Property Condition Disclosure form, we will have an update on the later in the meeting.

Mr. Biggers presented a letter that he received from former Commissioner Evelyn Young, thanking the Commission for the opportunity to serve.

MOTION:

Ms. Takacs made a motion to approve the agenda for today's meeting. Mr. Crigler seconded the motion, which carried unanimously.

Administrator's Remarks:

Roderick Atkinson

1. Licensure Update as of April 11, 2013

• Broker	5,264
• Broker In Charge	7,407
• Property Manager	1,223
• Property Manager In Charge	1,061
• Salesman	16,739
• Salesman (Provisional)	1,009
TOTAL ACTIVE	32,703

• Inactive Broker	1,467
• Inactive Property Manager	395
• Inactive Salesman	4,717
TOTAL INACTIVE	6,579

TOTAL CURRENT LICENSES AS OF 4/11/13 39,282

Mr. Stackhouse asked that we include the previous month's report in the packets for comparison.

2. Investigations and Enforcement – *Sharon Wolfe*

Ms. Wolfe introduced Deleon Andrews to the Commission. Mr. Andrews will be working on Real Estate cases.

Ms. Wolfe presented the Commission with an overview of the open and closed cases from January 1, 2013 – April 10, 2013, and well as the same time period from the previous year. Discussion ensued concerning the number of timeshare cases that we have and the fact that, in most instances, the Commission has no jurisdiction.

3. Budget update was reviewed.

4. Approval of IRC Report - April 2013

MOTION:

Mr. O’Kelley made the motion to approve the IRC reports for April 2013. Mr. Crigler seconded the motion, which carried unanimously.

NEW BUSINESS:

- 1) Robbie Boland, Office of Inspections, updated the Commission on the attempt to reintroduce inspections for Real Estate offices. Mr. Boland and his staff, will be working with former Commissioner, Dianna Brouters, to ensure training workshops for staff to ensure consistency when performing these office audits. Mr. Boland presented an inspection form that will be used for the audits. An eblast will be sent to all Brokers in Charge to inform them of this new procedure, however, these will be unannounced visits. The Commission asked that Mr. Boland’s staff try to perform these audits within six (6) months of the office opening.
- 2) Mr. Byron King, SC Realtors, addressed the Commission concerning REO sales and advertising.
- 3) Mr. Byron King, SC Realtors, addressed the Commission concerning advertising on Facebook and Twitter. SC Real Estate License Law requires that you identify your full name and company when advertising.

Discussion ensued. No members of the public were present to speak on these topics.

MOTION:

Mr. Crigler made a motion to enter Executive Session to obtain legal counsel. Mr. Harley seconded the motion, which carried unanimously.

MOTION:

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

While in Executive Session, the Commission received legal advice from their attorney and no votes were taken. Chairman Cox addressed each question individually that was asked by Mr. King.

Q. When can a linking brokerage advertise an REO Property?

A. Once a written listing agreement has been obtained.

Q. What paperwork is required?

A. All forms used in contractual documents.

Q. Does posting a “coming soon” sign on a property constitute advertising a property for sale?

A. Yes

Q. Can listing brokerages post signs on the property such as “coming soon” to market the property *prior* to receiving a specific listing agreement?

A. No

Q. Can listing brokerages follow REO seller directive to keep properties in MLS as active even when MLS rules require the property be notated as pending in other similar categories.

A. They must follow MLS rules, per 40-57-135 (c) (4)

The Commission supports advertising via Facebook and Twitter, text messaging and other media, *provided* it contains a link that goes back to displaying the appropriate disclosure, based on an interpretation of Section 40-57-135 (c) (4).

Public Comments:

Mr. Nick Kremydas, from the SC Realtors, addressed the Commission concerning an update on H3771. Mr. Kremydas indicated that this Bill has passed subcommittee and is expected on the House floor by April 23, 2013. Prior to this meeting, Chairman Cox and Mr. Kremydas met with the Chairman of the House LCI Committee to discuss this Bill. Discussion ensued.

MOTION:

Mr. Crigler made a motion for a resolution, outlining the Commission’s concerns about the allocation of license fees from the budget. Mr. Stackhouse seconded the motion, which carried unanimously.

Ms. Lewis reminded the Commissioners that they are always welcomed to attend any legislative meetings that affect this Commission.

Mr. Kremydas offered thanks to Mr. O’Kelley and all members of the task force for their efforts on the Residential Property Condition Disclosure form. Ms. Takacs asked Mr. Kremydas if he, and the Association, are satisfied with the condition of the new form. Mr. Kremydas responded that the Association is fully supportive of the revised form.

OLD BUSINESS:

Mr. O’Kelley gave an update on the progress of the revised Residential Property Condition Disclosure form. The task force met on March 27, 2013. Mr. O’Kelley thanked the staff of the Association in their help in typing these revisions for the task force.

MOTION:

Mr. O'Kelley made a motion to publish the revised form on our website and then take a vote to approve at the May meeting. Mr. Crigler seconded the motion, which carried unanimously.

Disciplinary Hearings:

Joseph C. Wheeler

The Commission approved a *continuance* because legal counsel was in federal court and could not appear at this meeting.

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This issue has been resolved and there is no need for a hearing. Consent Agreement will be presented for Chairman Cox' signature.

Ryan Gourdine

The Commission held an Application Hearing regarding Mr. Ryan Gourdine. Mr. Gourdine was not present for this Hearing, nor was he represented by legal counsel. Several mail notices were sent to him and all were returned as undeliverable. Mr. Gourdine's license lapsed on 6/30/12.

MOTION:

Ms. Takacs made a motion to revoke Mr. Gourdine's license, invoke a fine of \$1000 per occurrence, and deny his ability to re-apply in the future. Mr. Crigler seconded the motion, which carried unanimously.

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

Tameca Brown

The Commission held an Application Hearing regarding Ms. Tameca Brown. Ms. Brown was not present for this Hearing, nor was she represented by Legal Counsel. Ms. Hodges indicated that notice of this Hearing was mailed to Ms. Brown's office and home. Ms. Brown called Ms. Hodges, after receiving these notices. They were in active communication up until 2 weeks prior to the Hearing, however, attempts to reach her by telephone since then have been unsuccessful. Mr. Brown's license lapsed on June 30, 2012.

MOTION:

Ms. Takacs made a motion to revoke Ms. Brown's license, and invoke a fine of \$1000 per occurrence. Mr. Harley seconded the motion, which carried unanimously.

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

Charles B. Gary

The Commission held an Application Hearing regarding Mr. Charles Gary. Mr. Gary was present and was represented by legal counsel. Mr. Gary signed a voluntary relinquishment, which was accepted by the Commission.

Unfinished Business:

None

Adjournment:

The meeting was adjourned at 1:20 p.m.