

MINUTES

South Carolina Real Estate Commission

Wednesday, April 18, 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 - 1st Congressional District
Andy Lee – Vice Chair - 3rd Congressional District
David C. Lockwood, III - 2nd Congressional District
John Rinehart – 5th Congressional District
Janelle Mitchell – 6th Congressional District
Scott McNew – 7th 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 Cook, 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. Poplin made a motion to approve the absence of Mr. Crigler. Mr. Stackhouse seconded the motion, which was carried unanimously.

Introduction of Board Members and Staff

Approval of Agenda:

Executive Session and the Disciplinary Remand Hearing for Michael Rigo will be moved to before the Application Hearings.

MOTION:

Mr. Rinehart made a motion to approve the Agenda, as amended. Mr. Lee seconded the motion, which carried unanimously.

Approval of the Meeting Minutes from March 21 and March 22, 2018

MOTION:

Mr. Lockwood made a motion to approve the minutes of the March 21, 2018 meeting. Mr. Rinehart seconded the motion, which carried unanimously.

MOTION:

Mr. Lockwood made a motion to approve the minutes of the March 22, 2018 meeting. Mr. Poplin seconded the motion, which carried unanimously.

Chair’s Remarks:

Candace Pratt

Chair Pratt informed the Commission that she and Commissioner Lockwood had a brief meeting this morning with Director Emily Farr to discuss the current House Bill 5046. Other topics discussed included the Commission's budget and the ongoing need for additional staff to enforce new legislation that has already been passed.

Administrator’s Remarks:

Rod Atkinson

1. **Licensure Update** as of April 10, 2018
 - Broker 5161
 - Broker in Charge 7595
 - Property Manager 1581
 - Property Manager in Charge 1274
 - Salesman 26275
 - TOTAL ACTIVE 41,886**
 - Inactive Broker 1493
 - Inactive Property Manager 617
 - Inactive Salesman 6109
 - TOTAL INACTIVE 8,219**
- TOTAL CURRENT LICENSES
AS OF 4/10/18 50,105**

2. **Budget Update** –The Board reviewed the budget reports for March 2018.
3. **Investigations and Enforcement** – *Sharon Wolfe* presented the Commission with an overview of the opened and closed cases from January 1, 2018 – April 11, 2018, as well as the same time period for the previous year. Ms. Wolfe informed the Commission that

all of the Real Estate investigators and inspectors have completed the Property Manager in Charge course.

- 4. IRC Report -** The Commission reviewed the IRC report from April 9, 2018.

MOTION:

Mr. Stackhouse made the motion to approve the *Dismissal* portion of the IRC report from April 9, 2018. Mr. Lee seconded the motion, which carried unanimously.

MOTION:

Mr. Rinehart made the motion to approve the *Dismissal Cease & Desist* portion of the IRC report from April 9, 2018. Ms. Mitchell seconded the motion, which carried unanimously.

MOTION:

Ms. Mitchell made the motion to approve the *Formal Complaint* portion of the IRC report from April 9, 2018. Mr. Poplin seconded the motion, which carried unanimously.

MOTION:

Mr. Lee made the motion to approve the *Letter of Caution* portion of the IRC report from April 9, 2018. Ms. Mitchell seconded the motion, which carried unanimously.

- 5. ODC Report – Rowland Alston** presented the Office of Disciplinary Counsel case load report. Mr. Alston requested permission of the Commission to begin the May 16, 2018 meeting at 9am.

MOTION:

Mr. Lee made a motion to change the start time of the May 16, 2018 meeting from 10am to 9 am. Mr. Stackhouse seconded the motion, which carried unanimously.

6. Legislative Update - Mr. Atkinson gave an update on several bills that have been introduced and the impact that they could potentially have on the Real Estate Commission. Progress is being made to prepare procedures and staffing to implement the requirement for fingerprinting and background checks for renewals, beginning in 2020. Mr. Atkinson has met with other boards' staff who are currently using this process for initial licensing. Discussion followed. It was decided that this topic will be added to the next meeting agenda to continue discussions.

MOTION:

Mr. Lee made a motion to enter Executive Session to receive legal advice regarding the Administrative Law Court Order dated November 9, 2017. Mr. Lockwood seconded the motion, which carried unanimously.

MOTION:

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

DISCIPLINARY REMAND HEARING

Michael Rigo

The Commission held a Disciplinary Remand hearing regarding Michael Rigo. Mr. Rigo appeared before the Commission to present testimony, and was represented by Suzanne Hawkins, legal counsel. Rowland Alston, Office of Disciplinary Counsel represented the state and presented the facts of the case. Discussion ensued.

MOTION:

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

MOTION:

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

MOTION:

Mr. Lee made a motion that the State had previously met its burden of proof that Mr. Rigo is in violation of S.C. Code Ann. 40-57-145 (A)(8)(1976, as amended); S.C. Code Ann. 40-1-110 (1) (a) (1976, as amended); S.C. Code Ann. 40-1-110 (1)(f)(1976, as amended); and to affirm the original Order dated March 27, 2017. 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.)

APPLICATION HEARINGS

William Tiller

The Commission held a hearing regarding William Tiller's applications to reinstate his Broker's license, or, in the alternative, to take the Broker's exam in South Carolina. Mr. Tiller appeared before the Commission to present testimony, and was represented by Bobby Kneece, legal counsel. Darra Coleman, Chief Advice Counsel, joined the meeting. Commissioner Poplin was asked to recuse himself from these proceedings. Discussion ensued.

MOTION:

Mr. Rinehart made a motion to approve the application of William Tiller. Mr. Lockwood seconded the motion. Before a vote was taken, the Commission entered executive session for legal advice.

MOTION:

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

MOTION:

Mr. Lockwood made a motion to enter Open Session. Mr. Stackhouse seconded the motion.

MOTION:

Mr. Rinehart made a motion to approve the application of William Tiller. Mr. Lockwood seconded the motion. The motion did not pass.

MOTION:

Ms. Mitchell made a motion to enter Executive Session to receive legal advice. The motion was not seconded. Discussion ensued.

MOTION:

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

MOTION:

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

MOTION:

Mr. McNew made a motion to deny the applications of William Tiller. Ms. Mitchell seconded the motion, which carried with 4 in favor, 2 not in favor, and 1 abstention.

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

Tiffany Harris

The Commission held an application hearing regarding Tiffany Harris' application to take the Real Estate sales examination South Carolina. Ms. Harris appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

MOTION:

Mr. Lockwood made a motion to deny the application of Tiffany Harris. Ms. Mitchell seconded the motion, which carried on a 7/1 vote.

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

Stephen Walker

The Commission held an application hearing regarding Stephen Walker's application to take the Real Estate sales exam in South Carolina. Mr. Walker appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

MOTION:

Ms. Mitchell made a motion to approve the application of Stephen Walker. Mr. McNew seconded the motion, which carried on a 7/1 vote.

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

MOTION:

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

MOTION:

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

David Walsh

The Commission held an application hearing regarding David Walsh's application to take the Real Estate sales exam in South Carolina. Mr. Walsh appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

MOTION:

Mr. Lee made a motion to deny the application of David Walsh. Mr. Rinehart 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.)

Jerry Bentley

The Commission held an application hearing regarding Jerry Bentley's application to take the Real Estate property manager's exam in South Carolina. Mr. Bentley appeared before the Commission to present testimony, and was not represented by legal counsel. 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. Rinehart made a motion to enter Open Session. Mr. Poplin seconded the motion, which carried unanimously.

MOTION:

Mr. Lockwood made a motion to approve the application of Jerry Bentley. Mr. Bentley will be required to wait a period of three (3) years, and will be required to submit a new criminal background check, before applying for a Property Manager in Charge license. 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.)

Henry E. Wallace III

The Commission held an application hearing regarding Henry Wallace application to take the Real Estate sales exam in South Carolina. Mr. Wallace appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

MOTION:

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

MOTION:

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

MOTION:

Mr. Lockwood made a motion to approve the application of Henry Wallace. Mr. Rinehart 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.)

Scipio Williams

The Commission held an application hearing regarding Scipio Williams' application to take the Real Estate property managers examination in South Carolina. Mr. Williams appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

MOTION:

Mr. Rinehart made a motion to approve the application of Scipio Williams. Mr. Lee seconded the motion, which carried unanimously.

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DISCIPLINARY/APPLICATION HEARINGS

MOTION:

Mr. Stackhouse made a motion to reschedule the Disciplinary/Application Hearings for Jermaine Jackson and Henry Wolfe for the June 2018 meeting. Mr. Poplin seconded the motion, which carried unanimously.

MOTION:

Mr. Rinehart made a motion to adjourn at 5:00 p.m. Mr. Lee seconded the motion, which carried unanimously.