

MINUTES

South Carolina Real Estate Commission

Wednesday, April 19, 2017, 10:00am

Synergy Business Park, Kingstree Building, Conference Room 105

110 Centerview Drive, Columbia, South Carolina 29210

Meeting Called to Order:

Vice Chairman O'Kelley called the meeting of the South Carolina Real Estate Commission to order at 10:00 a.m. Board members participating in this meeting included:

G. Hamlin O'Kelley – Vice Chair - Public Member
David C. Lockwood, III, 2nd Congressional District
Andy Lee – 3rd Congressional District
John Rinehart – 5th Congressional District
Janelle Mitchell – 6th Congressional District
Tony Cox – 7th Congressional District
Johnathan Stackhouse – Public Member
Wayne Poplin – At-Large Member

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

Public Notice:

Vice Chair O'Kelley 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 Lockwood.

Approval of Absences:

David Crigler – Chair – 4th Congressional District
Candace Pratt – 1st Congressional District

MOTION:

Mr. Rinehart made a motion to approve the absence of Mr. Crigler and Ms. Pratt. Mr. Cox seconded the motion, which carried unanimously.

Introduction of Board Members and Staff

Approval of Agenda:

Applicant #2, Stancil Shelley, was unable to appear today and will be removed from the agenda. Unfinished Business, Item #1, Board Training Overview, Office of Advice Counsel, will be rescheduled for the May 2017 meeting.

MOTION:

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

Approval of the Meeting Minutes from March 15, 2017

MOTION:

Mr. Cox made a motion to approve the minutes of the March 15, 2017. Mr. Rinehart seconded the motion, which carried unanimously.

Chairman's Remarks:

None

Administrator's Remarks:

Rod Atkinson

1. Licensure Update as of April 14 , 2017

• Broker	5148
• Broker In Charge	7518
• Property Manager	1500
• Property Manager In Charge	1272
• Salesman	22,796
• Salesman (Provisional)	1411
TOTAL ACTIVE	39,645

• Inactive Broker	1582
• Inactive Property Manager	544
• Inactive Salesman	5565
TOTAL INACTIVE	7,691

TOTAL CURRENT LICENSES

AS OF 4/14/17 47,336

2. Budget - The board reviewed the budget reports for March 2017.

3. Investigations and Enforcement - Sharon Cook presented the Commission with an overview of the opened and closed cases from January 1, 2017 – April 13, 2017, as well as the same time frame for the previous year.

4. **Investigator Training** – Investigators are currently required to complete 100 hours of training. A list of qualifying Real Estate courses has been compiled to assist investigators in meeting this requirement.

5. **IRC Report** - The Commission reviewed the IRC report from April 10, 2017.

MOTION:

Mr. Stackhouse made the motion to approve the *Dismissal* portion of the IRC report from April 10, 2017. Mr. Lee seconded the motion, which carried unanimously.

MOTION:

Mr. Cox made the motion to approve the *Formal Complaint* portion of the IRC report from April 10, 2017. Ms. Mitchell seconded the motion, which carried unanimously.

MOTION:

Ms. Mitchell made the motion to approve the *Letter of Caution* portion of the IRC report from April 10, 2017. Mr. Stackhouse seconded the motion, which carried unanimously.

MOTION:

Mr. Rinehart made the motion to approve the *Relinquishment portion* of the IRC report from April 10, 2017. Mr. Lockwood seconded the motion, which carried unanimously.

6. Rowland Alston presented the Office of Disciplinary Counsel case load report.

7. 2017 FARB Regulatory Law Seminar

MOTION:

Mr. Rinehart made a motion to approve travel expenses for Advice Attorney, Georgia Lewis, to attend the 2017 FARB Regulatory Law Seminar. Mr. Rinehart seconded the motion, which carried unanimously.

8. **Legislative Update** – Mr. Atkinson briefed the Commission on current legislation that affects the S.C. Real Estate Commission and industry. Discussions ensued.

9. **PMIC 7-hour course** – Beau Tiller, Education Manager, gave an update to the Commission on the progress of initiating the enforcement of the new requirement of a 7 hour course for prospective Property Managers in Charge. Currently, the Commission does not have a sufficient number of providers to be able to enforce this requirement at this time. The task force will reconvene to discuss options, and possibly expanding the content and topics of courses to meet this requirement.

NEW BUSINESS

- 1) Distance Qualifying Education – Michael McAllister, from The CE Shop, addressed the Commission to discuss the topic of providing Qualifying Distance Education and its effectiveness in the changing Real Estate Industry. Discussion ensued.
- 2) SC Residential Property Disclosure Form (Material “Adverse” Facts) - Language was changed in the new Real Estate License Law.

MOTION:

Mr. Lockwood made a motion to amend the LLR Residential Property Disclosure Form, effective June 1, 2017, to conform to the wording of the new Real Estate License Law; change the language from “material facts” to “material *adverse* facts”, and to use the term “actually known” in place of “knows or reasonably should have known”. Mr. Cox seconded the motion, which carried unanimously.

- 3) Independent Living Units in a Continuing Care Retirement Community – (Commission John Rinehart recused himself from this discussion.)

Jay Rinehart, Rinehart Realty, addressed the Commission to inquire if a licensed real estate agent is required to assist in the sale/resale of Independent Living Units in a Continuing Care Retirement Community. No closing attorneys or lenders are involved. They are all cash transactions. Discussion ensued.

MOTION:

Mr. Cox made a motion that contracts for care and accommodations in independent living units in a Continuing Care Retirement Community, under the jurisdiction of the S.C. Continuing Care Retirement Community Act, and registered with the S.C. Department of Consumer Affairs, do not fall under the jurisdiction of the S.C. Real Estate Commission and therefore, do not require a licensed real estate agent. Ms. Mitchell seconded the motion, which carried unanimously.

APPLICATION HEARINGS

Douglas Jennings

The Commission held an Application Hearing regarding Douglas Jennings. Mr. Jennings appeared before the Commission to present testimony, and was not represented by legal counsel.

MOTION:

Mr. Cox made a motion to allow Mr. Jennings to take the Real Estate Sales exam in South Carolina. Mr. Lockwood seconded the motion, which was carried unanimously.

Christopher Clay

The Commission held an Application Hearing regarding Christopher Clay. Mr. Clay appeared before the Commission to present testimony, and was not represented by legal counsel.

MOTION:

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

MOTION:

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

MOTION:

Ms. Mitchell made a motion to allow Mr. Clay to take the Real Estate Sales exam in South Carolina. After obtaining licensure, Mr. Clay will be placed on probation for a period of two (2) years, and be required to provide an updated criminal background check annually for the probation period. Mr. Poplin seconded the motion, which was carried on a 5/2 vote.

Sharon Abee

The Commission held an Application Hearing regarding Sharon Abee. Ms. Abee appeared before the Commission to present testimony, and was not represented by legal counsel.

MOTION:

Mr. Lockwood made a motion to allow Ms. Abee to take the Real Estate Property Manager's exam in South Carolina. Upon passing the exam, and obtaining a property manager's license, Ms. Abee would be required to reappear before the Commission prior to upgrading to a Property Manager in Charge license in the future. Mr. Lee seconded the motion, which carried unanimously.

Julie Saccio

The Commission held an Application Hearing regarding Julie Saccio. Ms. Saccio did not appear before the Commission to present testimony, and was not represented by legal counsel.

MOTION:

Mr. Lee made a motion to deny Ms. Saccio's request to sit for the sales examination, based on the information provided and Ms. Saccio's failure to appear to provide testimony. Mr. Lockwood seconded the motion, which carried unanimously.

Dustin Johns

The Commission held an Application Hearing regarding Dustin Johns. Mr. Johns appeared before the Commission to present testimony, and was not represented by legal counsel.

MOTION:

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

MOTION:

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

MOTION:

Mr. Rinehart made a motion to deny Mr. Johns' request to take the Real Estate Brokers exam in South Carolina. Mr. Cox seconded the motion, which was carried on a 5/2 vote, with 1 abstention.

Ryan Kirby

The Commission held an Application Hearing regarding Ryan Kirby. Mr. Kirby appeared before the Commission to present testimony, and was not represented by legal counsel.

MOTION:

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

MOTION:

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

MOTION:

Mr. Rinehart made a motion to have a continuation of consideration of Mr. Kirby's application. Mr. Kirby is requested to provide evidence supporting the timeline of events in this case. Mr. Lockwood seconded the motion, which was carried unanimously.

Public Comments -

Austin Smalls, SC Realtors, addressed the Commission and offered to assist in any way possible to disseminate information regarding the revised Property Disclosure Form. Mr. Smalls also asked if investigations regarding Team issues could be expedited so there would be a determination to relay to members moving forward.

MOTION:

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

MOTION:

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

The meeting was adjourned at 2:45 p.m.