

MINUTES

South Carolina Real Estate Commission

Wednesday, September 16, 2015, 10:00am

Synergy Business Park, Kingstree Building, Conference Room 105

110 Centerview Drive, Columbia, South Carolina 29210

Meeting Called to Order:

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

David Crigler – Chair - 4th Congressional District
G. Hamlin O’Kelley – Vice Chair - Public Member
Candace Pratt – 1st Congressional District
David C. Lockwood, III, 2nd Congressional District
Andy Lee – 3rd Congressional District
Manning Biggers – 5th Congressional District
Buccie Harley – 6th 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; Wanda Cornelius, Administrative Assistant; Georgia Lewis, Office of Advice Counsel; Sharon Wolfe, and DeLeon Andrews, Office of Investigations and Enforcement; and Alex Imgrund, Office of Disciplinary Counsel.

Public Notice:

Chairman Crigler 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 Buccie Harley.

Introduction of Board Members and Staff

Approval of Excused Absences

Tony Cox – 7th Congressional District

MOTION:

Mr. Harley made a motion to excuse Mr. Cox. Mr. Poplin seconded the motion, which carried unanimously.

Approval of Agenda:

MOTION:

Mr. O’Kelley made a motion to amend the agenda to move New Business, Item 1, *Electronic Rent Payments to Unlicensed 3rd Party Clearinghouse*, to the next scheduled meeting. Mr. O’Kelley also moved to delete the Application Hearing for David Barber. Mr. Biggers seconded the motion, which passed unanimously.

MOTION:

Ms. Pratt made a motion to approve the Agenda, as amended. Mr. Lockwood seconded the motion, which carried unanimously.

Approval of the Meeting Minutes from August 19, 2015

MOTION:

Mr. Lockwood made a motion to approve the minutes of the August 19, 2015, meeting. Ms. Pratt seconded the motion, which carried unanimously.

Approval of the Meeting Minutes from August 20, 2015

MOTION:

Ms. Pratt made a motion to approve the minutes of the August 20, 2015, meeting. Mr. Lee seconded the motion, which carried unanimously.

Chairman’s Remarks:

David Crigler

- Mr. Crigler gave an update on the 2015 ARELLO Conference held in Washington, DC.
- Mr. Crigler and agency director, Richelle Taylor, addressed a group of realtors during the legislative update at the SC Realtors Association Conference in Myrtle Beach.
- Mr. Crigler acknowledged Rod Atkinson, Administrator, for being awarded LLR’s September recipient of the Public Servant Award.

Administrator’s Remarks:

Rod Atkinson

1. Licensure Update as of September 11, 2015

• Broker	5169
• Broker In Charge	7454
• Property Manager	1398
• Property Manager In Charge	1213
• Salesman	19267
• Salesman (Provisional)	1040
TOTAL ACTIVE	36,541

- Inactive Broker 1633
- Inactive Property Manager 554
- Inactive Salesman 5207
- TOTAL INACTIVE 7,394**

**TOTAL CURRENT LICENSES
AS OF 9/11/15 43,935**

2. Budget - The board reviewed the budget reports for September, 2015.

3. Investigations and Enforcement

Sharon Wolfe presented the Commission with an overview of the opened and closed cases from January 1, 2014 – September 9, 2015, as well as for the previous year.

4. IRC Report - The Commission reviewed the IRC report from September 8, 2015.

MOTION:

Mr. Stackhouse made the motion to approve the Dismissals portion of the IRC report from September 8, 2015. Mr. Lee seconded the motion, which carried unanimously.

MOTION:

Mr. Stackhouse made the motion to approve the Letters of Caution portion of the IRC report from September 8, 2015. Mr. Lee seconded the motion, which carried unanimously.

MOTION:

Mr. Poplin made the motion to approve the Formal Complaints portion of the IRC report from September 8, 2015. Ms. Pratt seconded the motion, which carried unanimously.

5. Mr. Atkinson introduced Alex Imgrund, from the Office of Disciplinary Counsel. Mr. Imgrund is replacing Lauren Kearney, who recently left the Agency. Mr. Imgrund gave the Commission an update on the current disciplinary case load.

6. Mr. Atkinson gave the Commission an update on the Criminal Background Checks process that has been implemented. Mr. Atkinson, along with staff, will be meeting with the vendor, to address problems we have been experiencing, including variable fees. As mentioned in the last meeting, the number of applications that need to be approved by Administrator and/or Commission has significantly increased. The description for the grounds for denial includes fraudulent checks, which could be the same as a check written with insufficient funds. Mr. Atkinson asked the Commission for guidance on whether or not they would like to hear these types of cases. Discussion ensued. Mr. Lockwood suggested that Mr. Atkinson prepare an outline of approval criteria, for the board to review and approve at the next meeting. This should allow the staff to approve more applications, based on the charges and the disposition of the charges, and eliminate the need for an excessive number of application hearings.

7. Mr. Atkinson gave a brief update on pending legislation. A Study Committee has been formed to discuss and review Homeowners Associations legislation. Mr. Lee has been asked to serve on this Committee, as well as Mr. Atkinson. No meeting dates have been scheduled yet, but will commence in the coming weeks.

New Business

The Commission discussed License Law Bill Review (H.4280). Mr. Atkinson explained that he had recently discovered some discrepancies between the Bill that was actually filed, and the last approved draft that was sent to the legislature. Mr. Atkinson presented the Commission with an overview of these discrepancies, and discussion ensued. Ms. Holly Beeson is aware of these differences, and will follow-up to get this corrected.

MOTION:

Mr. O'Kelley made a motion to support Holly Beeson in her efforts to make the necessary corrections to the Bill. Ms. Pratt seconded the motion, which carried unanimously.

It was requested that Mr. Atkinson send a PDF copy of the draft that was submitted, to the members of the Commission.

Commissioner Cox has agreed to Chair the newly formed Timeshare Act Task Force. The current Time Share Act has not been modified since it was originated and is in desperate need of review and revision. Ms. Pratt and Mr. Atkinson will also serve on the committee. Other local individuals will be contacted to serve, including a representative from the American Resort Development Association (ARDA). This Task Force will be charged with submitting recommendations for changes that need to be made to the current Timeshare Act.

APPLICATION HEARINGS

Derrick Stanley

The Commission held an Application Hearing regarding Derrick Stanley. Mr. Stanley appeared before the Commission to present testimony and was not represented by legal counsel. Discussion ensued.

MOTION:

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

MOTION:

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

MOTION:

Mr. Lee made a motion to deny Mr. Stanley's request to sit for the examination. Mr. Lockwood seconded the motion, which carried with a 5/3 vote.

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

Stephen Mininno

The Commission held an Application Hearing regarding Stephen Mininno. Mr. Mininno appeared before the Commission to present testimony and was not represented by legal counsel. Discussion ensued.

MOTION:

Mr. Lockwood made a motion to allow Mr. Mininno to sit for the sales examination. 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 enter Executive Session. Ms. Pratt seconded the motion, which carried unanimously.

MOTION:

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

MaryCait Jones

The Commission held an Application Hearing regarding MaryCait Jones. Ms. Jones appeared before the Commission to present testimony and was not represented by legal counsel. Discussion ensued.

MOTION:

Ms. Pratt made a motion to enter Executive Session. Mr. O'Kelley seconded the motion, which carried unanimously.

MOTION:

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

MOTION:

Mr. Lockwood made a motion to allow Ms. Jones to sit for the sales examination. Ms. Pratt seconded the motion, which carried unanimously.

Betty DuBose

The Commission held an Application Hearing regarding Betty DuBose. Ms. DuBose appeared before the Commission to present testimony and was not represented by legal counsel. Discussion ensued.

MOTION:

Mr. Stackhouse made a motion to allow Ms. DuBose to sit for the examination. Mr. Harley 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.)

Public Comments:

Austin Smallwood, SC Realtors, addressed the Commission to discuss a concern of the SC Realtors regarding Property Management companies using third parties to manage rent payments. Discussion ensued.

MOTION:

Ms. Pratt made a motion to enter Executive Session. Mr. Poplin seconded the motion, which carried unanimously.

MOTION:

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

Commission needs additional information. Mr. King, SC Realtors, can request a place on the agenda at a future meeting to discuss this further.

Adjournment

The meeting was adjourned at 1:25 pm.