

MINUTES

South Carolina Real Estate Commission

Wednesday, September 20, 2017, 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
Candace Pratt – 1st Congressional District
David C. Lockwood, III, 2nd Congressional District
Andy Lee – 3rd Congressional District
John Rinehart – 5th Congressional District
Janelle Mitchell – 6th Congressional District
Scott McNew – 7th Congressional District
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:

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 Commissioner Lockwood.

Approval of Absences:

Wayne Poplin – At-Large Member

MOTION:

Mr. Stackhouse made a motion to approve the absence of Mr. Poplin. Mr. Rinehart seconded the motion, which carried unanimously.

Introduction of Board Members and Staff

Chairman Crigler introduced Scott McNew as the newest member of the Commission, representing the 7th congressional district.

Approval of Agenda:

Disciplinary Hearing #2 is being moved to #4.

MOTION:

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

Approval of the Meeting Minutes from August 16, 2017

MOTION:

Mr. Lockwood made a motion to approve the minutes of the August 16, 2017 meeting. Mr. Rinehart seconded the motion, which carried unanimously.

Chairman's Remarks:

David Crigler

Chairman Crigler reminded the Commission that a Commission Task Force has been formed, consisting of Commissioners Pratt, Mitchell, Lockwood and Rinehart, as well as members of the staff of SC Realtors, to collaborate and study the benefits of the recently published License Law Manual. Meetings will be open to the public. A Chair needs to be named.

MOTION:

Mr. Rinehart made a motion to elect David Lockwood as the Chair of this Task Force. Mr. Stackhouse seconded the motion, which carried unanimously.

Administrator's Remarks:

Rod Atkinson

1. **IRC Report** - The Commission reviewed the IRC report from September 18, 2017.

MOTION:

Mr. Stackhouse made the motion to approve the *Dismissal* portion of the IRC report from September 18, 2017. Ms. Pratt seconded the motion, which carried unanimously.

MOTION:

Ms. Pratt made the motion to approve the *Cease & Desist* portion of the IRC report from September 18, 2017. Ms. Mitchell seconded the motion, which carried unanimously.

MOTION:

Mr. Rinehart made the motion to approve the *Formal Complaint* portion of the IRC report from September 18, 2017. Ms. Pratt seconded the motion, which carried unanimously.

MOTION:

Ms. Mitchell made the motion to approve the *Letter of Caution* portion of the IRC report from September 18, 2017. Mr. Rinehart seconded the motion, which carried unanimously.

MOTION:

Ms. Pratt made the motion to approve the *Reconsideration Dismiss* portion of the IRC report from September 18, 2017. Mr. Lockwood seconded the motion, which carried unanimously.

NEW BUSINESS

1. **Election of Vice-Chair position** – the election of vice chair position is necessary due to the resignation of current Vice Chair O’Kelley.

MOTION:

Mr. Lockwood made a motion to nominate Candace Pratt as the new Vice Chair of the Commission. Mr. Stackhouse seconded the motion, which carried unanimously.

DISCIPLINARY HEARINGS

Todd Evans

Commissioner Pratt recused herself from these proceedings.

The Commission held a Disciplinary Hearing regarding Todd Evans. Mr. Evans was present and was not represented by 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. Stackhouse made a motion to enter Open Session. Mr. Lee seconded the motion, which carried unanimously.

Testimony and discussion continued regarding Todd Evans.

MOTION:

Mr. Rinehart made a motion to grant a continuance for *Delilah Hewitt*, who was unable to be here today due to extenuating circumstances. It was further moved that this would be the only continuance granted, and the next scheduled hearing will move forward, with or without the Respondent. Mr. Lee seconded the motion which carried unanimously.

MOTION:

Mr. Rinehart made a motion to add a Disciplinary Hearing for *Haynesworth M. Jenkinson* to the agenda today, due to extenuating circumstances. Mr. Jenkinson has signed a Memorandum of Agreement. Mr. Lee seconded the motion, which carried with a 5/1 vote.

MOTION:

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

MOTION:

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

Mr. Stackhouse left the meeting at 3:00 p.m., however, a quorum was maintained.

MOTION:

Mr. Lee made a motion that the State has met the burden of proof that Mr. Todd Evans is in violation of:

S.C. Code Ann. 40-57-710-(A) (1) 1976, as amended
S.C. Code Ann. 40-57-710-(A) (5) 1976, as amended
S.C. Code Ann. 40-57-710-(A) (24) 1976, as amended
S.C. Code Ann. 40-1-110 (1) (a) 1976, as amended
S.C. Code Ann. 40-1-110 (1) (c) 1976, as amended
S.C. Code Ann. 40-1-110 (1) (f) 1976, as amended
S.C. Code Ann. 40-1-110 (1) (g) 1976, as amended

Mr. Evans' license will be immediately revoked and there will be a fine of \$500 per violation, to be paid within ninety (90) days.

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.)

William McDaniel

The Commission held a Disciplinary Hearing regarding William McDaniel. Mr. McDaniel was present and was represented by Kenneth Anthony, legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State, and presented the facts of the case. Mr. Alston informed the Commission that a Memorandum of Agreement had been signed, and read the specifics of the Memorandum of Agreement to the Commission. Discussion ensued.

MOTION:

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

MOTION:

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

MOTION:

Mr. Rinehart made a motion to accept the Memorandum of Agreement and will issue a Letter of Caution. Mr. McNew 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.)

Susan Polk

The Commission entertained a motion to dismiss the case on Susan Polk. Ms. Polk was not present, however, she was represented by Thomas Holloway, legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State, and requested a dismissal of this case.

MOTION:

Mr. Lee made a motion to dismiss the case on Susan Polk. 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.)

Mr. Crigler left the meeting at 3:30 p.m., however, a quorum was maintained.

Haynesworth M. Jenkinson

The Commission held a Disciplinary Hearing regarding Haynesworth Jenkinson. Mr. Jenkinson was present and was represented by Michael Scarafile, legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State, and presented the facts of the case. Mr. Alston informed the Commission that a Memorandum of Agreement had been signed, and read the specifics of the Memorandum of Agreement to the Commission. Discussion ensued.

MOTION:

Mr. Rinehart made a motion to accept the Memorandum of Agreement and will issue a Letter of Caution. Mr. Lee seconded the motion, which carried on a 4/1 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. Rinehart made a motion to adjourn at 4:30 p.m. Mr. McNew seconded the motion, which carried unanimously.