

MINUTES

South Carolina Real Estate Commission

Wednesday, August 19, 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
Tony Cox – 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; Evelyn Ford, Administrative Assistant; Georgia Lewis, Office of Advice Counsel; Sharon Wolfe, Office of Investigations and Enforcement.

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 David Crigler.

Approval of Agenda:

MOTION:

Mr. Stackhouse made a motion to approve the Agenda. Mr. Cox seconded the motion, which carried unanimously.

Approval of the Meeting Minutes from May 20, 2015

MOTION:

Mr. Cox made a motion to approve the minutes of the May 20, 2015, meeting. Mr. O’Kelley seconded the motion, which carried unanimously.

Chairman’s Remarks:

David Crigler

Chairman Crigler offered condolences to Mr. Buccie Harley, whose mother passed away earlier this month.

Chairman Crigler indicated that he had met with Mr. Carl Edwards, and presented him with the appreciation plaque from the entire Commission.

MOTION:

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

MOTION:

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

Introduction of Board Members and Staff

Administrator’s Remarks:

Rod Atkinson

1. Licensure Update as of August 13, 2015

• Broker	5156
• Broker In Charge	7445
• Property Manager	1385
• Property Manager In Charge	1206
• Salesman	19108
• Salesman (Provisional)	1975
TOTAL ACTIVE	36,275

• Inactive Broker	1629
• Inactive Property Manager	546
• Inactive Salesman	5159
TOTAL INACTIVE	7,334

**TOTAL CURRENT LICENSES
AS OF 8/13/15 43,609**

2. Budget - The board reviewed the budget reports for June, July and August, 2015.

3. Investigations and Enforcement

Sharon Wolfe presented the Commission with an overview of the opened and closed cases from January 1, 2014 – August 5, 2015, as well as for the previous year.

4. IRC Report -

The Commission reviewed the IRC report from June 10, July 13 and August 10, 2015.

MOTION:

Mr. Cox made the motion to approve the Dismissals portion of the IRC report from June 10, 2015. Mr. O'Kelley seconded the motion, which carried unanimously.

MOTION:

Mr. O'Kelley made the motion to approve the Formal Complaints portion of the IRC report from June 10, 2015. Ms. Pratt seconded the motion, which carried unanimously.

MOTION:

Mr. O'Kelley made the motion to approve the Letters of Caution portion of the IRC report from June 10, 2015. Ms. Pratt seconded the motion, which carried unanimously.

MOTION:

Mr. Cox made the motion to approve the Dismissals portion of the IRC report from July 13, 2015. Ms. Pratt seconded the motion, which carried unanimously.

MOTION:

Mr. O'Kelley made the motion to approve the Reconsideration Dismissals portion of the IRC report from July 13, 2015. Ms. Pratt seconded the motion, which carried unanimously.

MOTION:

Mr. Cox made the motion to approve the Formal Complaints portion of the IRC report from July 13, 2015. Mr. Poplin seconded the motion, which carried unanimously.

MOTION:

Mr. O'Kelley made the motion to approve the Dismissals portion of the IRC report from August 10, 2015. Ms. Pratt seconded the motion, which carried unanimously.

MOTION:

Mr. Harley made the motion to approve the Formal Complaints and Letter of Caution portion of the IRC report from August 10, 2015. Mr. Cox seconded the motion, which carried unanimously.

5. Mr. Atkinson gave the Commission an update on the Criminal Background Checks process that has been implemented. The process seems to be going well. Mr. Atkinson informed the Commission that there is a significant increase in the number of applications that have to be reviewed by him because of the number of positive hits on these checks. Most of these are misdemeanors, however, still cannot be approved at staff level.
6. Mr. Atkinson gave a brief update on pending legislation. The final draft that was approved by the Commission was filed at the last session and should be picked up again when the next legislative session opens.

APPLICATION HEARINGS

Terrance Jamison

The Commission held an Application Hearing regarding Terrance Jamison. Mr. Jamison 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. Jamison 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.)

Sydney Ledee

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

MOTION:

Mr. Stackhouse 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. Ms. Pratt seconded the motion, which carried unanimously.

MOTION:

Mr. O'Kelley made a motion to allow Ms. Ledee to sit for the sales examination. However, Ms. Ledee will need to provide a letter from a sponsoring Broker in Charge. If licensed, Ms. Ledee will be required to have a new criminal background check prior to each renewal. Further, Ms. Ledee will be required to reappear before this Commission if she applies to take the broker's exam in the future. Mr. Cox seconded the motion, which carried on a 6/3 vote.

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

Robert Boineau

The Commission held an Application Hearing regarding Robert Boineau. Mr. Boineau appeared before the Commission to present testimony and was represented by Robert T. Boineau, III, Attorney. Discussion ensued.

MOTION:

Mr. Lockwood made a motion to approve Mr. Boineau to sit for the broker's examination. Mr. O'Kelley seconded the motion, which carried with 1 abstention.

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

Tameika Pringle

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

MOTION:

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

MOTION:

Mr. Biggers made a motion to enter Open Session. Mr. O'Kelley seconded the motion, which carried unanimously. Mr. Lockwood was not present for the Executive Session.

MOTION:

Mr. Lee made a motion to deny Ms. Pringle's request to sit for the examination. Mr. Biggers seconded the motion, which carried with one abstention.

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

LUNCH RECESS

Timothy Smits

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

MOTION:

Mr. Stackhouse made a motion to allow Mr. Smits to sit for the examination. Ms. Pratt seconded the motion, which carried unanimously.

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Elias Falero

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

MOTION:

Mr. Lee made a motion to allow Mr. Falero to sit for the examination. Mr. Poplin seconded the motion, which carried unanimously.

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Timothy Treleven

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

MOTION:

Mr. O’Kelley made a motion to allow Mr. Treleven to sit for the examination. Ms. Pratt seconded the motion, which carried unanimously.

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Stacy Rothenberger

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

MOTION:

Mr. Cox made a motion to allow Ms. Rothenberger to sit for the examination. Mr. Stackhouse seconded the motion, which carried unanimously.

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Keon King

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

MOTION:

Mr. Cox 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. Poplin seconded the motion, which carried unanimously.

MOTION:

Ms. Pratt made a motion to deny Mr. King’s request to sit for the examination. Mr. Stackhouse seconded the motion, which carried unanimously.

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Francois Gyorody, Jr.

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

MOTION:

Mr. Cox made a motion to allow Mr. Gyorody to sit for the examination. Mr. O'Kelley seconded the motion, which carried unanimously.

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New Business

The Commission discussed Experience Qualifications for Broker Licensure. Mr. Atkinson explained that staff has been receiving numerous requests from individuals asking to use something other than the required three (3) years of sales experience, to qualify for the broker's examination pursuant to S.C. Code of Laws section 40-57-100 (A) (2). A policy was written by the Commission in 1998 that allowed the possibility of using other experience, such as property management experience, to obtain a broker's license. These qualifications were often based on unverifiable information provided by the applicant. This policy opened up the door for inconsistencies in the licensing criteria; therefore it was abandoned years ago. Discussion ensued.

It was determined that property management licensure or other alternative experience will not be acceptable for the broker exam qualification. The new draft revision of the statute will require an ACTIVE sales license for a period of three (3) years to be eligible to take the broker's exam.

MOTION:

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

MOTION:

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

Adjournment

The meeting was adjourned at 4:25 pm.

MINUTES

South Carolina Real Estate Commission

Thursday, August 20, 2015, 10:00am

Synergy Business Park, Kingstree Building, Conference Room 105

110 Centerview Drive, Columbia, South Carolina 29210

Meeting Called to Order:

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David Crigler – Chair - 4th Congressional District
G. Hamlin O’Kelley – Vice Chair - Public Member
Candace Pratt – 1st Congressional District
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Andy Lee – 3rd Congressional District
Manning Biggers – 5th Congressional District
Tony Cox – 7th Congressional District
Wayne Poplin – At-Large Member
Johnathan Stackhouse – Public Member

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Pledge of Allegiance:

The Pledge of Allegiance was recited by all present.

Invocation

Invocation was offered by Manning Biggers.

Approval of Excused Absenses

Buccie Harley – 6th Congressional District – was unable to attend.

MOTION:

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

Approval of Agenda:

New Business was deleted from the agenda, since this matter was covered on Wednesday, August 19th.

MOTION:

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

Chairman's Remarks:

David Crigler

None

Administrator's Remarks:

Rod Atkinson

None

Introduction of Board Members and Staff

LICENSE STATUS HEARING

William Scurry

The Commission held a License Status Hearing regarding William Scurry. Mr. Scurry appeared before the Commission to present testimony and was not represented by legal counsel. Discussion ensued.

MOTION:

Mr. O'Kelley made a motion to reactivate Mr. Scurry's license, upon completion of eight (8) hours of continuing education, submitting document #280 and a fee of \$300. 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.)

TIMESHARE REGISTRATION STATUS HEARINGS

Molly Cherry, Attorney –Nexson Pruet Law Firm – addressed the Commission to file a *Motion for Private Hearing* for the three (3) timeshare plans on the agenda: (TSP. 1112; TSP 1116; TSP 855) Discussion ensued.

MOTION:

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

MOTION:

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

MOTION:

Mr. Cox made a motion to deny the request for a private hearing, in the matter of TSP. 1112; TSP. 1116 and TSP. 855. Mr. Poplin seconded the motion, which carried unanimously.

Bluewater by Spinnaker – Tsp. 1112

The Commission held a Timeshare Registration Status Hearing regarding Bluewater by Spinnaker. Bluewater was represented by Barry Johnson, Attorney. Maria Belbas Parker, Attorney, testified in support of the timeshare plan registration. Discussion ensued.

MOTION:

Mr. Lockwood 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. Cox seconded the motion, which carried unanimously.

MOTION:

Mr. O'Kelley made a motion to accept the September 2, 2014 registration, to be made retroactive to March 15, 2006, pursuant to S.C. Code of Laws, section 27-32-190 (A) (2), and that we allow payment of \$2250 to cover the renewal period from 2006 – 2015, with a renewal date of March 15, 2016. Mr. Stackhouse seconded the motion, which carried unanimously.

LUNCH RECESS

Spinnaker Flexible Ownership Plan – Tsp. 1116

The Commission held a Timeshare Registration Status Hearing regarding Spinnaker Flexible Ownership Plan. Spinnaker was represented by Barry Johnson, Attorney. Maria Belbas Parker, Attorney, testified in support of the timeshare plan registration. Discussion ensued.

MOTION:

Mr. O'Kelley made a motion to accept the January 15, 2015 registration, to be made retroactive to April 15, 2006, pursuant to S.C. Code of Laws, section 27-32-190 (A) (2), and that we allow payment of \$2250 to cover the renewal period from 2006 – 2015, with a renewal date of April 15, 2016. Ms. Pratt seconded the motion, which carried unanimously.

Carolina Club by Spinnaker – Tsp. 855

The Commission held a Timeshare Registration Status Hearing regarding Carolina Club by Spinnaker. Carolina Club was represented by Barry Johnson, Attorney. Maria Belbas Parker, Attorney, testified in support of the timeshare plan registration. Discussion ensued.

MOTION:

Mr. O'Kelley made a motion to accept the renewal payment of \$2000 to cover the renewal period from 2007 – 2015, with a renewal date of May 12, 2016. Mr. Lockwood seconded the motion, which carried unanimously.

Adjournment

The meeting was adjourned at 2:20 pm