

## MINUTES

### South Carolina Real Estate Commission

Wednesday, February 22, 2012, 10:00am

Synergy Business Park, Kingstree Building, Conference Room 105

110 Centerview Drive, Columbia, South Carolina 29210

#### **1. Meeting Called to Order:**

Tony Cox, Chairman, called the regular scheduled meeting of the South Carolina Real Estate Commission to order at 10:05a.m. Board members participating in this meeting included:

Tony Cox – 1<sup>st</sup> Congressional District

Sarah Takacs – 2<sup>nd</sup> Congressional District

Carl Edwards – 3<sup>rd</sup> Congressional District

Evelyn Young – 4<sup>th</sup> Congressional District

Manning Biggers – 5<sup>th</sup> Congressional District

Buccie Harley – 6<sup>th</sup> Congressional District

Johnathan Stackhouse – Public Member

Hamlin O'Kelley – Public Member

Staff members participating during the meeting included Tracey McCarley, Education Coordinator; Jamie Saxon, Advice Counsel; and Krista Bell, General Counsel.

#### **2. Public Notice:**

Chairman Cox announced that public notice of this meeting was properly posted at the S.C. Board of Environmental Certification 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.

#### **3. Pledge of Allegiance:**

The Pledge of Allegiance was led by Chairman Cox.

#### **4. Absence:**

Dianna Brouthers – At-Large Member

#### **5. Approval of the January 25, 2012 Meeting Minutes:**

##### **MOTION:**

Mr. Harley made a motion to approve the January 25, 2012 meeting minutes. Mr. O'Kelley seconded the motion which carried unanimously.

#### **6. Chairman's Remarks:** - Tony Cox

Chairman Cox announced that due to a schedule conflict of General Counsel that the reconsideration hearing will be moved up after the Chairman's Remarks. He also stated and informed Byron King, South Carolina Realtors that the Old Business of Update on the Seller Disclosure Form will be postponed for an additional 30-days. Discussion ensued. Chairman Cox stated that the document will be presented at the March Real Estate Commission meeting to be discussed and voted upon. He stated that at that time the document may be disseminated to licensees for comment.

**MOTION:**

Mr. Edwards made a motion that once the Seller Disclosure Form is voted upon, to eblast to all licensees the document for comments and recommendations. Mr. Stackhouse seconded the motion which carried unanimously.

Chairman Cox suggested that Beau Tiller, Education Manager, be tasks with responsibilities of disseminating to the document to the licensees and collecting the results for the Real Estate Commission members.

**7. Reconsideration Hearing:**

*David Wertan*

The Commission held a Reconsideration Hearing regarding Mr. Wertan. Mr. Wertan appeared before the Commission to present testimony and waived his right to Counsel.

**MOTION:**

Ms. Young made a motion to enter executive session. Mr. Biggers seconded the motion which carried unanimously.

**MOTION:**

Mr. Edwards made a motion to return to public session. Ms. Young seconded the motion which carried unanimously.

**MOTION:**

Mr. O'Kelley made a motion to deny Mr. Wertan's reconsideration. Mr. Harley seconded the motion which carried unanimously.

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

**8. Administrator's Remarks for Information:**

*Tracey McCarley*

Ms. McCarley updated the Commission members concerning the Real Estate staffing issues. She stated that Beau Tiller had returned to work from an extended medical leave, now working full-time. Ms. McCarley continued with announcing a new temporary employee, Denise Smith, to assist with Real Estate and Appraiser office duties.

McCarley answered Commission's questions as to the placement of a new Administrator for Real Estate. She state that the first interviews took place in early February with an interview panel consisting of Dean Grigg, Advice Counsel; Loretta Smith, Director of HR; and Robbie Boland. She continued that a second round of interviews will take place soon and the panel is unknown at this time.

Ms. McCarley informed the Commission members of the mandatory Instructor Development Workshop to be conducted on March 28, 2012 at the Columbia Conference Center. This workshop maintains and increases teaching skills and proficiencies of SC approved instructors. In addition to the IDW, core course training will take place on the same day. A task force comprising of Marie Spodek, course writer; Dianna Brouthers; Judy Wolk; Wayne Poplin; and Beau Tiller, staff representative was responsible to developing the 2012-14 core course on Fair Housing which includes federal and state laws.

1) Licensure Update

As of February 16, 2012:

• Broker	5,300
• Broker In Charge	7,691
• Inactive Broker	1,758
• Inactive Property Manager	467
• Inactive Salesman	6,342
• Property Manager In Charge	1,031
• Property Manager	1,213
• Salesman	17,939
• Salesman (Provisional)	649
<b>TOTAL</b>	<b>42,390</b>

2) Investigations and Enforcement Update – Tracey McCarley for Sharon Wolfe

**Cases received January 1, 2012 through February 21, 2012**

• Active Investigations	20
• Do Not Open Cases	5
• Pending Investigation	9
<b>TOTAL</b>	<b>34</b>
• Timeshare Investigations	10

**Cases closed January 1, 2012 through December 7, 2012**

• Closed	42
• Do Not Open Cases	15
<b>TOTAL</b>	<b>57</b>
• Timeshare Investigations	24

3) Budget Update – Barbara Derrick

Ms. McCarley stated that Ms. Derrick will not be attending today’s meeting. Ms. McCarley continue that if the Commission members has questions that she will contact the finance department for answers to be forwarded to the members.

**9. New Business:**

1) Approval of IRC Report

**MOTION:**

Mr. Eubanks made a motion to approve the IRC Report as submitted. Ms. Young seconded the motion which carried unanimously.

2) Trust Account Guidelines – Chairman Cox and Byron King, South Carolina Realtors

Byron King began discussion concerning the Trust Account Guidelines. He stated that a new business model is evolving and Brokers –In-Charge are asking guidance from the Commission regarding accountability. Chairman Cox read from the current Real Estate law concerning this issue and stated that Brokers-In-Charge comply with that law. Chairman Cox deferred to Mr. Saxon, Legal Counsel for comments. Mr. Saxon stated that under the current administration, no Commission is allowed to issue polies or guidelines. He continued to state that if licensee required further explanations to contact private counsel. Discussion ensued.

**10. Application Hearing:**

*Robert Brower*

Mr. Brower did not appear at this meeting.

**11. Application Hearing:**

*Janice Carlisle*

The Commission held an Application Hearing regarding Ms. Carlisle. Ms. Carlisle appeared before the Commission to present testimony and waived her right to Counsel.

**MOTION:**

Ms. Young made a motion to enter executive session. Mr. O’Kelley seconded the motion which carried unanimously.

**MOTION:**

Ms. Young made a motion to return to public session. Mr. Biggers seconded the motion which carried unanimously.

**MOTION:**

Mr. Edwards made a motion to deny Ms. Carlisle’s application pending cleared charges then to reapply and reappear. Ms. Young seconded the motion which carried unanimously.

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

**12. Application Hearing:**

*Ken Shimer*

The Commission held an Application Hearing regarding Mr. Shimer. Mr. Shimer appeared before the Commission to present testimony and waived his right to Counsel. Mr. William D. Weisler appeared as a witness for Mr. Shimer.

**MOTION:**

Ms. Young made a motion to enter executive session. Mr. Biggers seconded the motion which carried unanimously.

**MOTION:**

Mr. Edwards made a motion to return to public session. Mr. Harley seconded the motion which carried unanimously.

**MOTION:**

Ms. Young made a motion to approve Mr. Shimer’s application to sit for the Broker exam. Mr. Biggers seconded the motion which carried unanimously.

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

**13. Application Hearing:**

*Alissa Smith*

The Commission held an Application Hearing regarding Ms. Smith. Ms. Smith appeared before the Commission to present testimony and waived her right to Counsel.

**MOTION:**

Ms. Takacs made a motion to deny Ms. Smith’s application pending completion of sentence and probation then to reapply. Ms. Young seconded the motion which carried unanimously.

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

**14. Unfinished Business:**

*Tracey McCarley*

There was no unfinished business.

**15. Adjournment:**

**MOTION:**

Ms. Takacs made a motion to adjourn the SC Real Estate Commission meeting. Mr. Harley seconded the motion which carried unanimously. The meeting of the SC Real Estate Commission adjourned at 1:00pm.