

MINUTES

South Carolina Real Estate Commission

Wednesday, January 23, 2013, 10:00am

Synergy Business Park, Kingstree Building, Conference Room 105

110 Centerview Drive, Columbia, South Carolina 29210

Meeting Called to Order:

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

Tony Cox – 7th Congressional District
Sarah Takacs – 2nd Congressional District
Carl Edwards – 3rd Congressional District
David Crigler – 4th Congressional District
Manning Biggers – 5th Congressional District
Buccie Harley – 6th Congressional District
Johnathan Stackhouse – Public Member
Hamlin O’Kelley – Public Member
Wayne Poplin – Member At-Large

Staff members participating during the meeting included Tracey McCarley, Administrator; Wanda Cooke, Administrative Assistant; Stella Hammond, Investigations, Rod Atkinson, Complaint Analyst, Georgia Lewis, Office of Advice Counsel, Darra Coleman, Chief Advice Counsel and Princess Hodges, Office of General Counsel.

Public Notice:

Chairman Cox 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 led by Chairman Cox.

Excused Absences:

none

Approval of the Meeting Minutes from November 28, December 4th and December 19th 2012:

MOTION:

Mr. Poplin made a motion to approve the November 28, 2012; December 4, 2012 and December 19, 2012 meeting minutes. Mr. Edwards seconded the motion, which carried unanimously.

Approval of Agenda:

MOTION:

Ms. Takacs made a motion to approve the Agenda. Mr. Edwards seconded the motion, which carried unanimously.

Chairman's Remarks:

Tony Cox

Administrator's Remarks:

Tracey McCarley

Ms. McCarley presented the Commission with Statement of Economic Interest paperwork with instructions for filing same. Ms. Takacs requested that McCarley give the Commission members an explanation of what the different codes represent.

- 1) Licensure Update
As of January 17, 2013
 - Broker 5,241
 - Broker In Charge 7,351
 - Inactive Broker 1,437
 - Inactive Property Manager 370
 - Inactive Salesman 4,489
 - Property Manager In Charge 1,019
 - Property Manager 1,186
 - Salesman 16,541
 - Salesman (Provisional) 880
 - TOTAL 38,614**

- 2) There was no Investigations and Enforcement Update

- 3) Budget Update – Tracey McCarley provided the Commission members with the budget for November and December 2012.

- 4) Approval of IRC Reports – December 2012 and January 2013

MOTION:

Mr. Harley made the motion to approve the IRC reports for December 2012 and January 2013. Mr. Poplin seconded the motion, which carried unanimously.

New Business:

1. License Law Reform

Byron King, SC Realtors, gave a brief update on License Law Reform. State House rally will be held on April 9, 2013 to meet with elected officials concerning this. Chairman Cox and Nick Kremydas, (SC Realtors) have a scheduled meeting with Rep. Clemmons and Rep. Sandifer. Chairman Cox will report the findings to the Commission.

2. SC Residential Property Conditions Disclosure Concerns

- Gary Pickren, Attorney with Rogers Townsend & Thomas, spoke on behalf of the Central Carolina Realtors Association and Russell Jeffcoat Real Estate. Mr. Pickren gave a description of the many issues that his clients have experienced with the new Disclosure document. He believes the form is problematic for both the seller and buyer; confusion in nature and open for interpretation. He proposed that the new form be pulled from the website and the Commission allow the old form to be used, and to rework the form extensively.
- Jimmy Derrick, Broker with Coldwell Banker also spoke to the Commission. He presented his personal experience and problems with the form. He believes the consumer does not understand this document. He believes that many of the questions apply to the condominium business as opposed to the general real estate business. He requested we pull the new document and revert back to the old document. He suggested we form a new committee to rework the form and include sales agents who actually are handling these documents.

Much discussion ensued.

MOTION:

Mr. Edwards made a motion to revert back to the old Property Disclosure Form effective immediately, retroactive to January 1, 2013, with the stipulation that both forms are approved and may be used until a new version of the form is approved and voted on by the Commission. A task force will be established to present a new version of the form. Mr. Crigler seconded the motion, which carried unanimously.

- ### 3. Darra Coleman, Georgia Lewis, Princess Hodges and Stella Hammond presented an overview of the complaint process. Discussion ensued. Chairman Cox asked about the limited amount of information in their packets relating to the Disciplinary Hearings. Ms. Coleman referred that question to Ms. Hodges. Ms. Hodges indicated that General Counsel attempts to limit the amount of contact with the Commission prior to a disciplinary matter, so as not to taint the Commission. We do not want the respondents to feel they are at a disadvantage. The Commission is allowed to have the Formal Complaint. This information will be included in the packets for the next disciplinary hearings.

The Commission took a short recess.

Disciplinary Hearings:

Carl Grove

The Commission held a Disciplinary Hearing regarding Mr. Carl Grove. Mr. Grove did not appear before the Commission. Ms. Hodges informed the Commission that Mr. Grove was sent notice of this meeting. Ms. Hodges requested permission to proceed in his absence, which was granted. Ms. Hodges presented the case and discussion ensued.

MOTION:

Mr. Harley made a motion to go into Executive Session. Mr. O'Kelley seconded the motion, which was carried unanimously.

MOTION:

Mr. Biggers made a motion to go into Open Session. Mr. O'Kelley seconded the motion, which was carried unanimously.

MOTION:

Mr. Edwards made a motion to suspend license for 1 year, fine \$1000 (\$500 for each violation); public reprimand; require that he complete his court ordered community service and require that Mr. Grove appear before the commission before restoring his license. Mr. Poplin 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.)

Duffie

The Commission held a Disciplinary Hearing regarding Ms. Duffie. Mr. Duffie did not appear before the Commission. Ms. Hodges informed the Commission that Ms. Duffie was sent notice of this meeting and all mail was returned to us by the post office. Ms. Hodges requested permission to proceed in her absence, which was granted. Ms. Hodges presented the case and discussion ensued.

MOTION:

Ms. Takacs made a motion to fine Ms. Duffie \$1000 and require her to appear before the Commission prior to reinstatement of her license. Mr. Crigler 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.)

Sanders

The Commission held a Disciplinary Hearing regarding Ms. Sanders. Ms. Sanders did not appear before the Commission. Ms. Hodges informed the Commission that Ms. Sanders was sent notice of this meeting and all mail was returned by the post office. Ms. Hodges requested permission to proceed in her absence, which was granted. Ms. Hodges presented the case and discussion ensued.

MOTION:

Ms. Takacs made a motion to fine Ms. Sanders \$2000 (\$1000 for each violation) and revoke her license. She will be required to appear before the Commission prior to reinstatement of her license. Mr. O'Kelley 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.)

Application Hearing:

C.R. A group of time share entities appeared before the Commission to review the status of their registrations.

Unfinished Business:

None

Public Comments:

None

Adjournment:

The meeting of the SC Real Estate Commission adjourned at 4:50 p.m.