

MINUTES

South Carolina Real Estate Commission

Wednesday, January 21, 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
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; Georgia Lewis, Office of Advice Counsel; Lauren Kearney, 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 Manning Biggers.

Introduction of Board Members and Staff

Excused Absences:

NONE

Approval of Agenda:

MOTION:

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

Approval of the Meeting Minutes from December 10, 2014

MOTION:

Mr. Poplin made a motion to approve the minutes of the December 10, 2014, meeting. Ms. Pratt seconded the motion, which carried unanimously.

Chairman's Remarks:

David Crigler

Holly Beeson, Office of the Director, addressed the Commission to explain the process for introducing legislation and to give an update on pending legislation that affects the Commission.

Administrator's Remarks:

Rod Atkinson

1. **Licensure Update** as of January 12, 2015

• Broker	5162
• Broker In Charge	7328
• Property Manager	1332
• Property Manager In Charge	1141
• Salesman	17890
• Salesman (Provisional)	1845
TOTAL ACTIVE	34,698
• Inactive Broker	1488
• Inactive Property Manager	444
• Inactive Salesman	4631
TOTAL INACTIVE	6,563

**TOTAL CURRENT LICENSES
AS OF 1/12/15 41,261**

2. **Budget** update for December 2014 was reviewed.

3. **Investigations and Enforcement**

Mr. Atkinson presented the Commission with an overview of the opened and closed cases from January 1, 2014 – January 15, 2015, as well as for the previous year.

4. **IRC Report** - The Commission reviewed the IRC report from January 13, 2015.

MOTION:

Mr. Stackhouse made the motion to approve the IRC report from January 13, 2015. Mr. O'Kelley seconded the motion, which carried unanimously.

5. Mr. Atkinson reminded the Commission that the Statements of Economic Interest are due by March 30, 2015.
6. Mr. Atkinson gave the Commission a brief update on the bidding process for selecting the vendor for providing criminal background checks for applicants.
7. Mr. Atkinson gave an update on pending House Bill 3248, concerning Home Owners Associations. Staff has received an increased number of inquiries in the past few days relating to HOA's. There are currently four other Bills being introduced on this topic, that may or may not affect the Real Estate Commission. Mr. Atkinson will get copies of these distributed to the Commission. Mr. O'Kelley will draft a letter from the Commission, to offer an opinion on this matter.
8. Mr. Atkinson informed the Commission that the Agency will reorganize some of the licensing boards, which will result in the addition of at least one staff person. Mr. Atkinson will be the Administrator solely for the Real Estate Commission and another administrator will be hired to oversee the Appraisers Board and Athletic Commission. This transition is scheduled to begin February 1, 2015.

Unfinished Business

Proposed License Law Draft

Discussion was held regarding designation of trust accounts. The Investigative Review Committee has asked the Commission to clarify language in the proposed license law draft, to ensure that licensees are aware that the words "trust" or "escrow" are included in the title of trust accounts, and checks issued from the accounts.

MOTION:

Mr. Cox made the motion to accept the staff's recommendation to clarify trust account designations. Ms. Pratt seconded the motion, which carried unanimously.

Discussion was held regarding establishing the responsibilities of the broker-in-charge or property manager-in-charge in trust accounts.

MOTION:

Mr. Cox made the motion to accept the staff's recommendation to clarify trust account responsibilities of the broker-in-charge or property manager-in-charge. Ms. Pratt seconded the motion, which carried unanimously.

Discussion was held regarding the proposed draft of Section 40-57-135 (A) (1).

MOTION:

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

MOTION:

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

MOTION:

Ms. Pratt made a motion to revise the language in the proposed draft 40-57-135 (A) (1) to read:

(A) The duties of the broker-in-charge or property manager-in-charge are to:

- (1) Adequately supervise employees or associated licensees to ensure their compliance with this chapter.

Mr. Poplin seconded the motion, which carried unanimously.

BREAK

DISCIPLINARY HEARINGS

Michael W. Mohalick

The Commission held a Disciplinary Hearing regarding Mr. Michael Mohalick. Mr. Mohalick was not present and was not represented by legal counsel. Princess Hodges, Office of Disciplinary Counsel, represented the State. Ms. Hodges advised the Commission that Mr. Mohalick signed a Memorandum of Agreement and presented a copy of same to the Commission members. Discussion ensued.

MOTION:

Mr. O'Kelley made a motion to accept the signed Memorandum of Agreement, citing violations of Section 40-57-139 (g); to issue a public reprimand, and a fine of \$100. Ms. Pratt 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.)

Laquisha Robinson

The Commission held a Disciplinary Hearing regarding Laquisha Robinson. Ms. Robinson was not present, and was not represented by legal counsel. Lauren Kearney, Office of Disciplinary Counsel, represented the State. Mr. Kearney informed the Commission that Ms. Robinson has signed a permanent Voluntary Relinquishment, and the Commission approved same.

Stancil Shelley

The Commission held a Disciplinary Hearing regarding Mr. Stancil Shelley. Mr. Shelley was present, and was not represented by legal counsel. Lauren Kearney, Office of Disciplinary Counsel, represented the State. Mr. Cox and Mr. O'Kelley were recused from this hearing. Ms. Kearney advised the Commission that Mr. Shelley had signed a Memorandum of Agreement and presented a copy of same to the Commission members. Discussion ensued.

MOTION:

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

MOTION:

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

MOTION:

Mr. Harley made a motion to enter Executive Session. Mr. Biggers 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. Stackhouse made a motion to accept the signed Memorandum of Agreement, citing violations of Section 40-57-145 (A) (8); 40-57-145 (A) (9) and 40-1-110-(1) (F). A public reprimand will be issued, and Mr. Shelley will be required to continue payment of restitution. Any active license will be suspended, stayed, with three (3) years probation period. Staff must receive a letter from a sponsoring Broker in Charge, and Mr. Shelley cannot apply for Broker in Charge license without reappearing before the Commission. Mr. Lockwood 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.)

Walter Pigg

The Commission held a Disciplinary Hearing regarding Mr. Walter Pigg. Mr. Pigg was present, and was represented by Henrietta Golding, legal counsel. Lauren Kearney, Office of Disciplinary Counsel, represented the State and presented the case. Discussion ensued.

MOTION:

Ms. Golding made a motion to deny a witness being able to testify via telephone. Discussion ensued.

MOTION:

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

MOTION:

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

Motion was denied and Ms. Kearney proceeded with witness testimonies. Discussion ensued.

Mr. Lockwood left the meeting at 2:00 pm, however a quorum was maintained.

Mr. O'Kelley left the meeting at 2:45 pm, however a quorum was maintained.

MOTION:

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

MOTION:

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

MOTION:

Ms. Pratt made a motion that the State has met its burden of proof, that Mr. Pigg has violated 40-57-145 (A) (4). Mr. Pigg will receive a Letter of Caution. 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.)

Ms. Pratt left the meeting at 5:15 pm, however a quorum was maintained.

Alan Goldkin

The Commission held a Disciplinary Hearing regarding Mr. Alan Goldkin. Mr. Goldkin was not present, and was not represented by legal counsel. Lauren Kearney, Office of Disciplinary Counsel, represented the State and presented the case. Discussion ensued.

MOTION:

Mr. Cox made a motion to revoke Mr. Goldkin's license, citing four (4) violations as listed under Section IV of the Formal Complaint. A \$1000 fine for each violation will be imposed. 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.)

Unfinished Business (continued)

MOTION:

Mr. Stackhouse made a motion to authorize Mr. Cox, Mr. O'Kelley and Mr. Crigler to attend Statehouse hearings for all pending legislation affecting the Commission. Mr. Biggers seconded the motion, which carried unanimously.

Mr. Atkinson advised the Commission that our new Interim Director, Richele Taylor will attend the next meeting to introduce herself.

Adjournment

MOTION:

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

The meeting was adjourned 6:00 pm.