

MINUTES

South Carolina Real Estate Commission

Thursday, March 14, 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
Manning Biggers – 5th Congressional District
Buccie Harley – 6th Congressional District
Johnathan Stackhouse – Public Member
G. Hamlin O’Kelley – Public Member

Staff members participating during the meeting included Rod Atkinson, Administrator; Wanda Cooke, Administrative Assistant; Sharon Wolfe, Investigations; Georgia Lewis, Office of 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:

David Crigler and Wayne Poplin were absent from the meeting.

MOTION:

Mr. Edwards made a motion to approve these absences. The motion was seconded by Mr. Biggers, which carried unanimously.

Approval of the Meeting Minutes from February 20, 2013

MOTION:

Mr. Harley made a motion to approve the February 20, 2013 meeting minutes. Mr. Biggers seconded the motion, which carried unanimously.

Chairman's Remarks:

Tony Cox

Administrator's Remarks:

Roderick Atkinson

1. Licensure Update
As of March 11, 2013

• Broker	5,244
• Broker In Charge	7,388
• Inactive Broker	1,464
• Inactive Property Manager	383
• Inactive Salesman	4,689
• Property Manager In Charge	1,048
• Property Manager	1,202
• Salesman	16,584
• Salesman (Provisional)	938
TOTAL	38,940

2. Investigations and Enforcement – Sharon Wolfe

Cases received January 1, 2013 through March 7, 2013

• Active Investigations	43
• Do Not Open Cases	55
• Pending further investigation	4
• Timeshare Investigations	59 (included in active investigations)
TOTAL	102

Cases closed January 1, 2013 through March 7, 2013

• Closed	33
• Do Not Open Cases	55
• Timeshare Investigations	47 (included in closed investigations)
TOTAL	88

Cases received January 1, 2012 through March 7, 2012

• Closed	26
• Do Not Open Cases	39
• Timeshare Investigations	65 (included in active investigations)
TOTAL	33

Cases closed January 1, 2012 through March 7, 2012

• Closed	42
• Do Not Open Cases	49
• Timeshare Investigations	46 (included in closed investigations)
TOTAL	91

Ms. Takacs asked Ms. Wolfe how we process investigations if a licensee has allowed their license to lapse. Ms. Wolfe responded that the investigation would continue and the file would be flagged for future reference. Ms. Takacs asked if there would be a step that could be taken out of that process. Ms. Lewis asked Ms. Wolfe and Ms. Hodges to research to see if the Commission has authority to investigate present and former licensees. Chairman Cox asked that Ms. Wolfe report on this at the next meeting. Ms. Lewis asked Ms. Hodges to provide a copy of OGC case report for the Commission to review.

Discussion ensued concerning renewing compliance enforcement and the increased number of investigations that relate to mishandling of funds, etc.

MOTION:

Mr. Edwards made a motion to renew efforts to have investigators visit new real estate offices to ensure compliance with Trust Account Guidelines. Mr. Harley seconded the motion, which carried unanimously.

3. Budget Update – no budget report available at this time.

4. Approval of IRC Reports – March 2013

MOTION:

Mr. Biggers made the motion to approve the IRC reports for March 2013. Mr. Harley seconded the motion, which carried unanimously.

5. The 2014 meeting dates were presented. These will also be emailed to members of the Commission.

Applications Hearings:

David Gauthier

The Commission held an Application Hearing regarding Mr. David Gauthier. Mr. Gauthier appeared before the Commission to present testimony and waived his right to Counsel. Chairman Cox decided to recuse himself and will leave the room during this Hearing, due to his relationship with the applicant.

MOTION:

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

MOTION:

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

MOTION:

Mr. O'Kelley made a motion to allow Mr. Gauthier to sit for the sales examination. Mr. Edwards 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.)

Gary Kress

The Commission held an Application Hearing regarding Mr. Gary Kress. Mr. Kress appeared before the Commission to present testimony and waived his right to Counsel.

MOTION:

Mr. Edwards made a motion to allow Mr. Kress to sit for the sales examination. 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.)

Kami Miller

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

MOTION:

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

MOTION:

Ms. Takacs made a motion to enter Open Session. Mr. Harley seconded the motion, which was carried unanimously.

MOTION:

Mr. O'Kelley made a motion to allow Ms. Miller to sit for the sales examination. 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.)

Rachael M. Parks

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

MOTION:

Ms. Takacs made a motion to allow Ms. Parks to sit for the sales examination. 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.)

Michael A. Poerio

The Commission held an Application Hearing regarding Mr. Michael Poerio. Mr. Poerio appeared before the Commission to present testimony and waived his right to Counsel.

MOTION:

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

MOTION:

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

MOTION:

Mr. Harley made a motion to allow Mr. Poerio to sit for the sales examination. 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.)

Roman S. Waldera

The Commission held an Application Hearing regarding Mr. Roman S. Waldera. Mr. Waldera appeared before the Commission to present testimony and waived his right to Counsel.

MOTION:

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

MOTION:

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

MOTION:

Mr. Edwards made a motion to allow Mr. Waldera to be issued a reciprocal Broker's license. 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.)

Lewis T. Truesdale, Jr.

The Commission held a Disciplinary Hearing regarding Mr. Lewis T. Truesdale, Jr. Mr. Truesdale was present for the Hearing and was not represented by Legal Counsel. Ms. Princess Hodges, Office of General Counsel, presented an executed Waiver of Attorney form. Ms. Hodges also presented a Memorandum of Agreement, signed by Mr. Truesdale.

MOTION:

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

MOTION:

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

MOTION:

Mr. Edwards made a motion to be fined \$200 to be payable within 6 months from the date of the Order, and a Public Reprimand. If Mr. Truesdale reapplies for a license within six (6) months from the date of the Order, he will not be required to reappear before the Commission, for matters contained in this Order. 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.)

OLD BUSINESS:

1. Residential Property Condition Disclosure Form – Mr. O’Kelley gave a brief update on the progress being made by the Task Force to update the current form. The Task Force will meet again on March 27, 2013, and will present the new draft at the April Commission meeting.

MOTION:

Mr. O’Kelley made a motion to present the current draft to the Task Force so that it can be reviewed and presented at the April Commission meeting. Ms. Takacs seconded the motion, which was carried unanimously.

NEW BUSINESS:

1. Presentation of appreciation plaque for former Commissioner Evelyn Young - Ms. Young served as a valuable member of the Commission from 1996 to 2012. Unfortunately, Ms. Young was unable to attend the meeting. Mr. Biggers agreed to deliver the plaque to Ms. Young.
2. REO Sales and Advertising – discussion ensued and it was decided to table this item until the next meeting.
3. Advertising via Twitter or Facebook – discussion ensued and it was decided to table this item until the next meeting.
4. Governor’s Regulatory Review Task Force and Executive Order. Gigi Lewis, Advice Counsel, explained that Governor Haley has issued an Executive Order, requiring all LLR Boards and Commissions to review and evaluate all statutes, regulations, policies and procedures to assess the impact on businesses in South Carolina. The evaluation of the statutes, regulations, policies and procedures should include necessity, complexity, efficiency, effectiveness and redundancy. Staff should have input regarding frequent complaints received from the public. The Commission currently has a proposed draft that has been presented to the LCI Committee. Deadline for the Commission’s report to the Director is April 15, 2013. Much discussion ensued.

Unfinished Business:

None

Public Comments:

None

Adjournment:

MOTION:

Ms. Takacs made a motion to adjourn at 3:20 p.m. Mr. O’Kelley seconded the motion, which carried unanimously.