

MINUTES

South Carolina Real Estate Commission

Wednesday, March 18, 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
Candace Pratt – 1st 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; Joi Middleton, Education Program Coordinator, Georgia Lewis, Office of Advice Counsel; Sharon Wolfe, Office of Investigations and Enforcement; and 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:

G. Hamlin O’Kelley – Vice Chair - Public Member
David C. Lockwood, III, 2nd Congressional District

MOTION:

Mr. Poplin made a motion to approve the absences of Hamlin O’Kelley and David Lockwood. Mr. Harley seconded the motion, which carried unanimously.

Approval of Agenda:

MOTION:

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

Approval of the Meeting Minutes from January 21, 2015

MOTION:

Mr. Harley made a motion to approve the minutes of the January 21, 2015, meeting, with the correction of typographical errors on lines 111 and 251. Mr. Biggers seconded the motion, which carried unanimously.

Chairman's Remarks:

David Crigler

Chairman Crigler thanked the Commission for being available on March 11th for the Conference Call meeting to discuss some issues that were on the agenda for February, since the February meeting had to be cancelled.

Mr. Crigler presented a plaque of appreciation for Mr. Carl Edwards, who served on the Commission from 2008 – 2014.

Mr. Crigler welcomed the newest member to the Commission, Mr. William Anderson (Andy) Lee, who will be representing the 3rd congressional district.

Administrator's Remarks:

Rod Atkinson

Mr. Atkinson introduced Joi Middleton, Program Coordinator for the Education Department. Mr. Atkinson informed the Commission that he will continue to have staff attend and observe the meetings in the future.

1. Licensure Update as of March 10, 2015

• Broker	5164
• Broker In Charge	7363
• Property Manager	1359
• Property Manager In Charge	1151
• Salesman	18167
• Salesman (Provisional)	1883
TOTAL ACTIVE	35,087
• Inactive Broker	1525
• Inactive Property Manager	464
• Inactive Salesman	4771
TOTAL INACTIVE	6,760

**TOTAL CURRENT LICENSES
AS OF 3/10/15 41,847**

2. **Budget** update for February 2015 was reviewed.

3. **Investigations and Enforcement**

Sharon Wolfe presented the Commission with an overview of the opened and closed cases from January 1, 2014 – March 12, 2015, as well as for the previous year.

4. **IRC Report** - The Commission reviewed the IRC report from February 9, 2015.

MOTION:

Mr. Harley made the motion to approve the IRC report from February 9, 2015. Mr. Poplin seconded the motion, which carried unanimously.

The Commission reviewed the IRC report for March 9, 2015

MOTION:

Ms. Pratt made the motion to approve the IRC report from March 9, 2015. Mr. Biggers 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. The bid was awarded; however, there is some protesting from other vendors. This will, once again, slow the process.
7. Mr. Atkinson gave an update on pending legislation.
8. The ARELLO Mid-Year Conference will be held in Albuquerque, NM, April 15 – 18, 2015. There is a Commission meeting scheduled for April 15, therefore, Mr. Atkinson will not attend.

MOTION:

Mr. Stackhouse made the motion to approve two (2) Commission members, one (1) staff member and two (2) investigators, to attend this meeting. Ms. Pratt seconded the motion, which carried unanimously.

The next ARELLO meeting is scheduled for September 9-12, 2015.

9. Investigator Training was discussed. It has been requested by Christa Bell, Assistant Deputy Director, Investigations and Enforcement, that all investigators be given the opportunity to take the Broker A & B classes.

MOTION:

Mr. Cox made a motion to allow all investigators to complete the Broker A&B classes. Mr. Poplin seconded the motion, which carried unanimously.

APPLICATION HEARINGS

Jabari Dukes

The Commission held an Application Hearing regarding Jabari Dukes. Mr. Dukes appeared before the Commission to present testimony and waived his right to counsel. Discussion ensued.

MOTION:

Mr. Cox made a motion to allow Mr. Dukes to sit for the examination. Mr. Stackhouse 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.)

Adam Gardner

The Commission held an Application Hearing regarding Adam Gardner. Mr. Gardner appeared before the Commission to present testimony and waived his right to counsel. Discussion ensued.

MOTION:

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

William Moody

The Commission held an Application Hearing regarding William Moody. Mr. Moody appeared before the Commission to present testimony and waived his right to counsel. Discussion ensued.

MOTION:

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

MOTION:

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

MOTION:

Mr. Lee made a motion to deny Mr. Moody's request to sit for the examination at this time. 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.)

DISCIPLINARY HEARINGS

Phillip Roland

Lauren Kearney, Office of Disciplinary Counsel, advised the Commission that one of the witnesses in this case, LLR Investigator, had to leave for a medical emergency, and would not be available for testimony. Ms. Kearney requested a continuance until May 20, 2015.

MOTION:

Mr. Stackhouse made a motion to allow a continuance. Ms. Pratt seconded the motion, which carried unanimously.

APPLICATION HEARINGS (continued)

Lance Fair

Mr. Fair appeared before the Commission to present testimony and waived his right to counsel. Discussion ensued. It was determined that Mr. Fair had applied to take the Property Manager's examination, however, Mr. Fair would like to take the sales exam rather than the property manager's exam. It was further noted that Mr. Fair has not yet taken and passed the Unit I Pre Licensing Classes. Mr. Fair would be required to take the Pre Licensing classes, and apply for the Sales exam, prior to an application hearing.

LUNCH BREAK

New Business

Georgia (Gigi) Lewis, Advice Counsel, addressed the Commission to give an update/overview on the role of the Office of Advice Counsel, and the attorney/client relationship that it has with the Commission. Ms. Lewis reminded the Commission that the role of Advice Counsel is not to advise the public or Commission members on personal matters. All legal questions that come from the public are referred to Mr. Atkinson, Administrator. Ms. Lewis advised the Commission members that they cannot discuss cases with members of Disciplinary Counsel under any circumstances. Commission members should never speak to members of the media, on behalf of the Commission. All requests for comment from the media should be directed to our Office of Communications. Ms. Lewis advised the Commission members to study the Statute, Chapter 57, and become familiar with it, since they are charged to interpret and enforce these laws to protect the safety and well being of the public. Ms. Lewis covered the role of the Investigative Review Committee (IRC).

Mr. Crigler discussed the unintended consequences of the Real Estate Commission's separation from the Appraisers Board and Athletic Commission. The separation has resulted in a lower number of staff available to the Real Estate Commission to assist with several areas needing support; thus creating a greater burden on the remaining Real Estate staff. Timeshare support is desperately needed. Mr. Crigler and Mr. Atkinson will meet with Dean Grigg, Deputy Director on April 9th. Mr. Crigler has also made Richele Taylor, Director, aware of the problem.

Adjournment

MOTION:

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

The meeting was adjourned at 1:50 pm.