

MINUTES

South Carolina Real Estate Commission

Wednesday, May 20, 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
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; Georgia Lewis, Office of Advice Counsel; Sharon Wolfe and DeLeon Andrews, Office of Investigations and Enforcement; Beau Tiller, Education; Melina Mann and Holly Beeson, Office of the Director; 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.

Approval of Agenda:

MOTION:

Mr. Stackhouse made a motion to approve the Agenda. Mr. Lockwood seconded the motion, which carried unanimously.

4. **IRC Report** - The Commission reviewed the IRC report from May 5, 2015.

MOTION:

Mr. Cox made the motion to approve the Dismissal portion of the IRC report from May 5, 2015. Ms. Pratt seconded the motion, which carried unanimously.

MOTION:

Mr. Stackhouse made the motion to approve the Letter of Caution portion of the IRC report from May 5, 2015. Mr. Lee seconded the motion, which carried unanimously.

MOTION:

Mr. Poplin made the motion to approve the Formal Complaint portion of the IRC report from May 5, 2015. Mr. Harley seconded the motion, which carried unanimously.

5. Holly Beeson addressed the Commission to give an update on recent Legislative activity.

6. The ARELLO Annual Conference will be held in Washington, DC, September 9-13, 2015.

MOTION:

Mr. Cox made the motion to approve all commission members and board staff who wish to attend this meeting. Mr. Stackhouse seconded the motion, which carried unanimously.

7. IRC Guidance – The IRC committee asked for guidance regarding letters of caution vs/ consent agreements or formal complaints for violations that do not harm the public and have since been corrected. This would be in an effort to avoid bringing cases before the Commission unnecessarily. Discussion ensued. It was determined that the process should remain as is and the IRC Committee should exercise discretion and consider mitigation and/or discipline when there is a known violation.
8. Mr. Atkinson gave the Commission a brief update on the bidding process for selecting the vendor for providing criminal background checks for applicants.

MOTION:

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

MOTION:

Mr. Lockwood made a motion to return to Open Session. Mr. Poplin seconded the motion, which carried unanimously.

Unfinished Business

Proposed License Law Review

Mr. Crigler recently met with Chairman Sandifer regarding the proposed license law changes. Chairman Sandifer has proposed separating the Property Management portion of the bill from the Real Estate portion of the bill, creating a second bill. Commission members expressed concern with this proposal. Discussion was also held concerning the lack of instruction that Property Managers are required to have before they can become a Property Manager in Charge.

MOTION:

Mr. Cox made a motion to modify the Property Management portion of the proposed license law, section 40-57-100 (A) (4), to eliminate the experience requirement and add the requirement of a seven (7) hour Commission approved Property Management course. Mr. Harley seconded the motion, which carried unanimously.

MOTION:

Mr. Cox made a motion not to separate the Property Management and Real Estate portions of the proposed license law. Mr. O'Kelley seconded the motion, which carried unanimously.

EXAM ELIGIBILITY HEARING

Rebecca M. Bell

The Commission held an Exam Eligibility Hearing regarding Rebecca M. Bell. Ms. Bell appeared before the Commission to present testimony and was not represented by legal counsel. Discussion ensued.

MOTION:

Mr. O'Kelley made a motion to enter Executive Session. Mr. Poplin 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:

Mr. Lockwood made a motion to allow Ms. Bell to sit for the examination after a period of six (6) months from the date of the Order. Further, she will be required to successfully complete the sixty (60) hour pre-licensing course prior to taking the exam. Mr. Lee 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.)

Annie Wilson from Capital Consultants was present, and further discussion was held concerning the language in the proposed license law, as it relates to property management.

Mr. Lockwood left the meeting at 1 p.m.; however, a quorum was maintained.

LUNCH BREAK

DISCIPLINARY HEARINGS

Katherine Duchamp

The Commission held a disciplinary hearing regarding Katherine Duchamp. Ms. Duchamp was not present and was not represented by legal counsel. Ms. Duchamp had been sufficiently notified of the date of the hearing. Lauren Kearney, Office of Disciplinary Counsel, represented the State, and presented the facts of the case.

MOTION:

Mr. Cox made a motion to revoke Ms. Duchamp's lapsed property manager's license, issue a Cease and Desist Letter, and impose a fine of \$1000 for each of the six (6) violations. 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.)

New Business

Acceptable CE Subject Matter – Beau Tiller, Education Manager, addressed the Commission concerning new acceptable topics for continuing education. Discussion ensued. It was decided that a Task Force will be developed, chaired by Wayne Poplin, to discuss and approve new acceptable topics for continuing education. Mr. Poplin will confer with Mr. Circler, to determine who should be on the Task Force.

License Law Review – Discussion was held concerning creating an exclusion of continuing education for members of the legislature.

MOTION:

Mr. Poplin made a motion to allow members of the legislature, who holds a real estate license, be given continuing education credit for hours attended in legislative session. Mr. Cox seconded the motion. Motion failed to pass, with a 3/5 vote.

No meetings are scheduled for June and July 2015. The next scheduled meeting will be held on August 19-20, 2015.

Adjournment

The meeting was adjourned at 2:45 pm.