

MINUTES

South Carolina Real Estate Commission

Wednesday, November 20, 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 10:25a.m. Board members participating in this meeting included:

Tony Cox – Chair, 7th Congressional District
David C. Lockwood, III, 2nd Congressional District
Candace Pratt – 1st 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
G. Hamlin O’Kelley – Public Member
Wayne Poplin – At-Large Member

Staff members participating during the meeting included Rod Atkinson, Administrator; Wanda Cooke, Administrative Assistant; Georgia Lewis, Office of Advice Counsel; Sharon Wolfe, Office of Investigations and Enforcement; Lauren Kearney, Prentiss Shealy 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 Agenda:

MOTION:

Mr. Stackhouse made a motion to approve the agenda, after rearranging the order of the Hearings. Ms. Pratt seconded the motion, which carried unanimously.

Approval of the Meeting Minutes: September 18, 2013 (amended) and October 16, 2013

CORRECTION was made to the September 18, 2013 minutes, to reflect that Mr. Kevin Willson was represented by Counsel. No other revisions were made.

MOTION:

Mr. Harley made a motion to approve the *amended* minutes of the September 18, 2013 meeting, and the minutes of the October 16, 2013 meeting. Mr. Edwards seconded the motion, which carried unanimously.

Chairman's Remarks:

Tony Cox

Administrator's Remarks:

Roderick Atkinson

1. **Licensure Update** as of November 15, 2013

• Broker	5301
• Broker In Charge	7479
• Property Manager	1291
• Property Manager In Charge	1112
• Salesman	17259
• Salesman (Provisional)	1509
TOTAL ACTIVE	33,951

• Inactive Broker	1619
• Inactive Property Manager	484
• Inactive Salesman	5040
TOTAL INACTIVE	7143

**TOTAL CURRENT LICENSES
AS OF 11/15/13 41,094**

2. **Investigations and Enforcement**

Sharon Wolfe, Office of Investigations and Enforcement presented the Commission with an overview of the open and closed cases from January 1, 2013 – November 13, 2013, as well as the same time period from the previous year.

Chairman Cox requested that Robbie Boland, Office of Investigations and Enforcement, address the Commission at the next meeting, to give an update on the Real Estate Office inspections that were recently implemented.

3. **Budget** update for October 2013 was reviewed.

4. **IRC Report** - The Commission reviewed the IRC report from November 12, 2013.

MOTION:

Mr. O'Kelley made the motion to approve the IRC report from November 12, 2013. Mr. Crigler seconded the motion, which carried unanimously.

5. **Board Newsletter** - Mr. Atkinson noted that he is working to get the newsletter ready for publication and asked for two volunteers from the Commission to work along with him to compile information for the newsletter. Mr. Crigler and Ms. Pratt volunteered to work on this committee. It was also noted that we will have a "Chairman's Comments" section in each edition. After content has been approved by LLR's Public Information office, newsletters will be emailed to all licensees and also posted on the Commission's website.

Mr. Atkinson noted that the Facebook page for the Real Estate Commission is up and running. The majority of comments from licensees have been positive.

6. **Board issued email addresses for licensees** - Matt Faile, Office of Information Services, addressed the Commission with an update on his findings when he contacted the Louisiana Board, as they had requested. Some of the issues/concerns were:
- Initial set-up
 - Day to day phone support
 - Phone support at renewal time
 - No guarantee that licensee has read the email
 - LLR does not have an external telephone number for the IT department; therefore, calls would be routed to the Board staff.

Process for getting it done:

- Purchase Software (approximately \$3000)
- Install and set-up
- Process for who would support – would need to add staff to implement

It was noted that the Real Estate Commission currently has active/working email addresses for 71 percent of licensees. This percentage is higher than any other Board or Commission. It was also noted that no other Board or Commission at LLR currently have board-issued email addresses. Staff will be asked to update email addresses when communicating with licensees on the telephone, and to ensure that all forms and applications have a space for email addresses.

Discussion ensued.

MOTION:

Mr. Edwards made a motion to make a recommendation for the Office of Information Services, and LLR, to obtain software and continued support staff to implement Board issued email addresses for all licensees. Ms. Pratt seconded the motion, which carried unanimously.

New Business

Election of Officers:

MOTION:

Mr. Stackhouse made a motion to elect officers in November of each year. Mr. Crigler seconded the motion, which carried unanimously.

MOTION:

Ms. Pratt made a motion to nominate David Crigler as Vice-Chair. Mr. Poplin made a motion to nominate Tony Cox as Chairman for another term. Nominations were closed and a voice vote was conducted to elect Mr. Crigler as Vice-Chair, and Mr. Cox as Chair, which carried unanimously.

DISCIPLINARY HEARINGS

H. Clayton Adams

Ms. Lauren Kearney, Office of General Counsel, read a Consent Agreement signed by the Respondent. Mr. Adams was not present and by signing this Consent Agreement, waives his right to a Hearing. Mr. Adams consented to violations of S.C. Code Ann. §§40-57-180(D), 40-57-135 (C) (2) and 40-57-135 (C). Mr. Adams will receive a Public Reprimand; his license will be placed on probation for a period of one year; and will be required to pay a civil penalty of \$500 to the SC Real Estate Commission within sixty (60) days from the date of this Agreement.

MOTION:

Mr. O'Kelley made a motion to approve the Consent Agreement as presented by Counsel. 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.)

James Wiley

Ms. Princess Hodges, Office of General Counsel, read a Consent Agreement signed by the Respondent. Mr. Wiley was not present and by signing this Consent Agreement, waives his right to a Hearing. Mr. Wiley consented to violations of S.C. Code Ann. §§40-1-110-1 (F), 40-57-145 (1) and 40-57-137 (F). Mr. Wiley will receive a Public Reprimand; his license will be placed on probation for a period of one year; he will be required to pay a civil penalty of \$500 to the SC Real Estate Commission, within sixty (60) days from the date of this Agreement, and will be required to complete a Commission approved, six (6) hour Ethics course, and provide documentation of completion, within one hundred twenty (120) days from the date of this Agreement.

MOTION:

Mr. O'Kelley made a motion to approve the Consent Agreement as presented by Counsel. 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.)

Rick Stroud

The Commission held a Disciplinary Hearing regarding Mr. Rick Stroud. Mr. Stroud appeared before the Commission and waived his right to legal counsel. Princess Hodges, Office of General Counsel presented the Commission with a Memorandum of Agreement, signed by Mr. Stroud, and discussion ensued.

MOTION:

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

MOTION:

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

MOTION:

Mr. Edwards made a motion that Mr. Stroud receive a Public Reprimand and his license be placed on probation for a period of one year. 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.)

LUNCH RECESS

Christopher Hart

The Commission held a Disciplinary Hearing regarding Mr. Christopher Hart. Mr. Hart appeared before the Commission and waived his right to legal counsel. Princess Hodges, Office of General Counsel, presented the Commission with a Memorandum of Agreement, signed by Mr. Hart, and discussion ensued.

MOTION:

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

MOTION:

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

MOTION:

Mr. O'Kelley made a motion that Mr. Hart receive a Public Reprimand and pay a fine of \$1000 per violation, for a total of \$4000. 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.)

Glenn Brown

The Commission held a Disciplinary Hearing regarding Mr. Glenn Brown. Mr. Brown appeared before the Commission and was represented by Vannie Williams, Jr. Esq. Prentiss Shealy, Office of General Counsel, represented the State and presented the case. Discussion ensued.

MOTION:

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

MOTION:

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

MOTION:

Ms. Pratt made a motion that Mr. Brown receive a Public Reprimand and that his license be revoked. Mr. Brown will also be required to pay a fine of \$500 per violation, for a total of seven (7) violations. 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.)

Unfinished Business

Mr. Biggers presented some information that he has compiled from previous ARELLO conferences. Chairman Cox mentioned that we will feature Mr. Biggers in the next edition of the Commission newsletter, as the first President of ARELLO.

Mr. Atkinson gave the Commission a brief update on the number of pending application and disciplinary hearings.

An agenda item will be added to the December meeting to add two (2) new members, and two (2) alternates, to the Investigative Review Committee. Notice will be placed on the Commission’s website, as well as the Facebook page, soliciting resumes from interested parties.

MOTION:

Mr. Stackhouse made a motion to accept applications and vote on two new members, and 2 alternates, for the Investigative Review Committee, at the December meeting, with an effective date of January 1, 2014. Mr. O’Kelley seconded the motion, which carried unanimously.

Adjournment

MOTION:

Mr. Edwards made a motion to adjourn. Ms. Pratt seconded the motion, which carried unanimously. The meeting was adjourned at 4:30 p.m.

The next meeting of the Commission will be held on December 18, 2013.