

MINUTES

South Carolina Real Estate Commission

Wednesday, November 28, 2012, 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
David Crigler – 4th Congressional District
Manning Biggers – 5th Congressional District
Johnathan Stackhouse – Public Member
Hamlin O’Kelley – Public Member
Wayne Poplin – Member At-Large

Staff members participating during the meeting included Tracey McCarley, Administrator; Wanda Cooke, Administrative Assistant; Sharon Wolfe, Investigations, and Jamie Saxon, Advice 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:

Buccie Harley – 6th Congressional District

MOTION:

Mr. Edwards made a motion to approve this absence. Mr. Crigler seconded the motion, which carried unanimously.

Approval of the October 17, 2012 Meeting Minutes:

MOTION:

Mr. Biggers made a motion to approve the October 17, 2012 meeting minutes. Mr. Poplin seconded the motion, which carried with one abstention.

Administrator's Remarks:

Tracey McCarley

- 1) Licensure Update
As of November 26, 2012:
- Broker 5,577
 - Broker In Charge 7,854
 - Inactive Broker 1,984
 - Inactive Property Manager 592
 - Inactive Salesman 7,073
 - Property Manager In Charge 1,108
 - Property Manager 1,275
 - Salesman 18,045
 - Salesman (Provisional) 848
- TOTAL 44,356**

- 2) Investigations and Enforcement Update

Cases received January 1, 2012 through November 21, 2012

- Active Investigations 119
 - Closed 87
 - Do Not Open Cases 155
 - Pending Board Action 34
 - Timeshare Investigations 181 (included in active investigations)
- TOTAL 395**

Cases closed January 1, 2012 through November 21, 2012

- Closed 234
 - Do Not Open Cases 163
 - Timeshare Investigations 169 (included in active investigations)
- TOTAL 397**

- 3) Budget Update – Tracey McCarley provided the Commission members with the budget for October 2012.

- 4) Approval of IRC Report – November 2012

MOTION:

Ms. Takacs made the motion to approve the IRC reports for November 2012. Mr. Poplin seconded the motion, which carried unanimously.

Chairman's Remarks:

Tony Cox

New Business:

Chris Stewart from the American Resort Development Association (ARDA) and Ken McKelvey from Defender Resorts in Myrtle Beach, SC, addressed the board to discuss transferring/reselling time shares. Discussion ensued.

MOTION:

Mr. Edwards made a motion to provide ARDA a copy of draft legislation and ask that ARDA present revisions that would give the Board jurisdiction over this matter. Mr. Crigler seconded the motion, which carried unanimously.

Election of Officers:

Ms. Takacs made a motion to nominate Tony Cox as Chairman for another term. Mr. Crigler seconded the motion. Nominations were closed and a voice vote was conducted to elect Mr. Cox as the Chairman, which carried unanimously.

Mr. Crigler made a motion to nominate Sarah Takacs as Vice-Chair. Mr. Poplin seconded the motion. Mr. Edwards made a motion to nominate Mr. Biggers as Vice-Chair. This motion was not seconded. Nominations were closed and a voice vote was conducted to elect Ms. Takacs as Vice-Chair, which carried unanimously.

Old Business:

1) Property Disclosure Form

Mr. O'Kelley informed the members of the Commission that feedback on the information publicized regarding the proposed changes to the Property Disclosure Form was minimal. Therefore, it was agreed the board should move forward with the implementation of the revised form. Byron King, from the South Carolina Association of Realtors, said the Association is in support of the proposed changes.

MOTION:

Mr. Edwards made a motion to approve the revised Property Disclosure Form. Ms. Takacs seconded the motion, which carried unanimously.

MOTION:

Mr. Poplin made a motion to make January 1, 2013, the effective date. Mr. Crigler seconded the motion, which carried unanimously.

2) Update of email addresses for licensees

Discussion ensued regarding the lack of current and valid email addresses for licensees.

Mr. O'Kelley suggested drafting legislation that would require that the licensee provide a current email address or face sanctioning by the Board.

Matt Faile from the Office of Information Technology addressed the board to answer questions concerning implementing a board-issued email address. Mr. Faile advised the Board that we have limited staff and resources and there would be considerable security issues with this idea. Chairman Cox informed Mr. Faile that the State of Louisiana currently does this. Chairman Cox asked Mr. Faile to consult with the Louisiana Board to see how this is implemented and report back at the next meeting.

Application Hearings:

Ervin Skeen

The Commission held an Application Hearing regarding Mr. Ervin Skeen. Mr. Skeen appeared before the Commission to present testimony and waived his right to Counsel. It was noted that Mr. Skeen was sanctioned by the North Carolina Board and is currently on probation in that state until November 2014.

MOTION:

Ms. Takacs made a motion to approve Mr. Skeen's application to renew his South Carolina license, with probation period the same as North Carolina. 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.)

Chrissie Goodman

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

MOTION:

Mr. Poplin made a motion to enter executive session. Mr. O'Kelley seconded the motion, which carried unanimously.

Commission entered executive session to receive legal advice. No votes were taken during executive session.

MOTION:

Mr. Edwards made a motion to enter open session. Mr. Poplin seconded the motion, which carried unanimously.

MOTION:

Ms. Takacs made a motion to approve Ms. Goodman's application to sit for the examination, with one year probationary period. She must reappear before the board if she wishes to become a Broker in Charge in the future. She must not work for any additional companies other than the one where she is using her real estate license. 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.)

Barry Wilkins

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

MOTION:

Mr. Poplin made a motion to enter executive session. Ms. Takacs seconded the motion, which carried unanimously.

Commission entered executive session to receive legal advice. No votes were taken during executive session.

MOTION:

Mr. O'Kelley made a motion to enter open session. Mr. Poplin seconded the motion, which carried unanimously.

MOTION:

Mr. Edwards made a motion to approve Mr. Wilkins' application to sit for the sales examination, provided he provides a letter from a prospective employer (Broker in Charge). 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.)

Kerchia Calloway

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

MOTION:

Mr. Biggers made a motion to enter executive session. Mr. Poplin seconded the motion, which carried unanimously.

Commission entered executive session to receive legal advice. No votes were taken during executive session.

MOTION:

Mr. Crigler made a motion to enter open session. Mr. Poplin seconded the motion, which carried unanimously.

MOTION:

Mr. O'Kelley made a motion to approve Mr. Calloway's application for a property manager's license, with no conditions. 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.)

Bridga Freeman

The Commission held an Application Hearing regarding Mr. Bridga Freeman. Ms. Freeman 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.

Commission entered executive session to receive legal advice. No votes were taken during executive session.

MOTION:

Mr. Edwards made a motion to enter open session. Mr. Crigler seconded the motion, which carried unanimously.

MOTION:

Mr. O'Kelley made a motion to approve Ms. Freeman's application to renew her inactive property manager's license. However, she would be required to reappear before the board if she wishes to reactivate her license. 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.)

Unfinished Business:

Tracey McCarley

The December meeting has been cancelled.

Public Comments:

Adjournment:

The meeting of the SC Real Estate Commission adjourned at 1:30 p.m.