

## MINUTES

### South Carolina Real Estate Commission

Wednesday, October 19, 2011

Synergy Business Park, Kingstree Building, Conference Room 105

110 Centerview Drive, Columbia, South Carolina 29210

#### **1. Meeting Called to Order:**

Tony Cox, Chairman, called the regular scheduled meeting of the South Carolina Real Estate Commission to order at 10:10a.m. Board members participating in this meeting included:

Tony Cox, Chairman – 1<sup>st</sup> Congressional District

Sarah Takacs – 2<sup>nd</sup> Congressional District

Carl Edwards – 3<sup>rd</sup> Congressional District

Evelyn Young – 4<sup>th</sup> Congressional District

Manning Biggers – 5<sup>th</sup> Congressional District

Buccie Harley – 6<sup>th</sup> Congressional District

Dianna Brouthers – At-Large Member

Hamlin O'Kelley, III – Public Member

Johnathan Stackhouse – Public Member

Staff members participating during the meeting included Jay Pitts, Administrator; Sheridan Spoon, Advice Counsel; Tracey McCarley, Education Coordinator; Sharon Wolfe, Investigations and Enforcement; and Beau Tiller, Education Manager.

#### **2. Public Notice:**

Chairman Cox announced that public notice of this meeting was properly posted at the S.C. Board of Environmental Certification 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.

Chairman Cox requested that there be a moment of silence for Joe Harmon, Real Estate Investigator, who recently passed away.

#### **3. Pledge of Allegiance:**

The Pledge of Allegiance was led by Chairman Cox.

#### **4. Absences:**

There were no absences.

#### **5. Approval of the September 21, 2011 Meeting Minutes:**

##### **MOTION:**

Mr. Biggers made a motion to approve the September 21, 2011 meeting minutes. Ms. Young seconded the motion which carried with one abstention, Ms. Takacs.

#### **6. Approval of Agenda**

Jay Pitts informed the Board of one change to the agenda. Charles D. Long notified him that he would not be attending the meeting today.

**MOTION:**

Mr. Edwards made a motion to approve the agenda with change for October 19, 2011. Mr. Harley seconded the motion which carried unanimously.

**7. Chairman's Remarks:**

*Tony Cox*

Chairman Cox had no remarks. At this time introductions of the Board were made.

**8. Administrator's Remarks for Information:**

*Jay Pitts*

1) Licensure Update

As of October 12, 2011:

• Broker	5,240
• Broker In Charge	7,611
• Inactive Broker	1,697
• Inactive Property Manager	449
• Inactive Salesman	5,989
• Inactive Timeshare	1
• Property Manager In Charge	1,018
• Property Manager	1,206
• Salesman	18,371
• Salesman (Provisional)	657
• Vacation Time Share Registrant	53
<b>TOTAL</b>	<b>42,292</b>

2) Investigations and Enforcement Update – by Sharon Wolfe

**Cases received January 1, 2011 through October 18, 2011**

• Active Investigations	102
• Closed	98
• Do Not Open Cases	158
• Pending Board Action	25
• Pending Investigation	15
• Pending IRC	5
<b>TOTAL</b>	<b>403</b>

• Timeshare Investigations	186
----------------------------	-----

**Cases closed January 1, 2011 through October 18, 2011**

• Closed	317
• Do Not Open Cases	161
• Pending Appeal	1
<b>TOTAL</b>	<b>479</b>

• Timeshare Investigations	209
•	

3) Report on 2011 ARELLO Conference

*Buccie Harley and Jay Pitts*

Mr. Harley reported on the 2011 ARELLO (Association of Real Estate License Law Officials) in Baltimore, Maryland on September 28 – October 2, 2011.

4) Commission License Plates

*Jay Pitts*

Mr. Pitts informed the Board of the new process in place to obtain Commission license plates.

5) LLR Board Travel Policy

*JayPitts*

Mr. Pitts provided the LLR Board Travel Policy to the Board. Discussion ensued.

Mr. Pitts reported on his appearances the groups and organizations where he presented information regarding the Real Estate Commission issues.

**9. Old Business:**

1) Vote on proposed legislation - The Summary of Changes document was provided to the Board. Members of the Legislative Task Force present were introduced and thanked for their efforts. Present were Dianna Brouthers, Sarah Takacs, Charles Browne, Charles Wyatt, James Moody, and Naomi Scipio.

Ms. Brouthers reviewed the Summary of Changes document.

**Open Public Comments:**

Mr. Howard Jones provided a document for the Board which he then read and discussed. See document.

Ms. Carol Pyfrom addressed the issue of the 65/25 mandatory continuing education. In addition, she is an advocate for additional education regarding brokers and broker business.

Mr. Gordon Seay commented on the issue of requiring additional continuing education. Mr. Seay promoted Greenville, SC as a location for future real estate conferences.

**Public Comments** were closed by Chairman Cox.

Ms. Takacs questioned the number of years for maintaining contracts and records from five to three years. Discussion ensued.

**MOTION:**

Ms. Takacs made a motion to accept the recommendations from the Task Force including the Summary of Changes in its entirety, excluding the recommendation of decreasing the number of years from five to three years to maintain contracts and records, retaining the five year requirement.

There was no second to the motion. Motion dies from lack of a second.

Ms. Brouthers requested an amendment to the motion to consider the items line-by-line.

Ms. Takacs accepted the amendment.

There was no second. The motion dies from the lack of a second.

**MOTION:**

Mr. Biggers made a motion to keep educational requirements of the current license law of the SC Real Estate Commission the same as they are written.

Chairman Cox clarified the motion referring to the Summary of Changes:

**3.a.** keep 60 instead of 75,

**3.c.** keep 8 instead of 16,

**3.d.** keep 8 instead of 16,

**5.** keep maintain records for 5 years,

**7.** no additional requirement for licensees over 65 years of age

Mr. Biggers agreed that this was his motion.

Ms. Young seconded the motion.

Ms. Brouthers requested clarification regarding the Pre and Post licensing requirements. Discussion ensued. Chairman Cox clarified that the Pre licensing be increased to 90-hours before licensure.

Ms. Young agreed with the clarification of education requirements.

Motion carried with two opposed by a show of hands.

Ms. Brouthers suggested voting on the document as amended.

**MOTION:**

Ms. Takacs made a motion to approve the Summary of Changes as amended. Mr. Biggers seconded the motion which carried unanimously.

2) Discussion of license renewal cycle – Jay Pitts discussed the concerns of processing renewals with limited staffing. Discussion ensued with the Board concerning the details of staffing and duties. Mr. Pitts proposed to retain the renewal cycle at two-years with staggering licensees.

3) Discussion of Conference Calling for Commission meetings – Jay Pitts discussed the legality of holding conference calls for Commission meetings. Mr. Pitts deferred to Mr. Spoon, Legal Counsel for clarification who explained the issue. Discussion ensued.

**MOTION:**

Mr. Edwards made a motion to meet face-to-face for Commission meetings. Ms. Young seconded the motion.

Ms. Takacs discussed the possible need of exceptions to face-to-face meetings.

**MOTION:**

Ms. Brouthers made motion to amend Mr. Edwards' motion to add the words "regularly scheduled meetings." Mr. Biggers seconded the motion. Mr. Edwards accepted the motion to amend. Motion carried unanimously. Amended motion carried unanimously.

Ms. Brouthers stated the motion as amended. Amend to change wording under the Rules of Procedures for members of the SC Real Estate Commission under Article V, to say meeting means any convening of a quorum of the SC Real Estate Commission in person or by telephone or other means for a regularly scheduled meeting to discuss or act on a matter which is within the Commission's statutory responsibilities. Discussion ensued.

Mr. Cox, Chair called for a vote on the amendment. Vote carried unanimously.

Mr. Cox, Chair called for a vote on the amended motion. Vote carried unanimously.

Discussions ensued. Mr. Cox, Chair, will make the decision of conducting conference calls on a case-by-case basis.

4) Termination of North Carolina Reciprocal Agreement – Mr. Pitts informed the commission of the North Carolina Reciprocal Agreement will terminate as of March 1, 2012.

**10. New Business:**

1) Property Disclosure Form – Ms. Brouthers discussed the fact that this form since it was originally written in 2003. She informed the Board of necessary revisions.

**MOTION:**

Ms. Brouthers made a motion to the Chair appoint two members of the SC Real Estate Commission to meet with the Task Force at SC Realtors to review the Property Disclosure Form and bring back recommendations of acceptance or rejection at the next meeting.

Mr. Stackhouse, Mr. O'Kelley, and Ms. Young volunteered to meet with the Task Force at SC Realtors.

Mr. Biggers seconded the motion which carried unanimously.

2) Approval of IRC Report (September 12, 2011 and October 10, 2011)

**MOTION:**

Mr. O'Kelley made a motion to approve the IRC Report. Ms. Young seconded the motion which carried unanimously.

**11. Application Appearances:**

*Rebecca Antonio*

The Commission held an Application Hearing regarding Ms. Antonio. Ms. Antonio appeared before the Commission to present testimony and waived her right to Counsel. One witness, her husband, Mr. Raymone James Antonio was present to testify for Ms. Antonio. Mr. Cox, Chairman, recused himself of this hearing.

**MOTION:**

Ms. Brouthers made a motion to go into executive session. Mr. O'Kelley seconded the motion which was carried unanimously.

**MOTION:**

Mr. Harley made a motion to return to public session. Ms. Young seconded the motion which was carried unanimously.

**MOTION:**

Mr. Edwards made a motion to allow Ms. Antonio to sit for the exam. Mr. Brouthers seconded the motion which was carried unanimously.

*(This proceeding was recorded by a court report in order to produce a verbatim transcript if requested in accordance with the law.)*

**12. Application Appearances:**

*Michael A. Megronigle*

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

**MOTION:**

Ms. Takacs made a motion to go into executive session. Mr. Biggers seconded the motion which was carried unanimously.

**MOTION:**

Mr. O'Kelley made a motion to approve Mr. Megronigle's application. See order for details.

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.)*

**13. Unfinished Business:**

*Jay Pitts*

Mr. Pitts informed the Board of the basket of flowers purchased from the Commission for Joe Harmon. Mr. Pitts respectfully asked the Board members for monetary contributions.

**14. Adjournment:**

**MOTION:**

Mr. Edwards made a motion to adjourn. Mr. Stackhouse seconded the motion which carried unanimously. The meeting of the SC Real Estate Commission adjourned at 1:27pm.