

## **MINUTES**

### **South Carolina Real Estate Commission**

**Wednesday, December 12, 2018, 10:00am**

Synergy Business Park, Kingstree Building, Conference Room 105

110 Centerview Drive, Columbia, South Carolina 29210

#### **Meeting Called to Order:**

Chair Pratt called the meeting of the South Carolina Real Estate Commission to order at 10:00 a.m. Board members participating in this meeting included:

Candace Pratt – Chair - 1<sup>st</sup> Congressional District  
Andy Lee – Vice Chair - 3<sup>rd</sup> Congressional District  
David C. Lockwood, III - 2<sup>nd</sup> Congressional District  
David Crigler – 4<sup>th</sup> Congressional District  
John Rinehart – 5<sup>th</sup> Congressional District  
Janelle Mitchell – 6<sup>th</sup> Congressional District  
Scott McNew – 7<sup>th</sup> Congressional District  
Johnathan Stackhouse – Public Member

Staff members participating during the meeting included Roderick Atkinson, Board Administrator; Wanda Cooke, Administrative Assistant; Joi Middleton, Education Manager, Sharon Wolfe, Office of Investigations and Enforcement; Gigi Lewis, Office of Advice Counsel; Rowland Alston, Office of Disciplinary Counsel.

#### **Public Notice:**

Chair Pratt 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 Commissioner Mitchell.

#### **Introduction of Board Members and Staff**

#### **Approval of Agenda:**

Disciplinary hearing #1, Anthony Shands, was continued.

#### **MOTION:**

Mr. Lee made a motion to approve the agenda, as amended. Ms. Mitchell seconded the motion, which carried unanimously.

## **Approval of the Meeting Minutes from November 14, 2018**

Line 201 should read “*which carried unanimously*”.

Lines 237 238, and 239 should be deleted.

### **MOTION:**

Mr. Lockwood made a motion to approve these changes to the minutes of the November 14, 2018 meeting. Mr. Rinehart seconded the motion, which carried unanimously.

Line 186 should read “*which carried with a 7/1 vote*”.

### **MOTION:**

Mr. Rinehart made a motion to approve these changes to the minutes of the November 14, 2018 meeting. Mr. Poplin seconded the motion, which carried unanimously.

### **Chair’s Remarks:**

*Candace Pratt*

Chair Pratt gave a “thank you” to Dianna Brouthers for donating copies of her book entitled “*South Carolina Real Estate License Law Study Guide*” –copyright 2018

### **Administrator’s Remarks:**

*Rod Atkinson*

Mr. Atkinson announced that this was the last meeting for Sharon Wolfe, Office of Investigations and Enforcement, as she will retire as Chief Investigator at the end of December 2018. Mr. Atkinson thanked Ms. Wolfe for all of her dedication and hard work on behalf of the Real Estate Commission.

1. **Licensure Update** as of December 5, 2018 – (for information only)
2. **IRC Report** - The Commission reviewed the IRC report from December 3, 2018.

### **MOTION:**

Mr. Crigler made the motion to the Dismissals portion of the IRC report from December 3, 2018. Mr. Stackhouse seconded the motion, which carried unanimously.

### **MOTION:**

Mr. Lee made the motion to the Formal Complaints portion of the IRC report from December 3, 2018. Mr. Poplin seconded the motion, which carried unanimously.

### **MOTION:**

Mr. Rinehart made the motion to the Letters of Caution portion of the IRC report from December 3, 2018. Mr. Poplin seconded the motion, which carried unanimously.

Commissioner Lockwood initiated discussion on the new legislation regarding fingerprinting and SLED reports, which will be effective starting with the 2020 renewal period. There are numerous concerns regarding the effectiveness and reliability of the SLED process versus using the current

company, SR&I. The Commission is also concerned about the implementation of the new requirements in a timely and efficient manner. Mr. Atkinson and Ms. Lewis will develop a report with concerns and recommendations to present to the legislature. A special meeting will be called to review and approve this report.

## **DISCIPLINARY HEARINGS**

### ***Katie Lucynski***

The Commission held a Disciplinary hearing regarding Katie Lucynski. Ms. Lucynski did not appear before the Commission and was not represented by legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State, and presented the facts of the case. Discussion ensued.

#### **MOTION:**

Mr. Lockwood made a motion that the State has met its burden of proof that the Respondent is in violation of all nine (9) allegations listed on the Formal Complaint, and that the license be revoked, effective today, December 12, 2018. Mr. Rinehart seconded the motion, which carried unanimously.

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

### ***Mavis Green***

The Commission held a Disciplinary hearing regarding Mavis Green. Ms. Green did not appear before the Commission and was not represented by legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State, and presented the facts of the case. Discussion ensued.

#### **MOTION:**

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

#### **MOTION:**

Mr. Crigler made a motion to enter Open Session. Mr. Stackhouse seconded the motion, which carried unanimously.

#### **MOTION:**

Mr. Rinehart made a motion that the State has met its burden of proof that the Respondent is in violation of all four (4) allegations listed on the Formal Complaint, and that the license be revoked, effective today, December 12, 2018. Mr. Crigler seconded the motion, which carried unanimously.

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

**PUBLIC COMMENTS:**

Commissioner Lockwood asked that Austin Smallwood, SCR, advise the Association that there are two (2) topics at the moment that the Commission is dealing with and would love to have input from the Association. These include the new fingerprinting requirements and the issue of Brokers in Charge and Property Managers in Charge assuming adequate responsibility for their agents. Mr. Smallwood indicated that the association is always willing to assist where they can and that he would relay this information to their staff.

**MOTION:**

Mr. Crigler made a motion to adjourn at 1:45 p.m. Mr. Poplin seconded the motion, which carried unanimously.