

MINUTES

South Carolina Real Estate Commission

Wednesday, July 25, 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 - 1st Congressional District
Andy Lee – Vice Chair - 3rd Congressional District
John Rinehart – 5th Congressional District
Janelle Mitchell – 6th Congressional District
Scott McNew – 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; Gigi Lewis, Office of Advice Counsel; Sharon Cook, Office of Investigations and Enforcement; 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.

Approval of Absences:

David C. Lockwood, III - 2nd Congressional District
David Crigler – 4th Congressional District

MOTION:

Mr. Rinehart made a motion to approve the absence of Mr. Lockwood and Mr. Crigler. Mr. Poplin seconded the motion, which carried unanimously.

Introduction of Board Members and Staff

Approval of Agenda:

New Business agenda item #1 will be tabled at this time.

MOTION:

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

Approval of the Meeting Minutes from June 13, 2018

MOTION:

Mr. Lee made a motion to approve the minutes of the June 13, 2018 meeting. Mr. McNew seconded the motion, which carried unanimously.

Chair's Remarks:

Candace Pratt

Administrator's Remarks:

Rod Atkinson

Mr. Atkinson advised the Commission that there are already 14 application hearings scheduled for the September 2018 meeting. Discussion was held concerning ways to adjust the agenda in an effort to allow more time for the hearings.

MOTION:

Mr. Poplin made a motion to adjust the start time for the September 19, 2018 meeting to 9 a.m. The order of the agenda for this meeting will be reversed to show the application hearings before other business. It was further motioned that moving forward, the board will receive as information the budget, licensing and investigative reports on alternating months and will only place these items on the meeting agenda every other month. Mr. Stackhouse seconded the motion, which carried unanimously.

1. **ARELLO** – Annual Conference & Commissioner College – Travel Approval
The 2018 ARELLO Annual Conference & Commissioner College will be held in St. Louis, MO, September 26-30, 2018.

MOTION:

Mr. Lee made a motion to approve two Commissioners and one staff member to attend the 2018 ARELLO Annual Conference and Commissioner College. Mr. Poplin seconded the motion, which carried unanimously.

2. **Regulation Review Task Force** - will meet at 11:00 a.m. via Conference Call on August 8th, 2018. Commissioner Rinehart who chairs this task force, will be joined by Commissioners Lee, Crigler and McNew.
3. **IRC Report** - The Commission reviewed the IRC report, July 16, 2018

MOTION:

Mr. Stackhouse made a motion to approve all sections of the IRC report from July 16, 2018. Mr. Lee seconded the motion, which carried unanimously.

4. **Advertising Complaints** – this agenda item was tabled until another meeting date.

5. **Trust Account Guidelines** – Mr. Atkinson advised the Commission that this document is extremely outdated and need to be revised. Discussion ensued. It was decided that Mr. Atkinson would contact Dianna Brouthers and ask if she would be willing to work with Commissioner Poplin to review and revise this document. It would then be placed on the website and revised as necessary to keep it in accordance with the current Real Estate License Law.
6. **Distance BIC Supervision** - Discussion was held concerning Broker's in Charge who are not occupying office space in the general vicinity of where their agents are doing business. It was decided that this topic will be addressed by the Regulation Review Task Force when they meet on August 8, 2018.

DISCIPLINARY HEARINGS

Lisa Zangl

The Commission held a Disciplinary hearing regarding Lisa Zangl. Ms. Zangl did not appear before the Commission to present testimony, 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. Lee made a motion to enter Executive Session to receive legal advice. Mr. Stackhouse seconded the motion, which carried unanimously.

MOTION:

Mr. Poplin made a motion to enter Open Session. Mr. Rinehart 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 S.C. Code Ann. 40-57-710 (A) (24) (2017 Supp); S.C. Code Ann. 40-1-110(1)(f) (2011) and S.C. Code Ann. 40-1-110 (1)(g) (2011). License (rel. 96827) will be revoked and a public reprimand will be issued. A fine of \$1000 per violation will be imposed, for a total of \$3000, to be paid within 90 days from the date of the Order. Respondent will be required to complete the Property Manager in Charge course prior to obtaining a license in the future. Mr. McNew 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.)

Ashley Dangerfield (MOA)

The Commission held a Disciplinary hearing regarding Ashley Dangerfield. Ms. Dangerfield appeared before the Commission to present testimony, and was not represented by legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State, and presented the facts of the case. Mr. Rowland informed the Commission that Ms. Dangerfield has signed a Memorandum of Agreement. The Commission reviewed said agreement and discussion ensued.

MOTION:

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

MOTION:

Mr. Rinehart made a motion to enter Open Session. Mr. Lee seconded the motion, which carried unanimously.

MOTION:

Mr. Lee made a motion that the State has not met its burden of proof that the Respondent is in violation of S.C. Code Ann. 40-57-135(D)(1)(d) (Supp. 2011); S.C. Code Ann. 40-57-137(C)(1) (Supp. 2011); S.C. Code Ann. 40-57-137(C)(2)(a) (Supp. 2011); S.C. Code Ann. 40-57-135(C)(2)(b) (Supp. 2011); S.C. Code Ann. 40-57-135(C)(3) (Supp. 2011); it was further motioned that this case be dismissed. 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.)

Daniel McGraw

The Commission held a Disciplinary Hearing regarding Daniel McGraw. Mr. McGraw appeared before the Commission to present testimony, 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. Stackhouse made a motion to enter Open Session. Mr. McNew 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 S.C. Code Ann. 40-57-135(B)(4) (1976, as amended); S.C. Code Ann. 40-57-135(B)(7) (1976, as amended); S.C. Code Ann. 40-57-145-(A)(4) (1976, as amended); S.C. Code Ann. 40-1-110(1)(f) (1976, as amended) and S.C. Code Ann. 40-1-110(1)(f) (1976, as amended). The State has not met its burden of proof that the Respondent is in violation of S.C. Code Ann. 40-57-135(B)(9) (1976, as amended).

License (rel. 84667) will be revoked and a public reprimand will be issued. A fine of \$1000 per violation will be imposed, for a total of \$5000, to be paid within 90 days from the date of the Order. Mr. Lee 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.)

Henley Jennifer

The Commission held a Disciplinary hearing regarding Jennifer Henley. Ms. Henley did not appear before the Commission to present testimony, and was not represented by legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State, and presented the facts of the case. Mr. Alston informed the Commission that there was a scrivener's error in the citations under Section IV, items 2 and 3. Discussion ensued.

MOTION:

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

MOTION:

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

MOTION:

Mr. McNew made a motion to Continue the hearing for Henley Jennifer until counsel could properly notice the respondent of the correct citations. Mr. Stackhouse seconded the motion. Further discussion was held. Mr. Alston agreed to remove items 2 and 3 under Section IV, which were incorrectly cited. The motion failed.

Mr. Alston proceeded with the facts of the case. Discussion ensued.

Mr. Stackhouse left the meeting at 4:00 p.m. however, a quorum was maintained.

MOTION:

Mr. Lee made a motion that the State has met its burden of proof that the Respondent is in violation of S.C. Code Ann. 40-57-145(A)(4) (1976, as amended); S.C. Code Ann. 40-57-145(A)(10) (1976, as amended); S.C. Code Ann. 40-1-110 (1) (f) (1976, as amended) and S.C. Code Ann. 40-1-110 (1) (g) (1976, as amended). It was further motioned that this license (rel. 45711) be permanently revoked. Mr. Poplin 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.)

MOTION:

Mr. Poplin made a motion to adjourn at 4:20 p.m. Ms. Mitchell seconded the motion, which carried unanimously.