

MINUTES

South Carolina Real Estate Commission

Wednesday, February 20, 2019 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
David C. Lockwood, III - 2nd Congressional District
David Burnett – 4th Congressional District
John Rinehart – 5th Congressional District
Janelle Mitchell – 6th Congressional District
Scott McNew – 7th Congressional District
Johnathan Stackhouse – Public Member

Staff members participating during the meeting included Roderick Atkinson, Board Administrator; Wanda Cooke, Administrative Assistant; Sharon Cook, 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 Absences:

Wayne Poplin – At-Large Member

MOTION:

Mr. Lee made a motion to approve the absence of Mr. Poplin. Mr. McNew seconded the motion, which carried unanimously.

Approval of Agenda:

MOTION:

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

Approval of the Meeting Minutes from January 16, 2019

MOTION:

Mr. Lee made a motion to approve the minutes of the January 16, 2019 meeting. Mr. Lockwood seconded the motion, which carried unanimously.

Chair's Remarks:

Candace Pratt

Chair Pratt noted that the *Unfinished Business* item on the agenda is a result of meetings with Director Farr, to discuss concerns with the new legislation requiring fingerprinting background

Administrator's Remarks:

Rod Atkinson

Mr. Atkinson thanked the Commissioners for 100 % filing completion of the Ethics Commission requirements.

1. **IRC Report** - The Commission reviewed the IRC report from February 11, 2019

MOTION:

Mr. Stackhouse made the motion to accept all portion of the IRC report from February 11, 2019. Mr. Lockwood seconded the motion, which carried unanimously.

Unfinished Business

1. **Criminal Background Checks**

Matt Smith from SR&I gave a presentation on the services that SR&I have been supplying since their contract began in 2016. Mr. Smith also answered questions from the Commissioners.

Jenny Temple from SLED also spoke to the Commission to explain how the SLED background process works and answered questions from the Commissioners.

MOTION:

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

MOTION:

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

Further discussion was held.

MOTION:

Ms. Mitchell made a motion to confirm the previous recommendation for Section 40-57-115. Mr. McNew seconded the motion, which carried unanimously.

Commissioner Rinehart joined the meeting, but abstained from a vote on this matter.

DISCIPLINARY HEARINGS

V.G. Lander

The Commission held a Disciplinary hearing regarding V.G. Lander. Mr. Lander appeared 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 to enter Executive Session to receive legal advice. Mr. Rinehart 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. Lockwood made a motion that the state has met its burden of proof that Mr. Lander is in violation of all four (4) allegations listed in the Formal Complaint. Mr. Lander's license will be revoked, stayed for a period of three (3) years suspended. Mr. Lander may remain as an active Broker in Charge on suspended status. Mr. Lander is required to complete the Broker A and B classes within six (6) months of the date of the Order. If the conditions of the Order are not met, or any further Final Orders of discipline are issued, the license will be revoked. Mr. Lee seconded the motion, which carried on a 5/3 vote.

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

Commissioner Stackhouse was excused from the meeting at 2:30 p.m., however, a quorum was maintained.

Madison Ballagh

The Commission held a Disciplinary hearing regarding Madison Ballagh. Mr. Ballagh appeared before the Commission and was represented by Alexander Imgrund, legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State, and presented the facts of the case. Discussion ensued.

Mr. Imgrund made a legal motion to have this case dismissed due to the fact that Mr. Alston did not offer into evidence, the Formal Complaint and Notice of Hearing. Mr. Alston argued that these articles were mentioned in his opening statement, but were not actual "evidence" of wrong doing, but stipulation of facts. Motion to dismiss was denied and testimony continued.

MOTION:

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

MOTION:

Mr. Lockwood made a motion to enter Open Session. Mr. Lee 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 only in violation S.C. Code Ann. 40-57-135 (C) (6) (2011) and a Letter of Caution will be issued. 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.)

MOTION:

Mr. Lockwood made a motion to adjourn at 6:00 p.m. Mr. Burnett seconded the motion, which carried unanimously.