

MINUTES

South Carolina Real Estate Commission

Thursday, February 21, 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 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; 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 Rinehart .

Introduction of Board Members and Staff

Approval of Absences:

David C. Lockwood, III - 2nd Congressional District
Wayne Poplin – At-Large Member

MOTION:

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

Approval of Agenda:

Disciplinary Hearing for Crystal Nixon was continued and removed from the agenda.

MOTION:

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

DISCIPLINARY HEARINGS

Jonathan Sloan (MOA)

The Commission held a Disciplinary hearing regarding Jonathan Sloan. Mr. Sloan appeared before the Commission to present testimony, and was represented by Robin Madden and Jamie Golden, legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State, and presented the facts of the case.

Respondent's legal counsel presented a pre-hearing Motion to Dismiss.

MOTION:

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

MOTION:

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

MOTION:

Mr. Rinehart made a motion that the Motion to Dismiss be denied. Mr. Burnett seconded the motion, which carried unanimously.

Mr. Rowland informed the Commission that Mr. Sloan has signed a Memorandum of Agreement. The Commission reviewed said agreement and discussion ensued.

MOTION:

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

MOTION:

Ms. Mitchell 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 Mr. Sloan is in violation of S.C. Code Ann. 40-57-135 (C) (4) (2011); S.C. Code Ann. 40-57-135 (D) (4) (2011); S.C. Code Ann. 40-57-145 (A) (3) (2011), and that a Public Reprimand be issued. Ms. Mitchell seconded the motion. The motion failed.

MOTION:

Mr. Burnett made a motion that the State has met its burden of proof that Mr. Sloan is in violation of S.C. Code Ann. 40-57-135 (C) (4) (2011); and that a Letter of Caution be issued. Mr. Lee seconded the motion. The motion passed on a 5/2 vote.

Respondent's legal counsel requested a Reconsideration of the Motion to Dismiss.

MOTION:

Mr. Stackhouse made a motion to affirm the vote to deny the Motion to Dismiss. Ms. Mitchell 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.)

Mr. Alston asked the Commission for feedback regarding recent cases and the information submitted. Discussion was held concerning the investigative process. Commission reiterated their desire to hear any case that Disciplinary Counsel, Investigators and members of the IRC believe have merit. Case backlog was discussed. The Commission expressed gratitude to Mr. Alston and the Investigative staff for their laborious work and extensive hours that are invested in each case.

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

Unfinished Business

1. SCREC Regulation Task Force Update

Mr. Rinehart gave an update on the progress of the Regulation Task Force. A meeting was held earlier in February and was attended by Commissioners Rinehart, Lee, Lockwood and McNew, as well as Mr. Atkinson, Administrator and Ms. Lewis, Advice Counsel. Many interested members of the public also were in attendance, including several members of SC Realtors.

MOTION:

Mr. Lee made a motion to adjourn at 2:30 p.m. Mr. McNew seconded the motion, which carried unanimously.