

## **MINUTES**

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

**Wednesday, January 16, 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 - 1<sup>st</sup> Congressional District  
Andy Lee – Vice Chair - 3<sup>rd</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  
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; Rodney Pigford, 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 Rinehart.

#### **Approval of Absences:**

David C. Lockwood, III - 2<sup>nd</sup> Congressional District

#### **MOTION:**

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

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

**Approval of Agenda:**

Remand Hearing (Ulmer) 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 December 12, 2018**

**MOTION:**

Mr. Rinehart made a motion to approve the minutes from the December 12, 2018 meeting. Mr. Crigler seconded the motion, which carried unanimously.

**Chair's Remarks:**

*Candace Pratt*

- Director Emily Farr has been in discussions with Mr. Crigler regarding the Commission's desire to notify the legislature of concerns with the new fingerprinting requirements. Mr. Crigler agreed to continue to assist with these efforts.
- Chair Pratt presented Mr. Crigler with an appreciation plaque, in honor of his years of service to the Commission. Today is Mr. Crigler's last meeting as an active commission member. He is being replaced by Mr. David Burnett from Spartanburg, SC.
- Mr. Rinehart gave an update on the progress of the task force on Broker in Charge responsibilities and the topic of teams. Mr. Rinehart noted that he has met with members of SCR and the task force will meet on February 12, 2018 at 10am, in the Commission office.

**MOTION:**

Mr. Crigler made a motion to add David Lockwood to the Regulations Task Force to replace himself, since he is leaving the Commission. Mr. Lee seconded the motion, which carried unanimously.

**Administrator's Remarks:**

*Rod Atkinson*

**1. Licensure Update as of January 10, 2019**

• Broker	5100
• Broker in Charge	7592
• Property Manager	1647
• Property Manager in Charge	1248
• Salesman	27617
<b>TOTAL ACTIVE</b>	<b>43,204</b>
• Inactive Broker	1535
• Inactive Property Manager	653
• Inactive Salesman	6598
<b>TOTAL INACTIVE</b>	<b>8,786</b>

**TOTAL CURRENT LICENSES  
AS OF 1/10/19 51,990**

2. **Budget Update** –The budget report for December 2018 was unavailable.
3. **Investigations and Enforcement** – *Rodney Pigford* presented the Commission with an overview of the opened and closed cases from January 1, 2018 –December 31, 2018, as well as the same time period for the previous year.
4. **IRC Report** - The Commission reviewed the IRC report from January 7, 2019.

**MOTION:**

Mr. Rinehart made the motion to approve the *Formal Complaints* portion of the IRC report from January 7, 2019. Mr. Crigler seconded the motion, which carried unanimously.

**MOTION:**

Ms. Mitchell made the motion to approve the *Letter of Caution* portion of the IRC report from January 7, 2019. Mr. Poplin seconded the motion, which carried unanimously.

**MOTION:**

Mr. Stackhouse made the motion to approve the *Dismissal* portion of the IRC report from January 7, 2019. Ms. Mitchell seconded the motion, which carried unanimously.

**MOTION:**

Mr. McNew made the motion to approve the *Cease & Desist* portion of the IRC report from January 7, 2019. Mr. Stackhouse seconded the motion, which carried unanimously.

5. **ODC Report** – *Rowland Alston* presented the Office of Disciplinary Counsel case load report.
6. **ARELLO Mid Year Meeting**- to be held in Salt Lake City, UT, April 10-13, 2019.

**MOTION:**

Mr. Crigler made the motion to approve the travel for 2 Commission members and 1 staff member to attend the ARELLO 2019 Mid-Year Meeting. Mr. Stackhouse seconded the motion, which carried unanimously.

7. **2019 Ethics Filings**- Mr. Atkinson reminded Commissioners that the 2019 Ethics filings are due by March 30, 2019.

**New Business:**

**1. Hours of CE in one day – Melissa Sprouse Browne, Howard Jones**

Discussion was held concerning the number of hours that a student can take within a 24 hours period. The portion of the regulations dealing with topic; Reg 105 (6) (F), was reviewed.

**Melissa Sprouse Browne**, Real Estate School of South Carolina, also gave an update on the online pre-licensing course that was approved in the fall of 2018. Students are making slower progress than a classroom setting, but assistance is provided by the school. Overall, they are very pleased with the results up to this point, and the passing rate for the online courses are very high.

**MOTION:**

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

**MOTION:**

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

**MOTION:**

Mr. Poplin made a motion that Regulation 105 (6) (F) is interpreted to mean that each course is limited to a maximum of eight (8) hours within a 24 hour period. It was further noted that a student can opt to take more than one course per day. Mr. Crigler seconded the motion, which carried unanimously.

**APPLICATION HEARINGS**

***Belinda Smith***

The Commission held an application hearing regarding Belinda Smith's application to take the real estate sales examination in South Carolina. Ms. Smith appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

**MOTION:**

Mr. Crigler made a motion to allow Ms. Smith to take the SC real estate sales examination. 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.)*

***Marieta Bedell***

The Commission held an application hearing regarding Marieta Bedell's application to take the property manager's examination in South Carolina. Ms. Bedell appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

**MOTION:**

Mr. Rinehart made a motion to allow Ms Bedell to take the SC property Manager's examination. 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.)*

***David Hoofman***

The Commission held an application hearing regarding David Hoofman's application to take the property manager's examination in South Carolina. Mr. Hoofman appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

**MOTION:**

Mr. Stackhouse made a motion to allow Mr. Hoofman to take the SC real estate property manager's examination. 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.)*

***Anthony Jenkins***

The Commission held an application hearing regarding Anthony Jenkins' application to take the property manager's examination in South Carolina. Mr. Jenkins appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

**MOTION:**

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

**MOTION:**

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

**MOTION:**

Ms. Mitchell made a motion to allow Mr. Jenkins to take the SC real estate property manager's examination, however, he cannot apply for sales or PMIC for a period of three (3) years. 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.)*

***Adonis Riley***

The Commission held an application hearing regarding Adonis Riley's application to take the real estate sales examination in South Carolina. Mr. Riley appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

**MOTION:**

Mr. Crigler made a motion to allow Mr. Riley to take the SC real estate sales examination. 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.)*

***Margaret Davis***

The Commission held an application hearing regarding Margaret Davis' application to take the property manager's examination in South Carolina. Ms. Davis appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

**MOTION:**

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

**MOTION:**

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

**MOTION:**

Mr. McNew made a motion to deny Ms. Davis' request to take the SC real estate property manager's examination. 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.)*

***Stephanie Radford***

The Commission held an application hearing regarding Stephanie Radford's application to take the real estate sales examination in South Carolina. Ms. Radford appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

**MOTION:**

Mr. Stackhouse made a motion to allow Ms. Radford to take the SC real estate sales examination. 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.)*

***William Walsh***

The Commission held an application hearing regarding William Walsh's application to take the broker's examination in South Carolina. Mr. Walsh appeared before the Commission to present testimony, and was not represented by legal counsel. Commissioner Lee recused himself from this hearing.

Mr. Atkinson advised the Commission that staff was unable to obtain verification from New Hampshire which confirms that Mr. Walsh held an active license for three (3) of the past five (5) years. Due to the fact that Mr. Walsh's license in NH expired while he was in the process of applying for licensure in South Carolina, the NH Commission would not provide the certificate of licensure. Mr. Walsh has completed the Broker A and B courses in South Carolina. Holly Beeson, from the Office of Governmental Affairs, has been in discussions with Mr. Atkinson on this topic. Discussion ensued.

**MOTION:**

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

**MOTION:**

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

**MOTION:**

Mr. Rinehart made a motion to allow Mr. Clark to take the SC real estate broker's examination. 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.)*

**Public Comments**

Mr. Austin Smallwood, South Carolina Realtors Association, thanked Mr. David Crigler for his years of service to the Commission and welcomed the new member, Mr. David Burnett, who will begin his term on 1/31/2019.

**MOTION:**

Mr. Crigler made a motion to adjourn at 2:45 pm. Mr. Stackhouse seconded the motion, which carried unanimously.