

## MINUTES

### South Carolina Real Estate Commission

Thursday, March 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 - 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 Burnett – 4<sup>th</sup> Congressional District  
John Rinehart – 5<sup>th</sup> Congressional District  
Janelle Mitchell – 6<sup>th</sup> Congressional District  
Johnathan Stackhouse – Public Member  
Wayne Poplin – At-Large 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 Mitchell.

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

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

none

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

#### **MOTION:**

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

## **DISCIPLINARY HEARINGS**

### ***John Powell (MOA)***

The Commission held a Disciplinary hearing regarding John Powell. Mr. Powell 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 Mr. Sloan has signed a Memorandum of Agreement. The Commission reviewed said agreement and discussion ensued.

Commissioner Lockwood joined the meeting at 10:15 a.m.

### **MOTION:**

Mr. Lee made a motion to accept the signed Memorandum of Agreement and issue a Private Letter of Caution. Mr. Stackhouse seconded the motion, which carried with one abstention.

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

### ***Michael Hill***

The Commission held a Disciplinary hearing regarding Michael Hill. Mr. Hill 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. Alston requested permission to amend the Formal Complaint to make minor changes to paragraphs 2 and 4, and to strike violation 6.a from the Formal Complaint. These changes were allowed.

Commissioner Lee was recused from this hearing.

### **MOTION:**

Mr. Stackhouse 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. Poplin seconded the motion, which carried unanimously.

### **MOTION:**

Mr. Lockwood made a motion that the State has met its burden of proof that Mr. Hill is in violation of S.C. Code Ann. 40-57-145 (A) (1) (2011); S.C. Code Ann. 40-57-145 (A) (3) (2011); S.C. Code Ann. 40-57-145 (A) (4) (2011), and that a Public Reprimand be issued and a fine imposed of \$500 per violation paid within four (4) months from the date of the Order. Ms. Mitchell seconded the motion, which carried on a 6/1 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 left the meeting at 1:30 p.m. however, a quorum was maintained.

*Glen Avinger*

The Commission held a Disciplinary hearing regarding Glen Avinger. Mr. Avinger 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.

**MOTION:**

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

**MOTION:**

Mr. Mitchell 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 Mr. Avinger is in violation of S.C. Code Ann. 40-57-710 (A) (9) (2017 Supp.); S.C. Code Ann. 40-57-710 (A) (10) (2017 Supp.); S.C. Code Ann. 40-1-110 (1) (a) (2011), S.C. Code Ann. 40-1-110 (1) (b) (2011), S.C. Code Ann. 40-1-110 (1) (f) (2011), S.C. Code Ann. 40-1-110 (1) (g) (2011), S.C. Code Ann. 40-1-110 (1) (h) (2011), and that his license 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. Lee made a motion to adjourn at 2:30 p.m. Mr. Lockwood seconded the motion, which carried unanimously.