

MINUTES

South Carolina Real Estate Commission

Wednesday, May 15, 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
John Rinehart – 5th Congressional District
Janelle Mitchell – 6th Congressional District
W. Brown Bethune – 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; 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 - 2nd Congressional District
David Burnett – 4th Congressional District
Wayne Poplin – At-Large Member

MOTION:

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

Introduction of Board Members and Staff

New Commissioner, Mr. W. Brown Bethune, was introduced. Mr. Bethune is from Myrtle Beach, SC and is representing the 7th Congressional District.

Approval of Agenda:

The Application Remand Hearing for Lorrie Ulmer has been continued.

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 April 17, 2018

MOTION:

Mr. Lee made a motion to approve the minutes from the April 17, 2019 meeting. Ms. Mitchell seconded the motion, which carried unanimously.

Chair's Remarks:

Candace Pratt

Administrator's Remarks:

Rod Atkinson

1. **Licensure Update** as of April 26, 2019
 - Broker 5165
 - Broker in Charge 7695
 - Property Manager 1689
 - Property Manager in Charge 1288
 - Salesman 28394
 - TOTAL ACTIVE 44,231**
 - Inactive Broker 1576
 - Inactive Property Manager 713
 - Inactive Salesman 7161
 - TOTAL INACTIVE 9,450**

**TOTAL CURRENT LICENSES
AS OF 4/26/19 53,681**

2. **Budget Update** –The budget report for February 2019 was unavailable.
3. **Investigations and Enforcement** – *Rodney Pigford* presented the Commission with an overview of the opened and closed cases from January 1, 2019 –May 8, 2019, as well as the same time period for the previous year.
4. **IRC Report** - The Commission reviewed the IRC report from May 6, 2019.

MOTION:

Mr. Rinehart made the motion to approve all portions of the IRC report from May 6, 2019. Mr. Stackhouse seconded the motion, which carried unanimously.

5. **ODC Report** – *Rowland Alston* presented the Office of Disciplinary Counsel case load report.

New Business:

1. Unlicensed Administrative Closing Services – Jonathan Washburn

Discussion was held concerning Administrative Closing Services by unlicensed individuals, and compensation paid for these services, as it relates the SC Code of Law sections 40-57-30 (3) (d) and 40-57-135 (K) (8). Mr. Jonathan Washburn, Mr. Ellis Grossman and Mr. Jack Munsey, from Washburn Law, joined the meeting via teleconference. The Commission expressed concerns regarding unlicensed individuals receiving compensation based upon successful real estate transactions, but declined to offer an advisory opinion on the specific compensation model presented.

APPLICATION HEARINGS

Mark Dzulynsky

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

MOTION:

Mr. Lee made a motion to allow to take the SC real estate sales examination. Mr. Bethune 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.)

Joseph Wendell Arsi

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

MOTION:

Mr. Bethune made a motion to allow Mr. Arsi to take the SC real estate sales examination. 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.)

Amanda Byrne

The Commission held an application hearing regarding Amanda Byrne's application to take the property manager's examination in South Carolina. Ms. Byrne 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. Lee seconded the motion, which carried unanimously.

MOTION:

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

MOTION:

Mr. Stackhouse made a motion to allow Ms. Byrne to take the SC real estate property manager's examination. Upon completion of the Property Manager's examination, Ms. Byrne will be required to wait for a period of one year before applying to upgrade to Property Manager in Charge. Mr. Bethune 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.)

Roxana Ensley

The Commission held an application hearing regarding Roxana Ensley's application to receive a sales license by reciprocity in South Carolina. Ms. Ensley appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

MOTION:

Mr. Lee made a motion to accept Ms. Ensley's request to obtain a SC real estate sales license by reciprocity. 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.)

Unfinished Business:

1. Trust Account Guidelines - Commissioner Poplin and Dianna Brouthers have worked diligently to review and update the South Carolina Real Estate Commission Trust Account Guidelines. Also contributing to this endeavor were Administrator Rod Atkinson, Attorney Carol Simpson, Attorney Byron King, and editor, Sara Gurgen.

Public Comments

none

Chair Pratt asked Austin Smallwood, SCR, if they could attempt to coordinate dates of their meetings to not coincide with commission meeting dates, since several of the Commissioners are also members of SCR.

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. Lee seconded the motion, which carried unanimously.

The meeting was adjourned at 2:00 p.m.