

## **MINUTES**

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

**Thursday, May 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 C. Lockwood, III - 2<sup>nd</sup> Congressional District  
John Rinehart – 5<sup>th</sup> Congressional District  
Janelle Mitchell – 6<sup>th</sup> Congressional District  
Brown Bethune – 7<sup>th</sup> 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 Mitchell.

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

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

David Burnett – 4<sup>th</sup> Congressional District  
Wayne Poplin – At-Large Member

#### **MOTION:**

Mr. Bethune made a motion to approve the absences of Commissioners Burnett and Poplin. Ms. Mitchell seconded the motion, which carried unanimously.

**Approval of Agenda:**

The Disciplinary Hearing for Crystal Nixon was continued. Unfinished Business, Trust Account Guidelines, will be added to the agenda just prior to Public Comments.

**MOTION:**

Mr. Bethune made a motion to approve the agenda, as amended. Mr. Lee seconded the motion, which carried unanimously.

**REMAND DISCIPLINARY HEARING**

***Johnette Brockelbank***

The Commission held a Remand Disciplinary Hearing regarding Johnette Brockelbank. Ms. Brockelbank appeared before the Commission and was represented by Rob Tyson, legal counsel. Rowland Alston, Office of Disciplinary Counsel, represented the State, and presented the facts of the case. Discussion ensued.

**MOTION:**

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

**MOTION:**

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

**MOTION:**

Mr. Lee made a motion to issue a Letter of Caution. Mr. Lockwood 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.)*

**DISCIPLINARY HEARINGS**

***Justin Pilchard***

The Commission held a Disciplinary hearing regarding Justin Pilchard. Mr. Pilchard was not present 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 that the State has met its burden of proof that the Respondent is in violation of S.C. Code Ann. 40-57-136 (F) (1) (2017 Supp.); S.C. Code Ann. 40-57-710 (A) (5) (2017 Supp.); S.C. Code Ann. 40-57-710 (A) (11) (2017 Supp.); S.C. Code Ann. 40-57-710 (A) (25) (2017 Supp.); and S.C. Code Ann. 40-1-110-(1) (g) (2011). The license will be revoked; a Public Reprimand and Cease and Desist will be issued; and a fine of \$1000 for each violation, for a total of \$5000, will be imposed. 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.)*

***Harold Davison***

The Commission held a Disciplinary hearing regarding Harold Davison. Mr. Davison 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. Bethune made a motion to enter Executive Session to receive legal advice. Mr. Lee seconded the motion, which carried unanimously.

**MOTION:**

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

**MOTION:**

Mr. Lockwood made a motion that the State has met its burden of proof that the Respondent is only in violation S.C. Code Ann. 40-1-110 (1) (a) (2011) ; S.C. Code Ann. 40-1-110 (1) (h) (2011); S.C. Code Ann. 40-57-710 (A) (9) (2017 Supp.) and a Letter of Caution will be issued. 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.)*

**Unfinished Business - South Carolina Real Estate Trust Account Guidelines**

The Commission reviewed the newly revised version of the Trust Account Guidelines.

**MOTION:**

Mr. Lee made a motion to accept the revised South Carolina Real Estate Trust Account Guidelines. Mr. Rinehart seconded the motion, which passed with one abstention.

**MOTION:**

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