

## **MINUTES**

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

**Wednesday, August 16, 2017, 10:00am**

Synergy Business Park, Kingstree Building, Conference Room 105

110 Centerview Drive, Columbia, South Carolina 29210

#### **Meeting Called to Order:**

Chairman Crigler called the meeting of the South Carolina Real Estate Commission to order at 10:00 a.m. Board members participating in this meeting included:

David Crigler – Chair – 4<sup>th</sup> Congressional District  
Candace Pratt – 1<sup>st</sup> Congressional District  
David C. Lockwood, III, 2<sup>nd</sup> Congressional District  
Andy Lee – 3<sup>rd</sup> Congressional District  
John Rinehart – 5<sup>th</sup> Congressional District  
Janelle Mitchell – 6<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; Sharon Cook, Office of Investigations and Enforcement.

#### **Public Notice:**

Chairman Crigler 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 Pratt.

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

G. Hamlin O’Kelley – Vice Chair - Public Member

#### **MOTION:**

Mr. Lockwood made a motion to approve the absence of Mr. O’Kelley. Mr. Poplin seconded the motion, which carried unanimously.

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

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

Mr. Atkinson requested that items 4 & 5 under Administrator’s Remarks, be reversed.

**MOTION:**

Mr. Rinehart made a motion to approve the Agenda, as amended. Ms. Pratt seconded the motion, which carried unanimously.

**Approval of Minutes:**

**MOTION:**

Mr. Lockwood made a motion to approve the minutes of the June 21, 2017 meeting. Mr. Poplin seconded the motion, which carried unanimously.

**Chairman's Remarks:**

*David Crigler*

Chairman Crigler announced the resignation of Chairman Tony Cox, from the 7<sup>th</sup> Congressional District. Mr. Cox has been a member of the Commission since 2004.

Chairman Cox asked Mr. Atkinson to address staffing concerns in his Administrator's Remarks.

**Administrator's Remarks:**

*Rod Atkinson*

Mr. Atkinson introduced Joi Middleton as the new Education Manager. Ms. Middleton will be assuming the position that is being vacated by Beau Tiller's retirement.

Mr. Atkinson informed the Commission that he has submitted a request for additional staffing to be able to accommodate the additional workload anticipated as a result of recent changes to the practice act. Licensing numbers are rising at a rate of approximately 500 licensees per month. Continuing Education tracking and the requirement of fingerprint based background checks are expected to make a significant impact on current and future staffing needs. Discussion ensued.

Chairman Crigler asked that Mr. Atkinson arrange a meeting with Mr. Robbie Boland, Assistant Deputy Director, to discuss staffing needs and requests.

**MOTION:**

Mr. Poplin made a motion to submit a letter of support to the Agency Director, requesting additional staffing. Mr. Lockwood seconded the motion, which carried unanimously.

**1. Licensure Update as of August 9, 2017**

• Broker	5170
• Broker in Charge	7625
• Property Manager	1526
• Property Manager in Charge	1300
• Salesman	24388
• Salesman (Provisional)	641
<b>TOTAL ACTIVE</b>	<b>40,650</b>
• Inactive Broker	1643
• Inactive Property Manager	617
• Inactive Salesman	5993
<b>TOTAL INACTIVE</b>	<b>8,253</b>

**TOTAL CURRENT LICENSES  
AS OF 6/14/17 48,903**

2. **Budget Update** –The Board reviewed the budget reports for June and July 2017.
3. **Investigations and Enforcement** – *Sharon Wolfe* presented the Commission with an overview of the opened and closed cases from January 1, 2017 – August 8, 2017, as well as the same time period for the previous year.
4. **IRC Report** - The Commission reviewed the IRC report from July 10, 2017.

**MOTION:**

Mr. Stackhouse made the motion to approve the *Dismissal* portion of the IRC report from July 10, 2017. Ms. Pratt seconded the motion, which carried unanimously.

**MOTION:**

Ms. Pratt made the motion to approve the *Cease & Desist* portion of the IRC report from July 10, 2017. Mr. Rinehart seconded the motion, which carried unanimously.

**MOTION:**

Mr. Rinehart made the motion to approve the *Formal Complaint* portion of the IRC report from July 10, 2017. Ms. Mitchell seconded the motion, which carried unanimously.

**MOTION:**

Ms. Pratt made the motion to approve the *Letter of Caution* portion of the IRC report from July 10, 2017. Ms. Mitchell seconded the motion, which carried unanimously.

**MOTION:**

Mr. Poplin made the motion to approve the *Reconsideration Dismiss* portion of the IRC report from July 10, 2017. Ms. Pratt seconded the motion, which carried unanimously.

The Commission reviewed the IRC report from August 7, 2017.

**MOTION:**

Mr. Rinehart made the motion to approve the *Dismissal* portion of the IRC report from August 7, 2017. Ms. Pratt seconded the motion, which carried unanimously.

**MOTION:**

Ms. Mitchell made the motion to approve the *Cease & Desist* portion of the IRC report from August 7, 2017. Mr. Stackhouse seconded the motion, which carried unanimously.

**MOTION:**

Mr. Poplin made the motion to approve the *Formal Complaint* portion of the IRC report from August 7, 2017. Ms. Mitchell seconded the motion, which carried unanimously.

**MOTION:**

Ms. Pratt made the motion to approve the *Letter of Caution* portion of the IRC report from August 7, 2017. Mr. Lee seconded the motion, which carried unanimously.

5. Fingerprint Background Checks Update – Mr. Atkinson presented a letter to the Commission from the Department of SLED concerning the requirements for implementation of fingerprint based background checks. Discussion ensued.
6. ODC case load report – Mr. Atkinson presented the report of the Office of Disciplinary Counsel case load, in the absence of Rowland Alston.
7. ARELLO Investigator Workshop –is being held October 17-19, 2017, in Portland, OR. A total of seven (7) staff members from Office of Investigations and Office of Disciplinary Counsel are requesting to attend this workshop.

**MOTION:**

Mr. Lockwood made the motion to approve the travel of seven (7) staff members to attend the ARELLO Investigator Workshop. Ms. Pratt seconded the motion, which carried unanimously.

**MOTION:**

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

**MOTION:**

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

Mr. Stackhouse left the meeting at 11:00 a.m., however, a quorum was maintained.

**NEW BUSINESS**

**1. SC Real Estate License Law Manual – Nick Kremydas (SCR)**

Nick Kremydas, (SCR), addressed the Commission to discuss a new Real Estate License Law Manual that has been published by the SCR and Lexus Nexus. Mr. Kremydas requested that the Commission consider resurrecting the Research and Education Fund, provided for in Section 40-57-70-(C) (1) of the Code of Laws. This money could be used to provide a copy of the manual to every licensee. In addition, these funds could be used to provide printed mailers of disciplinary actions and newsletters to keep the licensed population informed of activities of the industry and changes in laws and policies, etc. Mr. Kremydas informed the Commission that the printed version is \$30 and the electronic copy is \$40. No profits would be made by the SCR from the sale of these manuals.

**MOTION:**

Mr. Rinehart made the motion to approve the purchase of license law manuals for the Commission to read and discuss. Mr. Lee seconded the motion, which carried unanimously.

**MOTION:**

Ms. Pratt made a motion to develop a task force, to include Commissioners Pratt, Lockwood, Rinehart and Mitchell, along with members of SCR, to collaborate and study the benefits of the License Law Manual and other means of communication to licensees, and the implementation of the SC Real Estate Commission Education and Research fund.

## **Request for Continuing Education Exemption Consideration**

*James “Jimmy” Derrick*

Mr. Derrick appeared before the Commission to request a full Continuing Education Exemption, based on his age and years of experience. Commissioner Lockwood recused himself from this proceeding.

### **MOTION:**

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

### **MOTION:**

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

### **MOTION:**

Mr. Rinehart made a motion to grant Mr. Derrick a full Continuing Education waiver based on Section 40-57-34 (B) (4), and the fact that he qualified prior to the license law changes effective January 1, 2017. Mr. Lee seconded the motion, which carried unanimously.

It was noted that all Commission forms and applications will be amended to reflect this change in requirements.

## **APPLICATION HEARINGS**

*Edward Washington*

The Commission held an Application Hearing regarding Edward Washington’s application to take the Real Estate Sales exam in South Carolina. Mr. Washington appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

### **MOTION:**

Mr. Lee made a motion to allow Mr. Washington to sit for the Real Estate Sales examination. Ms. Pratt 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.)*

*Miranda Artz*

The Commission held a Hearing regarding Miranda Artz’s application to sit for the Real Estate Sales exam. Ms. Artz 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. Poplin seconded the motion, which carried unanimously.

**MOTION:**

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

**MOTION:**

Mr. Lockwood made a motion to approve Ms. Artz's application to sit for the Real Estate Sales exam. 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.)*

***Denise Taylor***

The Commission held an Application Hearing regarding Denise Taylor's application to take the Sale exam in South Carolina. Ms. Taylor appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

**MOTION:**

Mr. Lockwood made a motion to approve Ms. Taylor's application to take the Real Estate Sales exam in South Carolina. Ms. Pratt 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.)*

**Lunch Recess**

***Ryan Kirby***

The Commission held an Application Hearing regarding Ryan Kirby's application to take the Real Estate Sales exam in South Carolina. Mr. Kirby appeared before the Commission to present testimony, and was not represented by legal counsel. This hearing is a continuation of a previous hearing and additional documentation has been presented for review. Discussion ensued.

**MOTION:**

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

**MOTION:**

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

**MOTION:**

Mr. Rinehart made a motion to approve Mr. Kirby's application to take the Sales exam in South Carolina. However, Mr. Kirby will not be allowed to upgrade his license to a Broker or Broker in Charge until such time as he can provide documentation that his parole and probation has been completed and/or charges have been expunged. 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.)*

***Marcus Henderson***

The Commission held an Application Hearing regarding Marcus Henderson's application to take the Sale exam in South Carolina. Mr. Henderson 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. Lockwood 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 to deny Mr. Henderson's application to take the Real Estate Sales exam in South Carolina. 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.)*

***William Rankin***

The Commission held an Application Hearing regarding William Rankin's application to take the Sale exam in South Carolina. Mr. Rankin appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

**MOTION:**

Mr. Lee made a motion to approve Mr. Rankin's application to take the Real Estate Sales exam in South Carolina. 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.)*

***Cori Guyer***

The Commission held an Application Hearing regarding Cori Guyer's application to take the Property Manager's exam in South Carolina. Ms. Guyer 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. Poplin seconded the motion, which carried unanimously.

**MOTION:**

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

**MOTION:**

Mr. Lockwood made a motion to approve Ms. Guyer's application to take the Real Estate Sales exam in South Carolina. Ms. Guyer will not be permitted to upgrade to a Property Manager in Charge for a period of three (3) years and would be required to submit a new criminal background report at the time of the application for PMIC. Ms. Pratt seconded the motion, which carried on a 4/2 vote.

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

***Marcel Griffin***

The Commission held an Application Hearing regarding Marcel Griffin's application to take the Property Manager's exam in South Carolina. Mr. Griffin appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

**MOTION:**

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

**MOTION:**

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

**MOTION:**

Mr. Rinehart made a motion to deny Mr. Griffin's application to take the Real Estate Property Manager's exam in South Carolina. Mr. Lockwood 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.)*

***Kevin Brown***

The Commission held an Application Hearing regarding Kevin Brown's application to take the Real Estate Sales exam in South Carolina. Mr. Brown appeared before the Commission to present testimony, and was not represented by legal counsel. Discussion ensued.

**MOTION:**

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

**MOTION:**

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

**MOTION:**

Ms. Mitchell made a motion to approve Mr. Brown's application to take the Real Estate Property Manager's exam in South Carolina. Ms. Pratt seconded the motion, which carried unanimously.



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**MOTION:**

Ms. Mitchell made a motion to adjourn at 4:45 p.m. Mr. Poplin seconded the motion, which carried unanimously.