



SC REAL ESTATE COMMISSION NEWS

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[Real Estate Commission Laws and Polices](#)

ADMINISTRATOR MESSAGE: 2022 Renewals & Requirements

2022 Renewals open on May 2, 2022. This year, all real estate salespersons, brokers, and property managers who are renewing as active status must have fingerprint-based background checks performed to maintain their active status. Those who currently have an inactive status but intend upon reactivating their license within the next six years should also get their fingerprinting completed, as clearance will be required prior to reactivation. Getting the fingerprinting done and getting cleared now will satisfy your active status requirements until the 2028 renewal cycle.

Over the weekend of February 18, 2022, the fingerprinting instructions were sent to the email address on file with the Commission for all licenses with a June 30, 2022, expiration date.

If you are due to renew in 2022 but did not receive the instructions, please email Contact.REC@llr.sc.gov, provide your name under which you are licensed, your SC license number, and the last 5 digits of your social security number. Please include in the subject line of your email the request for the 2022 renewal fingerprinting instructions.

For active renewal, continuing education is also required for most South Carolina-licensed salespersons and brokers who do not qualify for an exemption. If you have an exemption, you still need to report the exemption in the SC reporting and tracking database at CEBroker.com.

Here is the link to the [CE Tracking and Reporting Instructions](#).

Also, below are links to CE Requirements and a calendar of course offerings from SC Commission-approved providers.

- [SCREC CE REQUIREMENTS AND EXEMPTIONS](#)
- [CE Course Calendar](#)

Renewal notices will be sent to all renewing Real Estate licensees on May 2, 2022, by email or by mail for those who did not verify their email address. The notices will have your USER ID and a link to the Commission's [Renew My License](#) page.

Licensees should log in to their LLR account to complete the online renewal. There is a link to an [Account Login Help](#) document under the Quick Links section on the right side of every page on the Commission's website. If you are unable to log in and renew, there will also be links to printable PDF versions of the renewal forms at the bottom of the [Renew My License](#) page that can be printed, completed, and mailed in with a check or money order.

COMMISSIONER SPOTLIGHT: Janelle S. Mitchell, REALTOR®



Profession: Commissioner Janelle Mitchell is a retired public education teacher of 37 years and has been a licensed real estate agent since 1992. She was able to enter the profession in 1992 while also serving as an educator in the public schools of South Carolina.

Janelle received her real estate license at Orangeburg Calhoun Technical College under the instruction of Kenneth Middleton who also served as her broker-in-charge at what was then Coldwell Banker Middleton & Associates. Janelle managed to navigate a successful real estate career while serving in the public schools' classroom for 26 years before she started her career with the South Carolina Department of Education as a Math Specialist in 2003. She served in that capacity for six years before

retiring in 2015 as a Math Instructional Coach in various districts over the last five years.

While at Coldwell Banker, ERA Wilder Realty, and Century 21 the Moore Group, Janelle earned numerous awards. She was most proud of the Quality Producer Award 2018-2021 because it was based on customer satisfaction. She also earned the Circle of Excellence Awards from Central Carolina REALTORS® Association from 2016-2021.

Janelle served as the Vice President of Business Development for the Orangeburg County Chamber of Commerce from 2017-2019 and currently serves on the Board of Directors for Central Carolina REALTORS® Association. She is a REALTOR® with The Moore Group, a Division of the Litchfield Company.

Term: Janelle has represented the 6th Congressional District since July 2016 and is presently serving her second term.

Education: Janelle graduated Cum Laude from Claflin College, now Claflin University, in 1977 with a BS degree in Mathematics and earned her MS degree in Math Education in 1987 from South Carolina State University.

Personal: Janelle is married to Maurice V. Mitchell, and they have two adult children, DeVona J. Mitchell, Orangeburg, and Maurice (Sherrell) Mitchell, II, Columbia. She is a member of Saint Stephen United Methodist Church where she is a Lay Servant and member of The Leadership Team, Class Leader, and The Praise Team. She is a Life member of Alpha Kappa Alpha Sorority, Incorporated. She resides in Orangeburg.

LICENSE LAW SPOTLIGHT: Wholesaling and License Law

The practice of individuals or companies entering into assignable contracts to purchase a home from an owner, then marketing the contract for the purchase of the home to the public has become a hot topic nationwide in the real estate industry in recent years. This is usually referred to as “wholesaling”. The question is often, “is wholesaling legal?” The answer depends upon the specific laws of the state in which the marketing is occurring.

In South Carolina, the practice may require licensure and compliance with South Carolina’s real estate licensing law.

At recent Commission meetings, there have been discussions regarding this wholesaling trend, or the marketing of assignable contracts/equitable interests in real property by individuals who are not the legal owners of the properties. The Commission has interpreted that the advertising of real property belonging to another with the expectation of compensation falls under the statutory definition of “broker” in S.C. Code Ann. § 40-57-30(3) and requires licensure. If unlicensed individuals are advertising these real property interests publicly with the expectation of compensation, the Commission has directed that Cease and Desist Orders be issued against those individuals to stop them from engaging in unlicensed practice.

Pursuant to S.C. Code Ann. § 40-57-240(1), the licensing requirements of the Commission do not apply to the sale, lease, or rental of real estate by an unlicensed owner of real estate who owns any interest in the real estate if the interest being sold, leased, or rented is identical to the owner’s legal interest. The Commission has interpreted that having an equitable interest is not equivalent to an owner’s legal interest. Thus, an individual who only has an equitable interest in property that he or she is marketing for sale is not the property’s owner and has no legal interest in the property for purposes of qualifying for the aforementioned exemption from licensure.

Licensees are also reminded that they are required to have a listing agreement with the legal owner of the property before marketing a property pursuant to S.C. Code Ann. § 40-57-135(E)(1).

COMPLIANCE CORNER: Updated SC Residential Property Condition Disclosure Form

The South Carolina Real Estate Commission has approved an amendment to the South Carolina Residential Property Condition Disclosure form with an effective date of July 1, 2022. This amendment to the form adds a purchaser acknowledgement to page 5 of the form providing that the purchaser is solely responsible for investigating off-site conditions of the property including, but not limited to, adjacent properties being used for agricultural purposes.

Both the current and July 1, 2022, effective date versions of the SC Residential Property Condition Disclosure form can be found on the South Carolina Real Estate Commission web page under the [Forms and Resources](#) section. As a licensee, you are responsible for providing your seller client with the current version of this disclosure form, so please ensure you are providing sellers the new version of the form beginning July 1st, 2022.

COMMISSION MEMBERS

William A. "Andy" Lee (Chair)—3rd Congressional District (Seneca)

David C. Lockwood, III (Vice Chair)—2nd Congressional District (Columbia)

Candace W. Pratt—1st Congressional District (Summerville)

David A. Burnett—4th Congressional District (Spartanburg)

John D. Rinehart—th Congressional District (York)

Janelle S. Mitchell—6th Congressional District (Orangeburg)

Wesley Brown Bethune—7th Congressional District (Myrtle Beach)

Gary Pickren—At Large Member (Columbia)

Johnathan Stackhouse—Public Member (Cayce)

SCREC Licensing Update

TYPE	COUNT
Active Broker in Charge	7,637
Active Broker	5,061
Active Salesperson	33,255
Active Property Manager in Charge	1,432
Active Property Manager	1,779
Inactive Broker	1,657
Inactive Salesperson	8,648
Inactive Property Manager	960
TOTAL	60,492

FREQUENTLY ASKED QUESTIONS By Licensees

Q. How do I transfer, inactivate or reactivate my license?

A. There are forms which allow you to perform most of these functions on the Commission's [website](#).

LICENSING QUESTIONS?

Before you contact the Board office, check out the links listed below to see if your question is answered in the licensing and renewal FAQ documents.

If not, contact the [Commission](#).

- [REC LICENSING FAQ](#)
- [REC RENEWAL FAQ](#)
- [REC ONLINE ACCOUNT LOGIN HELP](#)
- [CE BROKER - CE TRACKING DATABASE](#)
- [FINGERPRINT BACKGROUND CHECK FAQ](#)

VISIT THE COMMISSION'S [WEBSITE](#)

 [SC Real Estate Laws and Regulations](#)

 [Licensee Lookup](#)

 [Board Orders/Disciplinary Actions](#)

 [Applications and Forms](#)



CONNECT WITH SC REAL ESTATE COMMISSION

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