

## Real Estate Commission Laws and Policies

### License Law Spotlight: Identification and Branding

**Individual Name Identification and Branding** - LLR's Office of Investigations and Enforcement (OIE) frequently receives complaints regarding licensees not properly identifying themselves when engaging in the practice of Real Estate. Those complaints include individuals not identifying their legal name, individuals appearing to advertise a company name other than their affiliated brokerage, and individuals advertising they are working at office locations other than their affiliated office address. This is seen on websites, social media, business cards, billboards and signage.

The South Carolina Real Estate Practice Act contains the following language: [SC Code of Laws, Section 40-57-135.\(C\)\(3\)](#) - A licensee may not conduct real estate business under another name or at an address other than the one for which his license is issued.

When marketing or doing business as a SC agent, you should identify the first and last legal name under which your license is issued. If you identify by another name, nickname, or middle name, that name may be identified in quotes or parenthesis along with your legal name.

**Example:** Your legal name is Robert Smith, with "ABC Real Estate" but everyone knows you as Bobby Smith. Identifying as Robert (Bobby) Smith, ABC Real Estate, is permissible. Simply identifying yourself as Bobby Smith, ABC Real Estate, is not.



Also, individuals should not brand themselves separately from their affiliated brokerage office name. If you are affiliated under "ABC Real Estate", you should not also be identifying yourself in a way that would imply you are running a separate real estate brokerage. Using the Robert Smith example again, let's say you identify yourself as being "Robert Smith Properties", but you are affiliated with "ABC Real Estate". This would not be proper as Robert Smith Properties would appear to be a separate brokerage to the public.

The public often has difficulty finding and identifying licensees and cannot find them on the LLR licensee lookup. Commission staff also receives communications from individuals not properly identifying themselves, and staff has to ask the licensee to identify their legal name.

[Individual branding requirements](#) were interpreted by the Commission at its June 21, 2017, meeting. Please note exceptions cannot be made to requirements of the law. The Commission also cannot change your licensed name without documentation of a legal name change.

**Team Branding** - As of January 1, 2017, SC Real Estate licensing law does allow for a team of two or more associated licenses supervised under the same office and working together as a single unit to be formed and identified with the authorization of the Broker in Charge. If allowed, teams must be addressed in the Broker in Charge's Office Policy Manual.

[SC Code of Laws Section 40-57-360](#) establishes the requirements for teams and places responsibility on the Broker in Charge to assure that teams operate in compliance with the law. Teams may have their own team name, however, they must always identify their affiliation under the name of the brokerage office under which they are licensed in a clear, prominent, visible and conspicuous way when identifying the team name. Team names also should not use the words "Realty", "Realtor" or "Real Estate" or other terms that would imply they are a brokerage. A Broker in Charge may not delegate the supervisory, record keeping and trust accounting responsibilities to a team leader.

## Compliance Corner: *Avoid Violations of Other Practice Acts*

SC Real Estate licensees can sometimes engage in activities that might not always fall solely under the authority of the SC Real Estate Commission and the scope of practice authorization of your license.

SC licensed real estate professionals should be aware of the following activities to avoid a violation of the laws administered by other professional licensing boards.

- ◆ Engaging in the sale of three or more manufactured homes in a year (without also a disposition of the underlying land/real property interest) is acting as a Manufactured Home Retail Salesperson.
- ◆ Offering to “value” or producing a report to assess the “value” of real property is acting as an Appraiser.

The Commission encourages all licensees to review the definitions and exemptions below and if you have any questions or concerns regarding the respective practice acts, contact the appropriate licensing board.

### **SC Manufactured Housing Board**

(803)-896-4682

Email: [Contact.MH@lr.sc.gov](mailto:Contact.MH@lr.sc.gov)

### **SC Code of Laws Section 40-29-20**

(15) "Manufactured home retail dealer" means a person engaged in the business of buying, selling, offering for sale, or dealing in manufactured homes or offering for display manufactured homes for sale in South Carolina. A person who buys, sells, or deals in three or more manufactured homes in any twelve-month period or who offers or displays for sale three or more manufactured homes in a twelve-month period is considered a manufactured home retail dealer. "Selling" and "sale" include lease-purchase transactions.

(16) "Manufactured home retail salesman" means a person who is an employee or otherwise acts as an agent or representative of a manufactured home retail dealer and holds himself out as promoting, offering for sale, or selling the manufactured home retail dealer's goods or services.

### **SC Code of Laws Section 40-29-200**

(15) "Manufactured home retail dealer" means a person engaged in the business of buying, selling, offering for sale, or dealing in manufactured homes or offering for display manufactured homes for sale in South Carolina. A person who buys, sells, or deals in three or more manufactured homes in any twelve-month period or who offers or displays for sale three or more manufactured homes in a twelve-month period is considered a manufactured home retail dealer. "Selling" and "sale" include lease-purchase transactions.

(16) "Manufactured home retail salesman" means a person who is an employee or otherwise acts as an agent or representative of a manufactured home retail dealer and holds himself out as promoting, offering for sale, or selling the manufactured home retail dealer's goods or services.

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### SC Real Estate Appraisers Board

(803)-896-4630

Email: [Contact.REAB@llr.sc.gov](mailto:Contact.REAB@llr.sc.gov)

#### SC Code of Laws Section 40-60-20

(2) "Appraisal", as a noun, means the act or process of developing an opinion of value; as an adjective, "appraisal" means of or pertaining to appraising and related functions including, but not limited to, appraisal practice and appraisal services.

(7) "Appraiser" means a person who holds a permit, license, or certification issued by the board that allows the person to appraise real property.

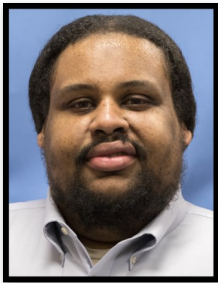
(12) "Market analysis" means a study of real estate market conditions for a specific type of property.

(18) "Real estate appraisal activity" means the act or process of performing an appraisal and preparing an appraisal report.

(29) "Valuation" means an estimate of the value of real estate or real property.

#### SC Code of Laws Section 40-60-30

It is unlawful for an individual to assume or use a title, designation, or abbreviation likely to create the impression that the person is a real estate appraiser or to engage in real estate appraisal activity or advertise as an appraiser without a valid license issued by the department.



Rod Atkinson

### Administrator's Message — Rod Atkinson

The Commission continually receives requests to transfer, inactivate and reactivate licensees or change contact information. There are forms which allow you to perform most of these functions on the Commission's [website](#).

**Inactive Status/Disassociation of licensees:** A licensee can request to be placed on "inactive status" by completing document [#200](#).

A Broker in Charge or Property Manager in charge may request the removal of associated licensees with a signed letter identifying themselves and the licensees they wish to disassociate, or an email from their email address of record with the Commission.

**Transfers:** Transfers from one company office to another can be done online through online services or with document [#200](#), which can be mailed or emailed. A licensee who is currently on inactive status cannot transfer and must instead fill out a request for license reactivation form [#210](#).

**Reactivations:** This form is document [#210](#). It must be signed by the Broker or Property Manager in Charge and mailed to the Commission with a \$10 reactivation fee. You also must include copies of recent continuing education certificates, if required.

**Personal Name or Contact Information Changes:** Document [#190](#) is the personal name or address change form. The form must be completed and submitted with a \$10 fee and legal documentation of the name change. You must be licensed in your legal, government name. Other contact information changes require completion of the form with no fee. This form can be mailed or emailed (if not a legal name change) to the Commission.

**Office/Company Office Name Address Changes:** This is accomplished by completing document [#180](#). It must be completed and signed by the Broker in Charge or the Property Manager in Charge. It also must be submitted with a check or money order. The fee for this action is \$10 per associated licensee with a maximum fee of \$250 per office.

For more information: [Contact.REC@llr.sc.gov](mailto:Contact.REC@llr.sc.gov).

## Commission Members

**Candace W. Pratt (Chair)** – 1<sup>st</sup> Congressional District (Charleston)

**William A. “Andy” Lee (Vice Chair)** – 3<sup>rd</sup> Congressional District (Seneca)

**David C. Lockwood, III** – 2<sup>nd</sup> Congressional District (Columbia)

**David A. Crigler** – 4<sup>th</sup> Congressional District (Greenville)

**John D. Rinehart** – 5<sup>th</sup> Congressional District (York)

**Janelle S. Mitchell** – 6<sup>th</sup> Congressional District (Orangeburg)

**Scott McNew** – 7<sup>th</sup> Congressional District (Myrtle Beach)

**Wayne Poplin** – At Large Member (Charleston)

**Johnathan Stackhouse** – Public Member (Columbia)

## Total Real Estate Licensees

|                                  |               |
|----------------------------------|---------------|
| Active Salesperson               | 27,756        |
| Inactive Salesperson             | 7,036         |
| Active Broker                    | 5,180         |
| Active Broker in Charge          | 7,706         |
| Inactive Broker                  | 1,622         |
| Active Timeshare Salesperson     | 447           |
| Inactive Timeshare Salesperson   | 45            |
| Property Manager                 | 1,679         |
| Inactive Property Manager        | 736           |
| Property Manager in Charge       | 1,290         |
| <b>Total Licensees</b>           | <b>53,497</b> |
| <b>Total Real Estate Offices</b> | <b>11,178</b> |



## William Anderson Lee, Vice Chair Real Estate Commission

**Profession:** Broker in Charge

**Term:** March 2015-2019

**Education/training/military:** I have been in real estate for 19 years. I have had the pleasure of being the Broker in Charge at Lake Keowee Real Estate for 7 years. Lake Keowee Real Estate has developed more than 40 subdivisions on the shores of Lake Keowee and has successfully marketed and sold them.

**Personal Life:** I grew up in the residential construction business in Oconee County to which I am a native of. The Lee family home place is one of the oldest in Oconee.

I have 2 children, Will is 7 and in 1<sup>st</sup> grade. Taylor is 20 and a college student. She recently sat for her real estate exam!

I enjoy spending my spare time on Lake Keowee. I feel very blessed to live in a wonderful and beautiful area of South Carolina.



## Visit the Commission's Website at:

[llr.sc.gov/POL/REC/](http://llr.sc.gov/POL/REC/)

### Website Features

[SC Real Estate Laws and Regulations](#)

[Licensee Lookup](#)

[Board Orders/Disciplinary Actions](#)

[Applications and Forms](#)

[Meeting Minutes](#)

### Course Calendars

[Pre-licensing Course Calendar](#)

[CE Course Calendar](#)

### Continuing Education

[CE Requirements and Exemptions](#)

[CE BROKER – CE Tracking Database](#)

[Contact the Commission](#)

### FAQS

Do you have a question regarding licensing or renewals? Before you contact us, look below to see if your question is answered in the licensing and renewal FAQ documents.

[REC Licensing FAQ](#)  
[REC Renewal FAQ 2018](#)  
[REC Online Account Login](#)

### Check Out All Agency Social Media

The Agency now has a Facebook page in addition to its Twitter account and the Real Estate Commission's Facebook page. These sites proved to be invaluable during the recent hurricanes and flooding. The Agency was able to share critical information in real time at all times of the day.

"These sites provide more tools for the Agency to share important information and to educate the public on who we are and what we do," Communications Director Lesia Kudelka said.

SC LLR – [Twitter](#), [Facebook](#)

State Fire – [Twitter](#), [Facebook](#)

Fire Safe SC – [Twitter](#), [Facebook](#)

SC OSHA – [Twitter](#)

SC Real Estate Commission - [Facebook](#)