

S.C. Real Estate Commission News



Volume IX • No. 2 • A NEWSLETTER OF THE SOUTH CAROLINA REAL ESTATE COMMISSION • December 2003

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COMMISSION MEETINGS

The regularly scheduled meetings of the South Carolina Department of Labor, Licensing and Regulation, Real Estate Commission, are held at 10 a.m. on the third Wednesday of each month at the Commission offices. These meetings are open to the public. Dates are subject to change.



South Carolina Department of Labor,
Licensing and Regulation

New Real Estate Postlicensing Curriculum

The S.C. Real Estate Commission has approved a new postlicensing curriculum for provisionally licensed salespersons. In the past, provisionally licensed salespersons were able to satisfy the postlicensing requirement of 30 hours by obtaining any combination of approved real estate continuing education courses, by completing the property management course, or by completing an appraisal or Unit III Broker-level course.



The South Carolina Real Estate License Law, Section 40-57-100(A)(1), addresses postlicensing as follows:

“Within one year following licensure, a salesman shall provide proof of satisfactory completion of 30 hours of postlicensing instruction in advanced real estate principles and practices.”

The Commission asked a group of real estate practitioners and educators to conduct a study and make recommendations concerning the postlicensing program. The group adopted the following as the overall objective of postlicensing education:

“The intent of postlicensing education is to help the licensee become more proficient in the practice of real estate and to reinforce pertinent pre-license topics so as to protect the public when involved in a real estate transaction”

The group determined that in order to meet this objective, courses approved for postlicensing credit would be written specifically for provisionally licensed salespersons and will be assigned a PL (postlicensing) number for identification.

Four key topic areas were selected as mandated course content. Each PL course contains a minimum of six hours of skill training. The first four modules (PL1 – PL4)

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Online Renewals Increases

Our numbers are up! You must be spreading the word. This was the second year the Commission offered the option of online renewal, and many more licensees seized the opportunity.

We have attempted to make this a quick and easy process for our licensees, and it has definitely shortened our turn around time in processing renewal applications. Each morning, we process all transactions that were completed online the day and evening before, print the license, and place it in the mail. To use the online renewal option, all you need is a MasterCard or Visa and your user-id and password. If you have misplaced your user-id and password, we now have a Web site that will provide this information to you. Go to <http://renewals.llronline.com>, and once you select the START LOGIN PROCESS, there is an option to click and retrieve your user-id and password. Enter your social security number and e-mail address, and your user-id and password will be emailed to you.

Keep spreading the word. This is a win-win situation. The more licensees that use the process, the better, as it allows staff more time to spend with individuals that have complex transactions or other issues. Overall, the time saved by using this option creates a higher quality of customer service for everyone.

The renewal deadline for someone holding a license that expired June 30, 2003, has passed. If you need to verify your current status, you can do so at our license look up Web site, <http://lookup.llronline.com/Lookup/Rec.asp> If your license status

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Reforms to Time Sharing Act In Effect



On October 1, 2003, recently enacted reforms to the Vacation Time Sharing Plans Act

(The Act) became effective. The most significant change required the time share project to prove that a Public Offering Statement containing certain mandated disclosures was given to the purchaser. If the offering statement is not delivered at the time of purchase, then the statutory cancellation period does not begin to run until the statement is provided to the purchaser. In conjunction with this change, the four-day cancellation period was extended by one day to five days. Another notable change included expanding the permissible ways of canceling the contract to include such things as commercial carrier mailings that have evolved since the Act was first passed 25 years ago.

The Commission worked with industry trade groups in proposing the new provisions, which included increased fees

for registration and renewal of both in-state and out-of-state projects.

The industry and the Commission also agreed upon a new licensing scheme for the time share salespersons. The time share salesman license was eliminated and replaced with a registration process. On the Commission's Web page, the old and new provisions have been posted for those people who are interested in reading and comparing the previous Act with the new one. The Web address is www.llr.state.sc.us/POL/RealEstateCommission/

Basically, it is now the broker-In-charge's responsibility to determine whether his salespeople have to be registered or not. The Commission's licensing staff will not monitor how the broker pays salespeople but will issue a requesting registrant card upon being supplied with a completed registration form signed by himself and the broker along with the \$100 fee. No one is prohibited from registering.

The tax consequences of registering or not registering are not within the Commission's power to judge. However, many salespeople choose for tax reasons to receive their pay in the name of a self-owned business.

For the sole purpose of meeting the requirements of the Act, the Commission's staff will consider the following situations:

1. A W-2 employee of the developer/seller does not need to be registered at all.
2. A salesperson using an incorporated IRS Subchapter "S" plan will be considered an employee of the resort; therefore, no registration is required.
3. A salesperson using an incorporated IRS Subchapter "C" plan will not be considered an employee; therefore, he will be required to register with the Commission.

The Commission's enforcement staff will be concerned only with the broker's ability to prove, upon inspection, that he/she has the sales staff properly employed or registered. He/she and the resort may be fined or otherwise disciplined for both the inability to produce records that prove lawful status of his salespeople and for the use of a salesperson that did not adhere to the employment requirement of Section 27-32-180 of the new Time Sharing Plans Act.

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Online Renewals

is showing ACTIVE IN RENEWAL or LAPSED with a June 30, 2003, expiration date, you need to contact Judy Haught or one of the licensing staff members immediately.

Contact Individuals and Numbers for Licensing Transactions

Betty Archie

803-896-4450

Handles salesman and property manager applications, issues provisional licenses, and processes upgrade applications

Jackie Chattman

803-896-4447

Handles examination application for brokers, transfers and reinstatements; and cancellations, and inactive registration renewals

Judy Haught

803-896-4795

Processes renewals, lapsed licenses and certification letters

Jessie Solomon

803-896-4463

Handles broker-in-charge applications; reciprocal applications; company name and address changes; and personal address changes. Issues new brokers licenses and handles property manager-in-charge applications and time share registrants applications

Cooke Joins Education Staff



Wanda Cooke has recently joined the education staff as an administrative assistant. Cooke has spent about 15 years in state government, with most of her career being with the Architectural and Engineering boards. She lives in Lugoff with her husband, Darrel, and two children, Adam and Jessica. Besides spending time with her children, her favorite leisure activities include weekends at the lake and beach, watching college football, and working in her yard.

Cooke's primary responsibilities are to provide customer service to instructors and providers, process applications for course, instructor and providers for Real Estate and

Appraisers, and maintain records within the education department.

You may contact Cooke by telephone at (803) 896-4457 or email at cookew@llr.sc.gov.

In Memoriam

Gerald S. Tompkins, Public Member

Gerald S. Tompkins, Greenville, former Commission member, passed away November 15. He served as a public member from 1988 to 1997.

Tompkins was a graduate of Princeton University and North Carolina State Textile School. He was retired from the J. P. Stevens Co.

He was an active communicant of Christ Episcopal Church in Greenville where he served on the vestry and as a junior warden.

The Commission extends its sympathy to his family.

Commission Elects Officers



Congratulations to the Commission's new officers. At the July meeting, Evelyn K. Young, of Spartanburg, Fourth Congressional District, was elected chairman. Young has served on the Commission since 1976. She is co-owner and vice president of Prudential C. Dan Joyner & Young.

Elected vice chairman was Jay Keenan, principal, Palmetto Commercial Properties, Inc., of Charleston. Keenan is the member-at-large and has served on the Commission since 1997.

W. Steven Sloop of Irmo was elected secretary.

Sloop represents the Second Congressional District and has been a member of the Commission since 2002. He is a broker with Century 21 Bob Capes Realtors in Irmo.

All terms are for one year.

Visit Us On The Net!



Got a minute? Visit us on the net at www.llr.state.sc.us/POL/RealEstateCommission. The page includes a history of the Commission, a listing of current board members, licensure requirements, forms and applications, back issues of the newsletter, and much, much more.

If you have any comments or suggestions, email Ann Parris, parrisa@llr.sc.gov



DISCIPLINARY ACTIONS

CEASE AND DESIST ORDERS

Malise Mattison Greenville, SC

For participating in a real estate transaction in South Carolina without a valid South Carolina license

Fred Moir Savannah Lakes McCormick, SC

For managing real estate in South Carolina without a valid South Carolina license

CONSENT ORDERS

Larry J. Barrett, BIC Rental Property Management Mount Pleasant, SC

For failing to provide proper supervisory control thus allowing a company employee to perform duties as a property manager for a period of more than one year without being licensed by the Commission.
By Consent: Public reprimand and a \$750 fine.

John E. Beck, Broker Coldwell Banker Tom Jenkins Realty Columbia, SC

For demonstrating bad faith, dishonesty, untrustworthiness and incompetency in a real estate transaction in a manner as to endanger the public. The Respondent listed a home and when it did not sell, he agreed to purchase it from the seller on a land contract. At some point in time, the Respondent was unable to continue paying which shifted the liability for the paying for the property back on to the seller.
By Consent: Indefinite suspension stayed to a thirty-day suspension and three years probation with a public reprimand and twenty hours of continuing education within six months.

Christopher B. Blanton, Salesman

Marco Properties Marion, SC

For conducting real estate transactions without the knowledge of his broker-in-charge. Respondent, on at least two occasions, conducted a real estate transaction and was paid directly from the transaction rather than through his broker in charge.
By Consent: Indefinite license suspension stayed to thirty-day suspension and two years probation with public reprimand and a \$500 fine.

Howard E. Estes, BIC Pier View Real Estate, Inc. North Myrtle Beach, SC

For failing to provide proper supervisory control over his rental trust account which resulted in at least two complaints from owners who had not been paid in a timely fashion. Also for using a management agreement that contained an automatic renewal clause which did not meet the spirit and intent of the law requiring a definite renewal date.

By Consent: Public reprimand and a \$2,000 fine, stayed upon two years probation with the condition that he pay a \$500 fine and attend a trust account course within six months.

Roxana C. Garris, Salesman Suits Realty Easley, SC

For being convicted of a felony crime in United States District Court.

By Consent: Public reprimand and probation to run concurrent with her Federal probation.

Gary R. Hediger, BIC Hediger Enterprises, Inc. Greenville, SC

For failing to provide proper supervisory control thus allowing a company employee to perform duties as a property manager for a period of five years without being licensed by the Commission.

By Consent: Public reprimand and a \$750 fine.

Real Estate School of Charleston Charleston, SC

For failing to renew their education provider certificate while continuing, for a period of seven months, to teach real estate qualifying courses. The renewal notices were sent to the administrative offices of The Real Estate School of South Carolina in Columbia as provided in the initial application for the Charleston school and there was no information developed that the instructor knowingly taught classes on an expired certificate.

By Consent: Public Reprimand and a \$500 fine.

Sherrie M. McQuiller, Salesman Century 21 Properties Plus, Inc. North Charleston, SC

For demonstrating bad faith, dishonesty, untrustworthiness and incompetency in a real estate transaction in a manner as to endanger the public and for failing to remit within a reasonable time, monies coming into her possession that belonged to others. Also for failing to report that she had been convicted of crimes involving forgery and moral turpitude.

By Consent: License revocation.

Jenny L. Mitchell, PMIC Greenville Rental Homes. Com Greenville, SC

For demonstrating bad faith, dishonesty, untrustworthiness and incompetency in a real estate transaction in a manner as to endanger the public and for failing to remit within a reasonable time, monies coming into her possession that belonged to others. Also for numerous other enumerated violations of the license law regarding the proper maintenance of trust accounts.

By Consent: License revocation.

Deborah R. Morris, Salesman Robert E. Powell & Associates/GMAC Myrtle Beach, SC

For demonstrating bad faith, dishonesty, untrustworthiness and incompetency in a real estate transaction in a manner as to endanger the public. The Respondent was acting as a buyer's agent for a buyer that wanted to get out of a contract because of information she learned about the property after the contract was ratified by the seller. The Respondent produced false documents which indicated a loan denial to aid the buyer's efforts to claim her earnest money
By Consent: Public reprimand and a \$500 fine.

Larry W. Pollard, BIC The Pollard Company Blythewood, SC

For failing to secure a written agency agreement to represent a buyer.

By Consent: Public reprimand, a \$300 fine and completion of a course on agency relationships.

Robert E. Powell & Associates/GMAC Myrtle Beach, SC

For demonstrating bad faith, dishonesty, untrustworthiness and incompetency in a real estate transaction in a manner as to endanger the public. The Respondent was acting as a buyer's agent for a buyer that wanted to get out of a contract because of information she learned about the property after the contract was ratified by the seller. The Respondent produced false documents which indicated a loan denial to aid the buyer's efforts to claim her earnest money.

By Consent: Public reprimand and a \$500 fine.

Douglas E. Serwich, BIC Serwich & Associates Myrtle Beach, SC

For leasing commercial property upon verbal agreement with the owner and with no written lease to the tenant. Because of the lack of written contracts an argument ensued over the disposition of a security deposit that was claimed by the Respondent to be advanced rent.

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Disciplinary Actions

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By Consent: Public reprimand and a \$1,000 fine with \$750 stayed upon completion of the thirty-hour property manager's course.

Stephen L. Simmers, Broker
ReMax Sea Island Realty
Beaufort, SC

For demonstrating bad faith, dishonesty, untrustworthiness and incompetency in a real estate transaction in a manner as to endanger the public. Respondent, as owner of a real estate company, improperly transferred funds from the company escrow account to the company operating account.

By Consent: Public reprimand and one-year suspension. Further, the suspension was stayed to one month followed by two-years probation with special conditions that the Respondent pay a \$4,000 fine.

James P. Simmons, BIC
All Sold Realty
Myrtle Beach, SC

For failing to complete a buyer agency agreement and for failing to ensure that changes to a contract were initialed and dated by all parties to the contract.

By Consent: Public reprimand and a \$600 fine.

James W. Suber, BIC
Home Shop Realty
Columbia, SC

For advertising a property without a listing agreement and for failing to complete an Agency Disclosure Form and Buyer Agency Agreement before working as a buyer's agent. By Consent: Public reprimand and a \$2,000 fine.

Michael Taylor, BIC
MTP Properties
Columbia, SC

For conducting real estate transactions during a period when the Respondent's license was suspended by the Commission.

By Consent: Two-year license suspension after which the Respondent must appear before the Commission for reinstatement consideration at which time he would have to prove that all complainants have been satisfied.

Melissa A. Wells, Property Manager
AMCS Properties
Palmetto Point Apartments
Goose Creek, SC

For altering the payee line of a tenant's money order rent payment so that she could deposit the payment into her personal account.

By Consent: License revocation.

James M. Wiley, BIC
White Rose Realty
York, SC

For demonstrating bad faith, dishonesty, untrustworthiness and incompetency in a real estate transaction in a manner as to endanger the public. For signing the seller's name to a counteroffer and for altering the seller's intended price on the counteroffer.

By Consent: Public reprimand, payment of a \$3,000 fine and completion of the sixty-hour qualifying broker education course.

Morris W. Worthington, BIC
Lake Wateree Properties
Ridgeway, SC

For demonstrating bad faith, dishonesty, untrustworthiness and incompetency in a real estate transaction in a manner as to endanger the public. For continuing a property listing on his web site after expiration of the listing agreement and for changing the price of the listing under instructions from the seller's lender after the listing expired.

By Consent: Public reprimand and a \$1,000 fine with \$500 being stayed to two years probation.

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New Real Estate Postlicensing Curriculum

will cover the key topic areas, and the final module (PL5) will consist of one of the elective topics. Each postlicensing course has a 20-item examination.

The Commission agreed with the recommendation of the task force that it is critical that each PL module contain skill training components throughout the course and that the students demonstrate their understanding of these skills.

The Real Estate Commission members unanimously endorsed the work accomplished by the task group and thanked the members for their dedicated service. The following are the postlicensing topics and learning objectives:

PL1 Agency and Property Disclosure. The student will be able to

Explain key points in agency and property disclosures as required by federal and

state laws in order to respond to consumer inquiries and to design a disclosure procedure demonstrating

appropriate behavior and documentations.

PL2 Real Estate Contracts. The student will be able to...

Critique, analyze, complete and explain common real estate contracts.

PL3 Ethics and Real Estate. The student will be able to...

Identify situations involving real estate ethics, assess the facts of the situation, explain the ethical choices involved, and state the reasoning behind the choices.

PL4 Measurements and Valuation. The Student will be able to...

Demonstrate basic calculations used in measuring property, accurately measure a specific example and perform a market analysis on that particular property.

PL5 Real Estate Specialty Topics. The student will be able to...

Demonstrate an understanding of and the ability to apply the following real

estate specialty topics:

- Fair Housing
- Finance
- Investments and Taxation
- Property Management
- Commercial Real Estate
- Closing Process and Procedures
- Elements of Construction
- Consumer Beneficial Real Estate Technology

Distance delivery methods will not be suitable for postlicensing due to the required demonstration by students of the skill-building course components.

The postlicensing curriculum will also be made available to sales agents and brokers who want to go back and refresh their knowledge in these important topic areas. Continuing education credit will be awarded to these licensees.

We have only received positive feedback from licensees who have taken the courses, which began September 1, 2003.



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