

S.C. Real Estate Commission News



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The SCREC News is published as an informational and educational service to all licensees of the Real Estate Commission.

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COMMISSION MEETINGS

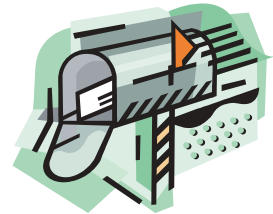
The regularly scheduled meetings of the South Carolina Department of Labor, Licensing and Regulation, Real Estate Commission, are held at 10 a.m. on the third Wednesday of each month at the Commission offices. These meetings are open to the public. Dates are subject to change.



South Carolina Department of Labor,
Licensing and Regulation

It's License Renewal Time

The month of May not only brings warm weather, spring flowers and pollen, it brings renewal notices from the South Carolina Real Estate Commission to its licensees. Approximately 15,000 active and inactive renewal notices will be mailed in May to real estate licensees whose expiration date is June 30, 2004. Individuals can check their license status on the web at the S.C. Department of Labor, Licensing and Regulation's license lookup screen <http://lookup.llronline.com>



The notices are sent to the home addresses on file with the Commission. Each year about 1,000 renewal notices are returned due to incorrect addresses. Remember, it is the licensee's responsibility to renew the license whether or not a notice is received. Not receiving the notice is not an excuse nor a reason to waive penalties, nor will it prevent the lapse of the license. According to the Real Estate License Law, Section 40-57-110 (I), "A license which has not been renewed by date of expiration will be lapsed and may be reinstated within six months following expiration upon payment of applicable fees plus penalties as provided for in Section 40-57-70(B)." Also in Section 40-57-110 (J), it states, "A license which has lapsed and has not been reinstated by the last day of the sixth month following expiration must be cancelled."

If you fail to receive your notice by June 1, 2004, you have three ways to complete the renewal process.

(1) Go to <http://renewals.llronline.com> and start the login process. Once on the login screen, click the "Don't Know your User ID or Password?" option. Follow the instructions by entering your social security number and email address. Your User ID and password will be emailed to you within 15 minutes. If you do not get a response, please contact our office for this information (803) 896-4400. You can then use the online renewal process. There is a cost of \$1.25 for using your credit card (MC or Visa only).

(2) Contact our Fax-on-Demand system at 1-888-269-7646 and request document #355.

You will be sent a blank renewal form by fax to complete and mail back to the Commission along with the proper fee.

(3) Call the Real Estate Commission and request your User ID and password or a blank renewal form to be mailed to you.

Don't Forget Continuing Education

As a condition of active license renewal, a licensee must have completed eight hours of mandatory continuing education between July 1, 2002, and the time of renewal. A renewal will not be processed that indicates the required eight hours will be completed before or on June 30. The eight hours must include a minimum of two hours of core instruction and the additional six hours may be taken in either core or elective instruction.

If a licensee fails to complete the continuing education requirements required by the date of license renewal, he/she may renew by submitting applicable fees, but the license will be placed immediately on inactive status. The license can be reactivated upon proof of completion of continuing education and payment of applicable fees. During the time the license is inactive, the licensee cannot engage in the practice of real estate.

How To Access Continuing Education Course Schedules



As June 30 rapidly approaches, one-half of the real estate licensees in South Carolina will have to acknowledge on their renewal

form that they have completed eight hours of continuing education to allow them to renew their license. Around the end of May, the Commission is inundated with calls from anxious licensees inquiring when and where they can take the required MCE courses. There are several easy ways to obtain an up-to-date schedule of MCE courses or other pertinent forms and applications 24 hours a day, and that is by accessing the Real Estate Commission Web site or the Fax-on-Demand System.

The first easy-access route to take is the S.C. Real Estate Commission's Web site at: www.llr.state.sc.us/POL/RealEstateCommission/

Once you reach that address, you will want to refer to the section entitled PUBLICATIONS, which will be located on the left section of the page. From there

you are off and running and will want to access the information entitled, Forms/Applications – Fax On Demand.

You will now be able to choose any one of the many applications and documents used by licensees. The Real Estate Continuing Education Course Calendar is Document #151.

The second easy-access avenue to take is the Commission's Fax-on-Demand System. The number for the Fax-on-Demand is 888-269-7646 (toll free) and in Columbia (803) 737-8423. You may select up to three documents/forms per call, and the system will direct you through voice prompts in procuring the forms which you request. The Real Estate Continuing Education Calendar on the Fax-on-Demand system is the same as on the Web site, and that is Document #151. The Course Calendar is updated weekly and typically contains courses over a three- to four-month period.

Remember, licensees are required to take eight hours of continuing education courses every two years. Of the eight hours, two hours of instruction must include a core course (federal and state laws affecting brokers and salesmen). All required hours of continuing education may be taken in core courses, however; there must be a minimum of the two hours taken to satisfy the core requirement.

Elective courses are ones that enable licensees to better serve real estate consumers but must be directly related to the practice of real estate. The continuing education courses are labeled in the following manner:

- CEC – Continuing Education Core
- CEE – Continuing Education Elective
- DEC – Distance Education Core
- DEE – Distance Education Elective

Continuing education courses labeled CEC and CEE are taken in the traditional classroom environment whereas the DEC and DEE courses are distance education courses delivered online on your computer. The distance continuing education courses and providers are also found on Document #151. Do not wait until the last minute to take a distance education course only to find out that you have "computer problems" and the program is not compatible with your hardware.

Word to the wise...take your continuing education courses early while the course selection is plentiful. Plan ahead for courses you intend to take whether they are delivered in the classroom or through the Internet.

Watch Those Solicitations

It has come to the attention of the Real Estate Commission from several sources that our licensees are, on a day-to-day basis, actively soliciting referral fees from brokers of mortgage lending services. One story recently related to the Commission reportedly involved a real estate sales person who had only recently attended a license-qualifying school and who was calling on mortgage loan brokers offering to steer them new business for a mere 10 percent of the loan commission.

All licensees need to be aware that soliciting and receiving fees from mortgage brokers has some potentially serious consequences. The license law does not forbid a licensee from receiving a fee from a loan referral; however, South Carolina Code 40-57-145(A)(14) makes

it a clear violation for a licensee to receive compensation from more than one party except with the full knowledge and written consent of all parties. Let there be no mistake about the meaning of that section of the Code. Before a licensee can legally accept a referral fee from a mortgage loan there must be **advanced written consent** from the mortgage broker, the real estate broker-in-charge, the other agent if any, the buyer(s) and the seller(s). Anything short of that recorded disclosure could result in charges of violating the license law and disciplinary sanctions.

Another section of the law that comes into play is South Carolina Code 40-57-145(A)(12) that addresses the interference relating to a buyer's freedom of choice in choosing an attorney, insurance agent, title insurance agent, or any other service

provider to facilitate the real estate transaction.

You all are licensed to sell real estate and you chose that field of endeavor to make a living. Those who put time into that profession will find it rewarding in many ways including financially. If, however, you choose to spend your time looking for slices of other pieces of pie, you will not only degrade your own professional efforts, but you may also be placing your license at risk.

Please consider your future before you start looking for the easy buck.



Renewal Fee Schedule



Active Renewal Fees

Broker-in-Charge or Property Manager-in-Charge	\$120
Broker or Property Manager	80
Salesman	60

Inactive Renewal Fee

Broker-in-Charge or Property Manager-in Charge, Broker, Property Manager, or Salesman all are \$150

Late Fees

From July to December – A \$25 fee is added each month. After December 31, license will be lapsed and a retake of the examination is required.

Time Share Registrants

The active or inactive fee is \$50 due by June 30. If registrant fails to renew by June 30, there is no late fee period. On July 1, a new registration form with the \$100 fee is required.

Inactive Licensee Requirement

All inactive licensees that wish to reinstate their licenses during this renewal period must complete eight hours of continuing education, complete a reinstatement form (document #210) on Fax-on-Demand system or on the Commission Web site www.llr.state.sc.us/POL/RealEstateCommission/ and pay the active renewal fee, the \$10 reinstatement fee, and mail to the Commission office.

Licensees currently on inactive status or active licensees who wish to place a license on inactive status are not required

to complete the eight-hour mandatory continuing education requirement until they want to reinstate the license. To retain inactive status, a licensee must pay the renewal fee indicated on the notice. Notices received requesting inactive status without fees cannot be processed.

If you receive an audit letter from the Commission, you must mail copies of the completed eight hours taken for this renewal period. The Commission office does not keep copies of continuing education on file.

Please do not use the renewal form to request administrative changes. For example: we cannot make a company name change and/or address or a transfer of licensee to another company from a request on the renewal form. To submit a company name change and/or address, go to the Fax-on-Demand on the Web site and retrieve document #180. Please note there is a \$10 per person charge with a maximum of \$250 per company. The transfer form (document #200) is located there also.



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

CONSENT ORDERS

**Steve D. Barnette, Broker
Langston & Black
Greer, S.C.**

For engaging in conduct which demonstrates bad faith, dishonesty, untrustworthiness or incompetency in a real estate transaction.

Respondent took an option on property and then assigned his option in exchange for money. Respondent then failed to make payments on the option thus causing him to lose the option that he assigned.

By Consent: Indefinite license suspension stayed upon notice to the Commission of full restitution to the complainant. Stay includes a public reprimand and probation for two years.

**Joann M. Bohnet, Salesman
Century 21, Bob Capes Realtors
Columbia, S.C.**

For acting as a buyer's agent for property listed by her company without the written consent to dual agency by the buyer.

By Consent: Public reprimand.

**Wallace T. Burke, PMIC
Melrose Long Term Rentals
Hilton Head Island, S.C.**

For allowing a substantial shortage to occur in his company escrow account.

By Consent: License revocation.

**Michele Gibson, Salesman
DR Horton, DBA Torry Homes
Greenville, SC**

For engaging in real estate transactions for Torry Homes after her real estate license lapsed due to nonpayment of her renewal fees.

By Consent: Public reprimand and a \$1,000 fine of which \$500 is stayed to two years' probation.

**Jonathan P. Giles, BIC
DR Horton, DBA Torry Homes
Greenville, S.C.**

For allowing unlicensed individuals to operate as salespersons for Torry Homes. Respondent failed to properly oversee his employees to ensure that their licenses were transferred from another company.

By Consent: Public reprimand and a \$2,000 fine of which \$800 is stayed upon proof to the Commission that his written office policy addresses specific safeguards to ensure that all salespersons are properly licensed before they are allowed to perform activities that would require a license.

**Priscilla K. Palmer, Salesman
DR Horton, DBA Torry Homes
Greenville, S.C.**

For engaging in real estate transactions for Torry Homes before her real estate license was transferred from another company.

By Consent: \$1,000 fine, which is stayed to a public reprimand and two years' probation.

**Kenneth C. Queen, Broker
Coldwell Banker, Tom Jenkins
Realty
Columbia, S.C.**

For engaging in conduct which demonstrates bad faith, dishonesty, untrustworthiness or incompetency in a real estate transaction.

Respondent signed the name of his client to a release of earnest money form without the expressed permission of his client.

By Consent: A public reprimand, \$500 fine and three years probation.

**Sonnie K. Torrey, Saleman
Low Country Real Estate
Beaufort, S.C.**

For failing to complete the required continuing education hours prior to renewal of her license.

By Consent: License suspension stayed immediately upon proof that she has completed her required education. Suspension stayed to one-year probation, a public reprimand and a \$500 fine.

**Jonathan A. Upson, Salesman
The Hubbard Group
Columbia, S.C.**

For failing to complete the required continuing education hours

continued next page



DISCIPLINARY ACTIONS

prior to renewal of his license. Respondent took a course that he believed was approved by the Commission, but was not approved.

By Consent: License suspension stayed immediately upon proof that he has completed his required education. Suspension stayed to one-year probation, a public reprimand and a \$100 fine.

**Linda F. Weakley, Salesman
DR Horton, DBA Torry Homes
Greenville, S.C.**

For engaging in real estate transactions for Torry Homes before her real estate license was transferred from another company.

By Consent: \$1,000 fine, which is stayed to a public reprimand and two years probation.

**Bryan H. Weatherford, Broker
Coldwell Banker
Latorre Real Estate
Charleston, S.C.**

For failing to complete the required continuing education hours prior to renewal of her license.

By Consent: License suspension stayed immediately upon proof that she has completed her required education. Suspension stayed to one-year probation, a public reprimand and a \$500 fine.

**Harry E. Wolpert, Salesman
Agent Owned Premiere Group
Santee, S.C.**

For failing to complete the required continuing education hours prior to renewal of his license.

By Consent: License suspension stayed immediately upon proof that she has completed her required education. Suspension stayed to one-year probation, a public reprimand and a \$500 fine.

Employers Beware

Employers in South Carolina are required to post two employment notices from the South Carolina Department of Labor, Licensing and Regulation in a place or places where employees can see them. These posters are: OSHA (Occupational Safety and Health) and the Labor Law Abstract (Payment of Wages, Child Labor, Right-to-Work).

Three other state agencies also require employment postings: the Employment Security Commission's "Workers Pay No Part of the Cost for Job Insurance" (UCI 104) and "If You Become Unemployed (UCI 105); the Workers' Compensation Commission's "Workers Comp Works For You"; and the Human Affairs Commission's "Equal Opportunity is the Law".

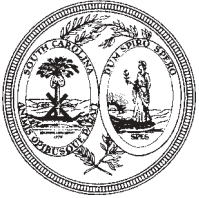
Due to budget constraints, LLR is no longer printing these posters. They can be downloaded from this site.

Currently, the following agencies are still printing the posters in an all-in-one format:

- S.C. Employment Security Commission, (803) 737-2474, www.sces.org
- S.C. Human Affairs, (803) 737-7800 or 1-800-521-0725, www.state.sc.us/schac
- S.C. Workers' Compensation Commission, (803) 737-5700, www.wcc.state.sc.us



www.llr.state.sc.us



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