

# S.C. Real Estate Commission News

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## Agency Under the Real Estate Practice Act (REPA)

The South Carolina Real Estate Practice Act, which was revised and became effective on January 1, 1998, did not change anything about the general concepts and practice of agency. What the new law does is define into statute the duties, responsibilities, and obligations of real estate licensees when providing service to and/or acting as agent for a consumer in a real estate transaction. When appropriately and adequately explained and disclosed by the licensee, the law presents the opportunity for a clearer understanding by the public of agency relationships in real estate. The Commission's mandated and approved disclosure forms are the tools for use in helping to ensure that licensees have not only complied with the law, but have gained some measure of risk reduction.

Over the past three months, the Commission has received many procedural questions. These questions, which expose practical concerns as well as realities of the marketplace, have caused the Commission to consider and publish the following interpretations and guidelines:

### A RESTATEMENT OF FACT

Every consumer who desires to become involved in a real estate transaction and work with a real estate licensee (whether selling or buying) has the right to know whether or not his/her interests will be represented and, if so, who will represent that interest as his/her agent. Further, it is the consumer's choice to make **after** he/she has been fully informed by the licensee and understands the options.

### REPRESENTATION BASICS

#### Agency Is the Bridge from Customer to Client Level Representation

A licensee who begins working with a potential buyer shall establish at first contact whether the buyer shall be a customer or a client. A licensee should inquire further as to whether or not the potential buyer is already being represented.

A buyer who, after a meaningful explanation of agency by a licensee, chooses **not** to establish an agency relationship with that licensee but only to **use the services** of the licensee, is considered to be a customer and shall receive an explanation of the scope of services that will be provided and disclosure using the Acknowledgment of Agency Disclosure form. Seller and buyer agency representation agreements must be in writing and contain at a minimum the terms and conditions as described in the license law. For a seller, the listing contract is the agreement. For the buyer, the buyer agency form is the agreement. Both will be provided by the BIC. The Real Estate Commission's approved agency disclosure form is not an agency agreement and is not a substitute for a written agency representation agreement.

A licensee must have a client in each real estate transaction. A real estate transaction begins at the time the buyer expresses an interest in or conveys an offer to the seller to purchase property. You may have two clients in the same transaction (disclosed dual agency) if both seller/client and buyer/client agree in advance and in writing prior to

*See Practice Act on page 3*

## Attention All Recent Licensees (And Your BICs)

With the license law change of January 1, you, as a licensee entering the real estate profession, no longer have a second examination for which to prepare. You still, however, need 30 hours of education in your first 12 months of licensure in order to upgrade your license and remove the provisional status. The structure of that 30 hours has changed, and there are no longer any "Unit II" courses. You now have many more courses from which to choose, and hopefully you can structure your education to meet your individual needs and interests or those of your Broker-in-Charge.

Since you have passed your sales examination and found a Broker-in-Charge for whom to work, you should immediately begin planning your postlicensing education. Your prelicensing course provider may have suggested returning to that school for the next 30 hours, and that is one option. You may also pick and choose from the mandatory continuing education (MCE) courses offered around the state, or you can take the 30-hour Commission-approved property management course or one or more of the Appraiser Board-approved classes. If these are areas in which you wish to specialize, we suggest either course of action.

Right now, to start your planning, why don't you call the Commission's Fax-on-Demand line and request the latest Calendar of Real Estate Courses

*See Licensees on page 2*



The South Carolina  
REAL ESTATE

COMMISSION NEWSLETTER

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Real Estate Commission

Robert L. Selman, Administrator

110 Centerview Drive

Post Office Box 11847

Columbia, South Carolina 29211-1847

Telephone (803) 896-4400

Fax (803) 896-4404

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..... 896-4455  
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Manager Regulatory Compliance  
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..... 896-4448

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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.

# Renew Early To Avoid Those Late Penalties!

**T**he bad news is that it's almost time to renew real estate licenses again. The good news is that only half of the total number of licensees (active and inactive) will be required to renew this year.

Renewal notices will be mailed around the middle of May. If you do not get one, check your license for the expiration date. If it doesn't read 06/98, then you *do not* have to renew this year. Failure to receive the renewal notice does not relieve licensees of the responsibility of seeing that their license renewal fees are paid. **Section 40-57-110(H) states, "It is the licensee's responsibility to renew the license whether or not notice is received."**

All sales and broker licensees who are due to renew by June 30, 1998 must also have met the 8-hour continuing education requirement. You may check your CE status by calling (803) SERVICE (737-8423).

**REMINDER: It is your responsibility to notify the Commission of any change in your mailing address (see Section 40-57-180(D) of the Real Estate License Law). Failure to do so is a violation of law and could result in cancellation of your license. If your address has changed, notify us in writing today!**

One of the many changes brought about by the new Real Estate License Law, which became effective on January 1, 1998, is the penalty for renewing late. In the past, a licensee had until the next renewal period to pay late fees and be relicensed. Starting with this year's renewal, the late penalty is \$25 per month, or part of a month, until December 31, at which time the license is canceled. After that date, anyone wishing to be relicensed must qualify for and pass the examination.

**REMINDER:** You may send in your renewal application with the appropriate fee even if you *have not* completed continuing education requirements. The license will be renewed and immediately placed on inactive status.

## Licensees - *continued from page 1*

(803) SERVICE (737-8423). Your next step is to evaluate all your alternatives. You will see courses with titles that interest you or your Broker-in-Charge. Seek his or her guidance. When calling a provider, ask more about the content to determine if it is really what you want. Ask about the instructor's qualifications to teach the class—how long has he or she been doing so. And ask if the school has a cancellation policy that might adversely affect you if you are trying to beat a deadline.

We warn you not to wait until the deadline. You have 12 months from the time you are first licensed. No one licensed after January 1, 1998, will be allowed the three-month grace period granted in the past. You may complete your 30 hours and apply for an upgrade as soon as you want to. **You do not have to wait the full 12 months.**

**Brokers-in-Charge** need to be aware of this system because they should be participating in the decisions their agents are making during this critical first year of licensure. When you associate new licensees, their licenses will be mailed to them at your office. That's the time to ask about their plans for their 30 hours of postlicensing classes and work closely with them as they seek suitable courses. You have a chance now more than ever to participate in your agents' training. Your interest in their career will only make them more valuable to your company.

# Real Estate Practice Act - *continued from page 1*

beginning negotiations. The licensee uses the Disclosure and Consent to Dual Agency form as documentation. A licensee cannot have a seller/customer and a buyer/customer in the same transaction. This would make the licensee a facilitator, which is not legal in South Carolina.

In-house seller/client listings can be shown to an agency's buyer/client only as a dual agent. If either client refuses dual agency, office policy should dictate procedure. Treating a buyer as a customer allows in-house seller/client listings to be shown to the buyer without creating a dual agency situation.

A buyer/customer can be upgraded to buyer/client. Once converted to a client, the buyer cannot revert to a customer. A licensee should not attempt to treat a current or former client as a customer in another transaction. Example: The licensee's seller/client wants to find a replacement home. The licensee's seller/client should be treated as a buyer/client.

A licensee may show to a disclosed and documented buyer/customer listings of other brokerage companies which do not offer sub-agency. However, the licensee may not begin a real estate transaction with that buyer/customer unless the licensee:

- a. asks for and gets a subagency agreement with the seller's agent or
- b. converts buyer/customer to a buyer/client using the Acknowledgment of Agency Disclosure form and a written buyer agency agreement

One or the other (a or b) must be accomplished along with the appropriate documentation prior to any meaningful discussions or negotiations. A third option would be to refer the buyer to the listing company.

When working with FSBO and buyer/customer, the licensee should attempt to convert his/her buyer/customer to buyer/client using Acknowledgment of Agency Disclosure and a written buyer agency agreement. The FSBO would then become the seller/customer.

If the buyer wants to remain a customer, the licensee must list the FSBO with a listing agreement as well as use the

Acknowledgment of Agency Disclosure form in order to show the property. Both forms must be signed prior to showing the FSBO home to the buyer/customer.

Confidentiality survives agency termination or modification unless:

- a. the client grants consent
- b. disclosure is required by law
- c. disclosure is necessary to defend licensee in a proceeding before the Real Estate Commission or professional association

## **DISCLOSURE BASICS Disclosure and Documentation Are the Bridge to Informed Consent**

Licensees must provide in a timely manner to all sellers and buyers with whom they work:

- a. a meaningful explanation of agency
- b. a completed agency disclosure form
- c. a description of services to be provided

Timely disclosure:

At first substantive contact. For the seller, this occurs at listing. For the buyer, substantive contact is the earlier of prequalification or showing a property (except at an open house).

Disclosing dual agency:

- a. Explain the possibility of dual agency when entering into a representation agreement with seller/client or buyer/client and document on the Acknowledgment of Agency Disclosure form.
- b. When the dual agency occurs, notify both clients and get affirmation from seller/client and buyer/client prior to showing property. Notification may be made orally and/or in accordance with any prior agreements.
- c. Document on the Disclosure and Consent to Dual Agency form. This is essential prior to submission or consideration of any offers.

A Disclosure and Consent to Dual Agency form is not required for showings in which the buyer/client is not interested and does not enter into a transaction with the seller/client.

Disclosing to a FSBO:

With buyer/client documentation of disclosure can be accomplished by providing the FSBO a copy of the form which the buyer signed and getting the FSBO to sign on the same form. The licensee may alternately complete a new Acknowledgment of Agency Disclosure form indicating the licensee represents the buyer and have the FSBO sign.

Disclosure at an open house or model home:

Prospective buyers must be "mirandized" (informed as to whom you represent) upon initial contact. A completed agency disclosure form will be required at the open house or model home only if the licensee begins working with the buyer, starts a meaningful discussion (such as prequalification) or shows other properties.

Commercial transactions are not exempt from disclosure. However, the Commission-approved agency disclosure form is not required for landlord/tenant transactions.

## **RISK REDUCTION Compliance Is the Bridge to Risk Reduction**

It is important and required that agency disclosure be attempted, accomplished, and documented on the Real Estate Commission's approved form. Oral disclosure is not acceptable unless documented in a timely fashion or at first face-to-face contact. In some limited circumstances and for practical reasons, there may be a time delay between oral disclosure and documentation. However, such delay cannot extend beyond meaningful discussions or the beginning of negotiations of a transaction.

Record Maintenance:

Agency disclosure forms are among the records required by law to be maintained for a minimum of five years. This includes disclosure forms completed and filed, as required, prior to showing properties even though a transaction may not have been initiated.



# DISCIPLINARY ACTIONS

## HEARINGS

- Lindy E. Arnold, Marietta, GA\*
- Lawrence D. Coates, North Charleston, SC\*
- Charles Howard, Lexington, SC \*
- Naomi E. McDuffie, Ladson, SC \*
- Marc A. Sacha, Hilton Head Island, SC\*

\*Each for issuing a check to the Commission for license renewal which, when presented to the financial institution, was returned for insufficient funds.

**By Order of the Commission:** License revocation and a \$500 fine.

**Thomas Christopher Belk, Salesman  
Rinehart Realty  
Rock Hill, SC**

For being convicted of a crime of moral turpitude and failing to report same within the time mandated by the real estate licensing law.

**By Order of the Commission:** Indefinite license revocation with future reinstatement contingent upon restitution to the crime victim.

**Steven O. Campbell, Salesman  
Coldwell Banker Tom Jenkins Realty  
Columbia, SC**

For engaging in conduct in a real estate transaction which demonstrated bad faith, dishonesty, untrustworthiness or incompetency in a manner as to endanger the interest of the public and for making substantial misrepresentations regarding the transaction. Respondent misrepresented to the sellers that the buyers were going to assume the sellers' mortgage loan, a fact on which the sellers relied until it was discovered after the closing that the loan had never been assumed.

Respondent also solicited and received additional commission from the sellers after the closing. The additional commission was not reflected on the HUD settlement statement.

**By Order of the Commission:** Public reprimand and a \$500 fine.

**Alwin Harrison, Broker-in-Charge  
Harrison Realty Company  
Columbia, SC**

For not complying with the terms of his probation resulting from an earlier Commission Order.

**By Order of the Commission:** License revocation.

**Juan M. Jackson, Broker-in-Charge  
Americanos Realty & Associates  
Columbia, SC**

For engaging in conduct in a real estate transaction which demonstrated bad faith, dishonesty, untrustworthiness or incompetency in a manner as to endanger the interest of the public and for failing to properly maintain and account for earnest money deposited into his trust account. Also for failing to properly disclose his agency relationship, for making a substantial representation in a real estate transaction and for failing to display his broker-in-charge sign outside of his office. Most of the charges for which the Respondent was found guilty involved HUD contracts for which he did not collect the earnest money recited on the contract and for placing a HUD offer indicating the property was to be owner occupied when, in fact, he re-sold the property immediately.

**By Order of the Commission:** License revocation and a fine of \$4,500.

**James E. MacDonald, Broker-in-Charge  
Realty Associates  
Ladson, SC**

For not complying with the terms of his probation resulting from an earlier Commission Order.

**By Order of the Commission:** License revocation and a fine of \$5,000.

**William B. Scott, Broker-in-Charge  
Coastal Properties, Inc.  
Hilton Head Island, SC**

For engaging in conduct in a real estate transaction which demonstrated bad faith, dishonesty, untrustworthiness or incompetency in a manner as to endanger the interest of the public, for failing within a reasonable time to account for or to remit monies coming into his possession belonging to others, for mishandling trust funds and for writing checks returned for insufficient funds.

Respondent sold 1.8 acres of marsh front

property on Daufuskie Island, South Carolina and took a \$3,000 earnest money deposit that he placed into his trust account. When the transaction failed to close because clear title could not be conveyed, the Respondent refused to return the earnest money that was no longer in his trust account. The Respondent's trust account was also found to contain numerous charges for insufficient funds.

**By Order of the Commission:** Permanent license revocation and a fine of \$4,000.

**Linda L. Weger,  
Property Manager-in-Charge  
Seaside Villas Resort Rentals  
Hilton Head Island, SC**

For using trust account funds for office operating expenses and for failing to keep her trust account records in accordance with the real estate license law and regulations.

**By Order of the Commission:** License revocation stayed upon successful completion of two (2) years probation with special conditions that she pay a \$1,000 fine within sixty (60) days and complete a trust account course within nine (9) months.

## CONSENT ORDERS

**Elmyra A. Bass, Salesman  
Prudential Hilton Head Properties  
Hilton Head Island, SC**

For issuing a check to the Commission for license renewal which, when presented to the financial institution, was returned for insufficient funds.

**By Consent:** Revocation stayed to twelve (12) months probation, a public reprimand and a fine of \$150.

**William S. Brissey, Broker-in-Charge  
Bill Brissey Real Estate  
Anderson, SC**

For failing to have the seller, who was his client, sign a consent to dual agency when the Respondent brought a buyer client into the

See **Disciplinary Actions** page 5

# Disciplinary Actions - *continued from page 4*

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transaction. An investigation by the Commission revealed that the Respondent, as the listing broker, failed to prepare an Agency Disclosure Form as required in that he originally reported that he represented the seller, but later when he also represented the buyer through one of his associated licensees, he failed to first get permission from the seller to be a dual agent documented on an agency disclosure form.

**By Consent:** Public reprimand and a \$300 fine.

**Glenn Brown, Salesman  
Coldwell Banker Tom Jenkins  
Columbia, SC**

For entering into unwritten property management agreements without the knowledge of his employing broker and for failing to properly handle rents from tenants by not keeping the required records and not depositing the funds into an escrow account.

**By Consent:** License suspension and a \$1,000 fine stayed to forty-eight (48) months probation and a public reprimand.

**Carson J. Bulwinkle, Broker-in-Charge  
Bulwinkle Real Estate  
Charleston, SC**

For a shortage of \$19,000 in his rental escrow account discovered during a routine office inspection. Shortage was caused by improper bookkeeping, was corrected immediately and not found to have been caused by any conversion of client's funds.

**By Consent:** Public reprimand and a fine of \$1,000 with the fine stayed upon the condition that he pay a \$300 fine and attend the thirty-hour broker's course.

**Manuel Ferreira, Broker-in-Charge  
Myrtle Beach Resort Rentals  
Myrtle Beach, SC**

For failing to deposit and maintain funds received in real estate transactions into a real estate trust account and for issuing non-sufficient fund checks on his escrow account. Respondent's actions resulted in an escrow account shortage in excess of \$110,000.

**By Consent:** Permanent license revocation.

**Lawrence C. Foster, Broker-in-Charge  
Foster Realty & Development**

**Gaffney, SC**

For managing six properties for the city of Gaffney without written management agreements. Investigation by the Commission has revealed that in the year 1990 the Respondent held a part time position as Rehabilitation Specialist for the City of Gaffney and that as part of his duties for the city he was to collect rent monies in exchange for managing six (6) properties belonging to the City. The Respondent, who was also at the time, Broker-in-Charge of Foster Realty & Development, failed to initiate written management agreements with the City of Gaffney.

**By Consent:** Public reprimand

**Donald E. Garrison, Broker-in-Charge  
Gold Resorts, Inc.  
North Myrtle Beach, SC**

For acting as a straw broker and not maintaining an active escrow account.

**By Consent:** Public reprimand and voluntary surrender of his Broker-in-Charge license.

**Gregg Herman, Salesman  
Southwind Sales & Marketing  
Hilton Head Island, SC**

For issuing a check to the Commission for license renewal which, when presented to the financial institution, was returned for insufficient funds.

**By Consent:** Revocation stayed to twelve (12) months probation, a public reprimand and a fine of \$250.

**Walter S. Howerton, Broker-in-Charge  
Jefferson Commercial Properties  
Ladson, SC**

For not maintaining an active escrow account, not having proper office sign and not maintaining records in accordance with prescribed regulations.

**By Consent:** Public reprimand and required to pass the state portion of the real estate exam.

**Linda P. Hyatt, Broker-in-Charge  
Hyatt Realty  
Dillon, SC**

For not being able to produce an agency disclosure form for personally owned real estate that she sold.

**By Consent:** Public reprimand and a \$300 fine.

**Phillip W. Jenkins, Salesman  
Coldwell Banker Tom Jenkins  
Columbia, SC**

For failing to provide a clear termite letter as required by the contract and for failing to disclose a material defect regarding the sale of his personal real estate. The investigation revealed that pursuant to the contract for sale the Respondent was to provide a clear termite letter at closing, that an inspection by Terminex reported damages requiring repair by a licensed contractor and that the Respondent ordered the repairs made by an unlicensed contractor and failed to provide a clear termite letter at closing, choosing instead to submit a paid invoice for the repairs. The investigation further disclosed that the Respondent failed to report a material defect, in that the pool heater had been frozen and was not working.

**By Consent:** Public reprimand.

**Elizabeth M. Kearney, Broker-in-Charge  
Sands Realty  
Garden City, SC**

For failing to deposit and maintain funds received in real estate transactions into a real estate trust account, for issuing non-sufficient fund checks on her escrow account, for failing to maintain adequate record keeping systems and for failing to maintain records for the required five (5) years. Respondent's actions resulted in an escrow account shortage in excess of \$3,500.

**By Consent:** Permanent license revocation.

**Curtis J. Lollis, Broker  
Beresh/Howard Real Estate, Inc.  
Piedmont, SC**

For being convicted of failing to pay subcontractors, a crime of moral turpitude.

**By Consent:** Public reprimand and thirty-six (36) months probation.

**Margaret Ann Love, Broker-in-Charge  
Apartments Plus  
North Myrtle Beach, SC**

For failing to deposit and maintain funds received in real estate transactions into a real estate trust account, for issuing non-sufficient fund checks on her escrow account, and for failing to maintain adequate record keeping

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See **Disciplinary Actions** page 6

# Disciplinary Actions - *continued from page 5*

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systems. Respondent's actions resulted in an escrow account shortage in excess of \$50,000.  
**By Consent:** Permanent license revocation.

**William M. Lundy, Broker-in-Charge  
Buyers Broker Group  
Myrtle Beach, SC**

For failing to prepare an Agency Disclosure Form regarding a property that he sold and later listed for sale. Respondent failed on both ends of the transaction to provide the proper agency disclosure.

**By Consent:** Public reprimand and a \$300 fine.

**Heyward R. McConnell, Broker-in-Charge  
Hellams Rental Agency  
Greenville, SC**

For failing to deposit and maintain funds received in real estate transactions into a real estate trust account, for issuing non-sufficient fund checks on his escrow account. Respondent's actions resulted in an escrow account shortage in excess of \$5,500.

**By Consent:** License revocation stayed to a public reprimand and five (5) years probation with special conditions that he restore the escrow shortage and relinquish his Broker-in-Charge license for the duration of his probation.

**Betty P. Mason, Salesman  
Linda Dillard & Associates  
Greer, SC**

For entering into a listing agreement wherein she disclosed that she was representing the seller and later represented the buyer in a dual agency capacity without first obtaining the permission of the seller thus becoming an undisclosed dual agent.

**By Consent:** License suspension and a fine of \$1,000 stayed with the stipulation that she pay a \$300 fine and attend a Commission-approved course on agency.

**Pamela Osborne, Broker  
Leathermann Realty  
Florence, SC**

For conduct in a real estate transaction that demonstrates bad faith, dishonesty, untrustworthiness or incompetency in a manner as to endanger the interest of the public. Respondent exhibited a lack of competence in drafting a real estate contract

so that \$5,000 put up by the buyer was lost when he withdrew from the contract. The buyer believed that the \$5,000 was refundable if he could not obtain financing, however, seller believed that the \$5,000 represented option money.

**By Consent:** Public reprimand, a fine of \$500 and \$5,000 restitution to the buyer. In addition, the respondent was required to enroll in and complete one course on agency and one course on ethics.

**William H. Pressley, Broker-in-Charge  
Pressley Realty, Inc.  
North Augusta, SC**

For failing to disclose his personal interest in a real estate transaction and failing to complete an Agency Disclosure Form.

**By Consent:** Public reprimand and a \$250 fine.

**Jerome Raley, Salesman  
Coldwell Banker Tom Jenkins Realty  
Columbia, SC**

For conduct in a real estate transaction that demonstrates bad faith, dishonesty, untrustworthiness or incompetency in a manner as to endanger the interest of the public and failure to provide an Agency Disclosure Form. An investigation by the Commission revealed that the Respondent, acting as the agent for the buyers, failed to execute an agency disclosure on a form approved by the Commission. The Respondent further failed to properly advise his clients regarding a home inspection, failed to follow through on a home warranty that was listed as being included and failed to represent his clients at closing and did not arrange for anyone from his company to take his place.

**By Consent:** License suspension and \$2,000 fine stayed to a public reprimand and probation for thirty-six (36) months with special condition that he pay a fine of \$500 and take an agency course approved by the Commission.

**Gregg H. Richardson, Broker-in-Charge  
The Real Estate Center, Inc.  
Longs, SC**

For failing to maintain escrow account records in a manner prescribed by regulations, for relocating his office without notifying the Commission and for writing checks on his operating account that were returned for non-

sufficient funds.

**By Consent:** Twelve (12) month license suspension stayed upon public reprimand and probation for thirty-six (36) months with special conditions that he pay a fine of \$1,000 and attend classes on trust accounts and agency.

**John C. Roland, Broker-in-Charge  
Bradford Village  
Santee, SC**

For failing to provide the buyers with an Agency Disclosure Form indicating that he was representing the sellers.

**By Consent:** Public reprimand and a \$300 fine.

**Mark A. Ruplinger  
Salesman - Inactive**

For being convicted in United States District Court of possessing, with intent to distribute, a controlled substance.

**By Consent:** License revocation.

**Joyce B. Rush, Broker-in-Charge  
Joyce Rush Real Estate  
Greenwood, SC**

For failing to maintain an active escrow account, failing to maintain records in accordance with the regulations, not displaying the proper signage and failing to notify the Commission of her change in office address.

**By Consent:** Public reprimand.

**Edgar F. Seay, Broker-in-Charge  
South Shore Properties  
Summerville, SC**

For failing to maintain an active escrow account, failing to maintain records in accordance with the regulations and not displaying the proper signage.

**By Consent:** Public reprimand.

**Frank P. Washington, Broker-in-Charge  
Frank Washington Realty, Inc.  
Columbia, SC**

For failing to complete an Agency Disclosure Form in a real estate transaction.

**By Consent:** Public reprimand and a \$300 fine. Additionally the Respondent is required to take a course on agency.

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See **Disciplinary Actions** page 7

# New Rules for Sales License

Starting on January 1, 1998, all applicants who apply for examination under the new license law will have one year after they pass in which to apply for a license. Those who applied for examination prior to December 31, 1997, but who did not pass until after January 1, will have their license mailed as soon as the grades are received. They will not be required to pay another fee since the license fee was included in the application fee.

All sales licenses issued after January 1 are deemed to be issued under the new law. These licenses may not be placed on inactive status. If a broker should turn in someone's license, the licensee will have 15 days in which to place it with another broker.

During the first 12 months of licensure, a total of 30 hours of postlicensing courses must be completed. Licensees may apply to upgrade the license to permanent status by submitting the application, proof of course completion and a \$25 fee. The provisional sales license will expire on the last day of the 12th month following date of issuance. To be relicensed, those who have not fulfilled the postlicensing requirements must qualify for and pass the sales examination.

## Disciplinary Actions

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### Joe B. Williams, Broker-in-Charge Joe Williams & Associates, United Country Walterboro, SC

For failing to prepare Agency Disclosure Forms in any transaction where he obtained the listing. Also for failing to maintain proper sub-ledgers contributing to an escrow account shortage in excess of \$2,000.

**By Consent:** Public reprimand and a fine of \$1,500. Fine stayed to twenty-four (24) months probation with special conditions that he pay a fine of \$300 and attend courses on trust account procedures and South Carolina License Law update.

# Be Aware of Fee Schedule Changes

Effective January 1, 1998, license fees have been revised. NOTE: The correct two-year renewal fee is \$80 for broker/property manager and \$60 for salesman. These fees were incorrectly listed in the black book for one year only. Listed below is the new fee schedule:

### Examination Process

Application .....	\$ 25
Credit Report .....	\$ 10
Examination*** .....	\$ 63

### New License

Broker-in-Charge/Property Manager-in Charge** .....	\$250
Broker/Property Manager** .....	\$125
Salesman (Provisional)* .....	\$25

### Renewal

Broker-in-Charge/Property Manager-in-Charge** .....	\$120
Broker/Property Manager** .....	\$80
Salesman** .....	\$60

### Licensing Transaction(s)

Upgrade .....	\$25
Transfer .....	\$10
Duplicate License .....	\$10
Certification of Licensure .....	\$10
Personal Name Change .....	\$10
Change License Status from Broker-in-Charge/Property Manager-in-Charge to Broker/Property Manager .....	\$10
Place License on Inactive Status .....	\$10
Activate License (same classification) from Inactive .....	\$10
Company Name/Address Change .....	\$10
per licensee (maximum of \$250 per office)	

\* One-year fee

\*\* Two-year fee

\*\*\* Determined by Contract with Testing Provider

### Lance E. Woodley, Salesman Coldwell Banker Tom Jenkins Realty Columbia, SC

For failing to complete and Agency Disclosure Form in a real estate transaction and for failing to fully disclose his position as a principal in the transaction.

**By Consent:** Public reprimand and a fine of \$1,000 with the fine being stayed to \$300. Respondent was also required to attend a course on real estate agency.

### Jane E. Yarboro, Salesman Mullins Realty Company Mullins, SC

For failing to tender to the seller, an offer she had received from a potential buyer. Respondent did tender an offer made by one of her customers, but withheld an offer made through another company.

**By Consent:** Public reprimand and a fine of \$1,000. Respondent also required to attend a course on agency relationships.



SOUTH CAROLINA REAL ESTATE COMMISSION

## **S.C. REAL ESTATE COMMISSION NEWS**

Koger Office Park, Kingstree Building  
110 Centerview Drive  
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## **Burgdorf and Hammond Receive Honors**

Governor David M. Beasley recently presented The Order of The Palmetto to Commission member Frank A. Burgdorf and former member and chairman Frank P. Hammond.

Burgdorf, a member of the Commission since 1988 and vice chairman from 1994 to 1996, is a graduate of the Realtor Institute and holds the Certified Residential Broker Manager designation. He taught real estate courses for over 25 years and received the first annual Educator of the Year Award (1990) given by the South Carolina Association of REALTORS. A resident of Columbia, Burgdorf is active in civic organizations and is a past president of the Columbia Sertoma Club.

Hammond retired from the Commission July 1997. He served as At-Large member for 17 years and as chairman from 1994 to 1996. A graduate of Clemson University, he is a director of Clemson University Real Estate Foundation which handles the disposition of real estate gifts to the University. Hammond owns a real estate brokerage firm and is active in the Greenville REALTORS Association. He received a recognition of service from the Greenville REALTORS Association in 1966.

Congratulations to both these distinguished gentlemen.