



Real Estate Commission Laws and Policies

Important News: 2019 Renewals Begin May 1



South Carolina Real Estate licensees with a June 30, 2019, expiration date may begin renewing their licenses on May 1, 2019. On this date, an online renewal login link and printable renewal applications will be posted on the Real Estate Commission [website](#).

All licensees are encouraged to renew online. Individuals who are required to report disciplinary action, criminal convictions or pending criminal charges since the last renewal will need to

submit additional documentation and will be provided with an email address during the renewal process for submission. Renewal notices will also go out by mail and/or email on May 1st.

USER ID information will be included in your renewal notice. Password information will NOT be provided. You will need to have an up to date email address to reset your password or to recover your USER ID online. Please review the links below regarding renewals and regarding assistance if you are unable to log in to your online services account.

[Renewal FAQ](#)

[Online Account Login Help](#)

Please review the continuing education requirements and claim your CE Broker account to make sure you have properly completed and that the necessary CE or exemption has been reported to renew as active if you are a salesperson, broker or broker in charge.

[CE Requirements and Exemptions](#)

[CE Broker—CE Tracking Database](#)

A regularly updated calendar of upcoming CE courses is available on the Commission's [website](#).

Remember, licenses which expire on June 30, 2019, that are not renewed before January 1, 2020, will be canceled by State law. After the June 30th expiration, an additional \$15 late fee will be assessed for each month the renewal is late through December.

As a licensee, it is your responsibility to keep up with your expiration date and to renew. Licensees are required to renew whether or not they receive notice.

I Do Not Know My Expiration Date — If you are not sure of your license expiration date, you can utilize Licensee Look-up to confirm your date.

Administrator's Message - Rod Atkinson

Qualifying for Licensure in Another Jurisdiction — If you are currently licensed in South Carolina and wish to apply for licensure in another state or jurisdiction, in most situations, other jurisdictions will request a Certification of License History. It may be titled slightly differently between jurisdictions, but the document will usually contain the same information and format.

This document is more than just a copy of your license, it is a transcript of the history of your license and will include: how you qualified (written examination or reciprocity); license type; current status; past status changes; periods of activity and inactivity; and disciplinary history. This document will have the seal of the licensing authority that has issued your license.

If you need to apply for real estate licensure in another jurisdiction, you will likely need to order a certification of license history from the South Carolina Real Estate Commission. To obtain a certification of licensure history, you will need to complete the [form](#) and send in with the \$5 processing fee. Staff will research license history and create a certification that can be sent to the address of choice. It can be ordered online as well.



Rod Atkinson

Compliance Corner: Property Management Office Names

One of the most common points of confusion is regarding the naming of property management offices when someone applies to become a property manager in charge.

When management companies enter into management agreements to manage properties for the owner of a condominium or apartment complex, the management company often will have someone with their company to apply to become a property manager in charge. On the property manager in charge application, they will often establish an office in the name of the apartment complex or condominiums they are managing, rather than in the company name they represent.

Property management and property management companies fall under the statutory definitions of a "real estate brokerage" and "real estate brokerage firm" as found in SC Code of Laws Sections [40-57-30\(23\)](#) and (24). "Office" is defined as the location where a broker in-charge or property manager-in-charge is licensed to conduct real estate business. Each office should be managed by a broker in charge or property manager in charge who is licensed for that "real estate brokerage firm's location" in accordance with SC Code of Laws Section [40-57-135 \(C\) \(2\)](#).

Offices should always be established with the SC Real Estate Commission in the name of the brokerage firm (management company). When you establish an office in the name of the brokerage firm you represent, you and all affiliated licensees will be issued license cards that identify the brokerage firm affiliation. This allows a licensed property manager or property manager in charge to identify themselves to the public as representatives of the property management company where they work rather than only as a property manager representing a specific community.

This also allows a management company with multiple licensed property managers and agreements to rotate licensees responsible for management duties of the various properties under management, so long as all property managers have active status licenses which have been issued in the name of the company which has an agreement to manage the properties.

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EXAMPLE: You represent ABC Property Management as property manager in charge. Your company has a management agreement to manage XYZ Apartments. You may also take on another client to also manage QRS Apartments soon. Your property management company office should be under the name ABC Property Management.

If ABC Property Management enters into an agreement to also manage QRS Apartments, any of ABC Property Management's licensed property managers can manage both XYZ Apartments or QRS Apartments as long as ABC Property Management has a management agreement for both apartment complexes.



Johnathan Stackhouse Real Estate Commission



Profession:
Financial Advisor

Term of Service:
Stackhouse has served since August 2011. He is a Governor-appointed Public Member of the Commission.

Education/Training:
I have been in the financial services industry since 2003 and currently serve as investment advisor for a statewide credit union. Prior to becoming a financial advisor, I worked as a commercial banker in Columbia. I am committed to serving the life, legacy and financial needs of families and individuals, business owners, corporate executives and professional athletes.

Personal Life:
I am a Columbia native and graduate of Cardinal Newman High School and Newberry College. I have a 9-year-old daughter.

Compliance Corner: Offer Rejection Form

A 2017 South Carolina real estate licensing law change required the Commission to create an "offer rejection form" which must be signed by the licensee to affirm the presentation of an offer when it is rejected by a seller without a counteroffer.

SC Code of Laws Section 40-57-135(l)(5): If an offer is rejected without counter, an offer rejection form, promulgated by the commission, signed by the licensee affirming presentation of the offer must be provided to the offeror by the licensee, whether the agent of the buyer, the seller, or if acting as a transaction broker.

Since the passing of this provision into law, the Real Estate Commission has had extensive discussion on the development and requirements of the offer rejection form. *Story continues on page 4*

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A commonly asked question is whether an offer rejection form must be completed for each subsequent counteroffer rejection. This was addressed by the Commission at its January 18, 2017, meeting. The form is not required for counteroffers. Also, the form is to be completed by the licensee (regardless of their agency relationship to the seller) who submits the offer to the seller. (View full meeting [Minutes](#).)

Offer Rejection Form – Discussion was held concerning certain situations when the Offer Rejection Form may or may not be necessary.

MOTION:

Mr. Rinehart made a motion that the Offer Rejection Form is not required for counteroffers, and the Offer Rejection Form is required if the time of the initial offer has expired. Mr. Cox seconded the motion, which carried unanimously.

MOTION:

Mr. Cox made a motion that the Offer Rejection Form is required on a rejected offer, regardless of the medium in which the rejection is received, and the agent who submits the offer is responsible for executing the Offer Rejection Form. Mr. Stackhouse seconded the motion, which carried unanimously.

There have been many requests to have the form modified to include a line for the seller's signature. The form was not intended to require an affirmation from the seller over which the Commission has no jurisdiction.

There is no prohibition on asking the seller to also sign the form, but they are not required to do so. A licensee should not represent to the seller that their signature is required on the form. The form should not be modified to reflect the seller signature.

(Minutes - Real Estate Commission: May 17, 2017)

Offer Rejection Form – Seller Signature (SCR) – Austin Smallwood, SC Realtors, addressed the Commission to discuss the use of the current Offer Rejection Form. The staff at SC Realtors amended the form to add a line for the seller signature and have been using this form on Zip files. The Commission-approved form does not have a line for the seller signature, and the seller signature is not a current requirement.

MOTION:

Mr. O'Kelley made a motion that the Commission-promulgated form is to be implemented and not altered in any way. Ms. Mitchell seconded the motion, which carried unanimously.

Commission Members

Candace W. Pratt (Chair) – 1st Congressional District (Charleston)

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

David C. Lockwood, III – 2nd Congressional District (Columbia)

David A. Burnett – 4th Congressional District (Greenville)

John D. Rinehart – 5th Congressional District (York)

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

Vacant – 7th Congressional District (Myrtle Beach)

Wayne Poplin – At Large Member (Charleston)

Johnathan Stackhouse – Public Member (Columbia)

Frequently Asked Questions By Licensees

How do I transfer, inactivate and reactivate my license?

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 currently on inactive status cannot transfer and must instead fill out a request for license reactivation form [#210](#).

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 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.

How do I change contact information?

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.



Licensing Questions?

Do you have a question regarding licensing or renewals?

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 2018](#)

Visit the Commission's [Website](#)

Website Features

[SC Real Estate Laws and Regulations](#)

[Licensee Lookup](#)

[Board Orders/Disciplinary Actions](#)

[Applications and Forms](#)

[Meeting Minutes](#)

Course Calenders

[Pre-Licensing Course Calendar](#)

[CE Course Calendar](#)

Continuing Education

[CE Requirements and Exemptions](#)

Did You Know...

You can check on the status of a licensee on [Licensee Lookup](#).