

1978 WL 34635 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 5, 1978

*1 The Honorable Fred B. Beall,
Commissioner
South Carolina Real Estate Commission
2221 Devine Street
Columbia, SC 29205

Dear Commissioner Beall:

Some time ago you requested an Opinion concerning the ability of the South Carolina Real Estate Commission to regulate 'time-sharing.' The attached memorandum analyzes the issue of time-sharing in detail.

You will note from the memorandum that there must exist some interest in real property before the Commission's jurisdiction attaches. You will also note that determining whether such an interest exists may be difficult on occasion.

The Consumer Affairs Division of this Office studied the problem of time-sharing from the consumer's point of view. The enclosed rules and regulations have been promulgated and will be the subject of a public hearing to be held in the near future. Your comments thereon are invited and should be directed to Assistant Attorney General Jim Johnson.

You have already advised me of House Bill 3249, prefiled October 3, 1977, which will regulate time-sharing plans. You will note a similarity between this Bill and the Attorney General's proposed rules and regulations. You will also see that this Bill gives the Commission power to regulate time-sharing, and to enforce the Bill jointly with this Office.

Additionally, real estate licensees violating the provisions of the new Bill can be brought before the Real Estate Commission, under the current licensing statute, for review of their conduct.

Until the new Bill passes, you will have to determine that an interest in real estate is involved before a real estate license can be required. Parenthetically I should note that any conduct of a licensee, in any transaction, which violates the statutory standard of professional conduct, can be reviewed by the Commission under the present law. [See Boineau v. S. C. Real Estate Commission](#), 267 S. C. 574, 230 S. E. 2d 440 (1976).

I hope this information will be helpful to you.

Sincerely,

George C. Beighley
Assistant Attorney General

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