



Criminal History Reporting

Purpose:

In accordance with the purpose of the South Carolina Real Estate Commission (“the Commission”), all applicants and licensees are required to submit to criminal background checks and self-report their criminal history to ensure the public’s interest is protected when involved in real estate transactions. ([S.C. Code Ann. § 40-57-10](#)).

It is the responsibility of every applicant to prove that they meet all requirements of licensure, including demonstrating that they are qualified for the license requested. To ensure, that applicants are qualified for the requested license, they must report criminal history on their applications for review. Likewise, licensees renewing their licenses must ensure that they are reporting criminal history that occurred since they last renewed. ([S.C. Code Ann. §§ 40-57-310, 40-57-510, and 40-57-710\(A\)\(5\)](#)).

Reporting:

Self-Reporting: Initial applicants and licensees renewing their salesperson, broker, broker-in-charge, property manager, and property manager-in-charge licenses must report convictions, guilty pleas, and nolo contendere (“no contest”) pleas (collectively “convictions”) by selecting “Yes” in the Personal History section of the application. Applications with “Yes” answers must be accompanied by a completed Criminal History Explanation form and copies of court disposition documents for all convictions. Applications cannot be processed until this form and documentation is provided. If a conviction has been expunged, the Commission office may request documentation of expungement or disposition if the convictions appear on the background checks. Pardoned convictions are to be reported along with a copy of the pardon documentation.

Criminal Background Checks: In addition to self-reporting, all initial applicants must complete two background checks: a fingerprint-based check and social security number-based check. Upon submission of the initial application, instructions to register for background checks will be sent from the Commission office. The Commission **cannot** accept third-party background checks or a copy of any check from applicants. Licensees renewing their licenses must submit to the two criminal background checks every third renewal.

Review Parameters:

The Commission may deny an initial application or take disciplinary action against a current licensee if the applicant’s criminal history reveals they have been convicted, pled guilty to, or no contest to certain crimes identified in [S.C. Code Ann. §§ 40-1-110\(1\)\(h\)](#) and [40-57-710\(A\)\(9\)](#). These convictions include the following:

- felonies;
- crimes involving drugs;

- federal and state fair housing laws;
- forgery;
- embezzlement;
- breach of trust;
- larceny, which includes shoplifting;
- obtaining money or property under false pretense;
- extortion;
- fraud; or
- conspiracy to defraud.

Failing to Disclose:

Applicants who fail to disclose criminal history on their applications may have their applications denied for making a substantial misrepresentation on their applications by failing to disclose said history, as provided for in [S.C. Code Ann. §§ 40-1-110\(1\)\(a\), 40-1-130, and 40-57-710\(A\)\(1\)](#). Similarly, licensees that submit renewal applications but fail to disclose criminal history as required may face discipline against their licenses, up to and including revocation. Additionally, licensees are reminded that they must report convictions for the crimes listed in [S.C. Code Ann. § 40-57-710\(A\)\(9\)](#) in writing by certified mail within 10 days of being convicted, pleading guilty, or pleading nolo contendere. Failure to do so may result in facing license discipline, up to an including revocation, pursuant to [S.C. Code Ann. § 40-57-710\(A\)\(10\)](#).

Review Process:

When self-reporting, applicants and licensees must submit a completed Criminal History Explanation form along with copies of court dispositions. If disposition documents are no longer available, applicants must submit documentation from the issuing authority or court attesting to the records being unavailable. Pardoned convictions must be reported along with pardon documentation. Applicants who have completed parole, probation, or restitution payments should also provide documentation of these completions.

1. Applications will not be reviewed until both background checks have been received along with all requested explanations and court documentation.
2. Complete application packets are then reviewed by Commission staff to determine if an appearance before the Commission is required.
3. Initial applications that cannot be approved by Commission staff must come before the full Commission for an application hearing. Applicants have the right to request an alternate hearing date or may withdraw their application. All hearings are held in-person at LLR, located at 110 Centerview Drive, Kingtree Building, in Columbia, SC.