

**INDIANA REAL ESTATE COMMISSION
Indiana Government Center South
402 West Washington St., Room W064
Indianapolis IN 46204**

MINUTES OF JUNE 26, 2024

Troy Helman, R.B., Chair, called the meeting to order at 9:02 a.m. and declared a quorum in accordance with IC § 25-34.1-2-3(b), pursuant to public notice posted at the principal office for the Board, online at the board's website and on the state calendar at least forty-eight (48) hours before the time of the meeting.

Members Present: Troy Helman, Chair
Tracy Hutton, Vice Chair
Donna Spears, Member
Charlie Shook, Member
Pamela Lumley, Member
Beth Walker, Member
Molly Kitchell, Consumer Member

Member(s) Absent: John Briscoe, Member
John De Souza, Member
Grace Nossett, Consumer Member
Cheryl Stuckwich, Member
Brian Thompson, Member

Staff Present: Jody Edens, Board Director
Professional Licensing Agency
James Green, Assistant Board Director
Professional Licensing Agency
Bradley Repass, Litigation Specialist
Professional Licensing Agency
James Harry, J.D., Deputy Attorney
General, Office of the Attorney General

The Board voted to adopt the amended agenda.

Walker/Hutton, 7/0/0
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker
Tracy Hutton, Pam Lumley, Molly Kitchell
The following board members objected: none

The following board members abstained: none

The Board voted to adopt the minutes for May 8, 2024, as written.

Lumley/Spears, 7/0/0
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker
Tracy Hutton, Pam Lumley, Molly Kitchell
The following board members objected: none
The following board members abstained: none

PERSONAL APPEARANCES

The following did not appear and will be rescheduled to the next meeting:

- **Dimitri Kondrateko – Application – Positive Response**

Zachary Batt, Preapproval Application – Positive Response

Mr. Batt appeared in person and was not represented by counsel to discuss his preapproval application with the Commission.

Mr. Batt explained that it has been a few years since he has had any issues with the law. He is currently working for a labor union and does whatever job they assign him too. He also stated that he had talked with a Broker who is willing to have him join him.

He has the following arrests:

December 14, 2016 – Possession of Cocaine, this is The Basic Offense and for Any Amount Below 5 Grams – Felony 6.

He pled guilty to the Possession of Cocaine and received the following sentence: Sentenced to the Indiana Department of Corrections for a period of 548 days of which 164 days are ordered executed and 384 are ordered suspended. The suspended portion shall be served on Supervised Probation with terms and conditions.

December 28, 2016 – Theft Basic Offense – Class A Misdemeanor and Operating a Motor Vehicle without ever receiving a License – Class C Misdemeanor

Operating a Motor Vehicle without a License was dismissed. He pled guilty to Theft Basic Offense. He was sentenced to Howard County Jail for 365 days, all of which were suspended, with the 365 days converted to Supervised Probation with terms and conditions. A Petition to Revoke Probation was filed, and he was sentenced to Home

Detention for 183 days in jail beginning on May 28, 2019. June 24, 2020, he successfully completed the Probation/Home Detention.

December 8, 2017 – Illegal Consumption of Alcoholic Beverage-Minor Consuming Alcohol, Misdemeanor. He was found guilty and had to pay \$185.

July 13, 2018 – Theft – Theft where Value of Property is Between 750 & 50K, Felony 6 By a plea agreement he was sentenced to Confinement for 913 Days, with 50 days credit, 730 days suspended. Probation commenced on July 24, 2019, and Community Corrections also on July 24, 2019. June 25, 2020, he was released from Probation, completed successfully.

December 6, 2019 – Possession of Marijuana – Criminal Misdemeanor – A motion to Dismiss was granted.

He explained that he does not maintain the same friend he had when he was getting into trouble. He has since gotten married and holds a good job.

After discussing Mr. Batt's issues, the Commission moved to APPROVE his Preapproval Application pending no further issues with the law.

Hutton/Kitchell, 7/0/0
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker
Tracy Hutton, Pam Lumley, Molly Kitchell
The following board members objected: none
The following board members abstained: none

Jesse Garza, Initial Application – Positive Response

Mr. Garza appeared virtually with camera on and was not represented by counsel regarding the positive response on his initial application.

His team leader appeared with Jesse. She indicated that Jesse has great customer service and seems to be committed to a new life.

He stated he has been working in the same job field for the past thirteen (13) years, but they lost their main contract, so he is down to only working three (3) days a week.

He stated that he had a salesperson license that expired back in 2012.

His 2023 arrest is still pending, goes back to court on July 7, 2024.

He now has three (3) children and he knows what he does effects them too.

After discussion, the Commission APPROVED Mr. Garza's initial application.

Lumley/Hutton, 7/0/0
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker
Tracy Hutton, Pam Lumley, Molly Kitchell
The following board members objected: none
The following board members abstained: none

Adam Devolder, Initial Application – Positive Response

Mr. Devolder appeared in person and was not represented by counsel regarding the positive response on his initial application.

He indicated he was a financial planner for seven (7) years, started his own business and made some bad decisions, so his business closed.

He went out of the Country, but came back during COVID, then had medical issues.

He has been clean and sober for two (2) years. He is currently driving dump trucks and is subject to random urine drug tests. He has completed approximately thirty (30) and all have been negative.

He has been to therapy and is focused on the future. He submitted a letter from his court Probation Officer and the letter was very positive. He sees the Officer every three (3) months.

He has one and a half (1.5) years of probation to complete.

After discussion, the Commission moved to APPROVE Mr. Devolder's initial application on INDEFINITE PROBATION.

Hutton/Lumley, 7/0/0
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker
Tracy Hutton, Pam Lumley, Molly Kitchell
The following board members objected: none
The following board members abstained: none

Jennifer Pierce, Initial Application – Positive Response

Ms. Pierce appeared in person and was not represented by counsel regarding the positive response on her initial application.

On June 3, 2014, she entered into a plea agreement for Manslaughter II (amended from Murder) OMVUI 2nd Offense with aggravator.

Sentencing: Manslaughter II (amended from Murder) – Ten (10) years
OMVUI 2nd Offense with aggravator – Six (6) months

Her sentencing will be served in the Kentucky Department of Corrections.

She completed several programs while incarcerated including the SAP program. She also mentored others in the SAP program.

She was released on March 1, 2018 where she returned home to Kentucky and stayed at Oxford House, a recovery home. She was able to immediately get a job at Panera Bread where she worked full time. After six (6) months she was able to rent a house of her own. While working at Panera Bread, she was approached by a regular customer asking her if she would like to apply at her company, Borders and Borders Attorney at Law. She hesitated but did apply and has been working there for the last five (5) years.

She has been sober for ten (10) years and has bought two (2) homes in the past 5 years on her own.

After discussion, the Commission moved to APPROVE Ms. Pierce's initial application.

Lumley/Kitchell, 7/0/0
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Grace Nossett, Cheryl Stuckwisch
Tracy Hutton, John De Souza, Pam Lumley, Molly Kitchell
The following board members objected: none
The following board members abstained: none

Carlos Lanto, Initial Application – Positive Response

Mr. Lanto appeared virtually on camera and was not represented by counsel regarding the positive response on his initial application.

On March 21, 2022, he was charged with the following:

- Attempted Murder, Felony 1
- Aggravated Battery Use when the assault poses a substantial risk of death, Felony 3
- Battery by Means of a Deadly Weapon, Felony 5
- Criminal Recklessness, Defendant shoots Firearm into Building, Felony 5

All the above charges were dismissed. He explained that a friend shot someone, using the same type of gun that he had at his house, and he was then arrested.

On June 6, 2022, he was charged with the following:

- Sexual Misconduct with a Minor – Perform or submit to fondling or touching by a 18 year old, Felony 6
- Contributing to the Delinquency of a Minor – Class A Misdemeanor

Both of the above charges were dismissed. He stated he met a girl in the park, and she told him she was sixteen (16) years old and at the time he was eighteen (18). He indicated he kissed her.

After this last incident, he indicated that he stopped hanging around with the wrong type of people.

He has talked with brokerages, but they do not know about the issues he has had.

After discussion, the Commission moved to APPROVE Mr. Lanto's initial application.

Shook/Lumley, 7/0/0
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker
Tracy Hutton, Pam Lumley, Molly Kitchell
The following board members objected: none
The following board members abstained: none

Jamie Smith, Initial Application – Positive Response

Ms. Smith appeared in person and was not represented by counsel regarding the positive response on her initial application.

Ms. Smith has had several arrests and they are as follows:

- 09/19/2002 – Residential Entry – Break & Enter Dwelling, Class D Felony and Battery resulting in Bodily Injury, Class A Misdemeanor.

All charges Dismissed without prejudice

- 06/23/2003 – Operating a Vehicle While Intoxicated, Criminal Misdemeanor, and Operating a Vehicle with a BAC .08-.15%, Criminal Misdemeanor and Possession of Alcohol by a Minor, Criminal Misdemeanor.

She was found guilty of Operating a Vehicle While Intoxicated, Criminal Misdemeanor, received 364 days of Probation.

- 02/24/2004 – Possession of Alcohol by a Minor, Criminal Misdemeanor.

She was found guilty and placed on court Probation for sixty (60) days.

- 05/10/2005 – Operating a Vehicle While Intoxicated, Class D Felony, and Operating a Vehicle While Intoxicated with a Prior and Speeding.

All charges were Dismissed.

- 12/15/2006 – OWI with Prior within 5 years, Class D Felony, Operating While Intoxicated, Class C Misdemeanor

She was convicted and sentenced to 545 days incarceration, with 30 executed and 515 Suspended and placed on court Probation for those 515 days.

- 11/24/2007 – OVWI, .08 with Prior, Class D Felony and Operating a Vehicle While Intoxicated, Class A Misdemeanor

She was found guilty of the OVWI charge and sentenced to 365 days incarcerated, all suspended and placed on 365 days Probation with fines.

- 04/27/2008 – Driving While Suspended with Prior, Class A Misdemeanor, Operating a Vehicle with Child under 8 without Restraints, Class A Misdemeanor.

All charges were Dismissed.

- 09/15/2010 – Habitual Traffic Offender, Prior OWI Within 5 years, Class D Felony, Prior Operate with BAC of .08 or above, Refusal to Identify, Class C Misdemeanor, False Informing, Class B Misdemeanor, Unsafe Lane Change, Infraction, Habitual Substance Offender

She pled guilty to OWI Prior and Refusal to Identify, and the other charges were dismissed. She was sentenced to 731 in IDOC, with 62 days total credit, zero days suspended.

- 11/12/2014 – Possession of Methamphetamine, Felony 6; Dealing in Marijuana, Class A Misdemeanor; Possession of Paraphernalia Class A Misdemeanor.

She entered a plea agreement, pled guilty to Possession of Methamphetamine, the other two charges were dismissed. She was sentenced to 15 years incarceration in IDOC with 11 years suspended. No Probation must complete incarceration.

Ms. Smith indicated to the Commission that she served six (6) of the eleven (11) years and go out in March 2023. She is currently working as a server at a Hotel Restaurant. She indicated she does serve alcohol, but it doesn't bother her.

After discussion, the Commission moved to APPROVE Ms. Smith's application.

Lumley/Walker, 7/0/0
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker
Tracy Hutton, Pam Lumley, Molly Kitchell
The following board members objected: none
The following board members abstained: none

ADMINISTRATIVE HEARINGS

The following administrative hearing(s) were continued:

- **Cynthia Reyes, License No. RB14050430, Cause No. 2020 IREC 0072**
- **Miguel Guzman, License No. RB23001470, Cause No. 2023 IREC 0012**
- **Innovative Property Resources, Unlicensed, 202405 REC 0005**

Josey McLaughlin, License No. RB20000450, Cause No. 2023 IREC 0030

Respondent appeared in person and was not represented by counsel regarding a Petition to Withdraw Probation scheduled before the Commission. The State of Indiana was not represented in this matter, and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services.

Ms. McLaughlin submitted proof that she has completed her court probation.

Respondents Exhibit A – Letter from Probation Department

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter, the Commission moved to WITHDRAW the Order of Probation from the Respondent's license.

Shook/Lumley, 7/0/0
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker
Tracy Hutton, Pam Lumley, Molly Kitchell
The following board members objected: none
The following board members abstained: none

Carter Forsythe, License No. RB24000862, Cause No. 202404 REC 0004

Respondent appeared in person and was not represented by counsel regarding a Petition to Withdraw Probation scheduled before the Commission. The State of Indiana was not represented, and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services.

Mr. Forsythe submitted a court document showing that he has completed probation.

Respondent Exhibit A – Court Document

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter, the Commission moved to WITHDRAW the Order of Probation from the Respondent's license.

Walker/Hutton, 7/0/0
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker
Tracy Hutton, Pam Lumley, Molly Kitchell
The following board members objected: none
The following board members abstained: none

Jeffrey Rothbard, License No. RB14050430, Cause No. 2024 IREC 0002

Respondent did not appear and was not represented by counsel regarding a Proposed Settlement Agreement scheduled before the Commission. The State of Indiana was represented by Alex James, Deputy Attorney General, and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services.

The proposed settlement agreement was presented to the Commission for review. The proposed settlement agreement included VOLUNTARY SURRENDER for no less than 5 YEARS and must make a PERSONAL APPEARANCE should he try to reinstate his license.

After reviewing the proposed settlement agreement and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Commission moved to APPROVE the Settlement Agreement.

Shook/Hutton, 7/0/0
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker
Tracy Hutton, Pam Lumley, Molly Kitchell
The following board members objected: none
The following board members abstained: none

Oakland Management Group, License No. RC51700170, Cause No. 202406 REC 0007

Respondent did not appear and was represented by counsel, Jayna Cacioppo regarding a Proposed Settlement Agreement scheduled before the Commission. The State of Indiana was represented by Tim Weber, Deputy Attorney General, and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services.

The proposed settlement agreement was presented to the Commission for review. The proposed settlement agreement included LETTER OF REPRIMAND and a FINE of \$1,000 payable within thirty (30) days.

After reviewing the proposed settlement agreement and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Commission moved to APPROVE

the Settlement Agreement.

Hutton/Walker, 7/0/0
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker
Tracy Hutton, Pam Lumley, Molly Kitchell
The following board members objected: none
The following board members abstained: none

Joshua Vida, License No. RB15030173, Cause No. 2023 IREC 0010

Respondent did not appear and was not represented by counsel regarding an Administrative Complaint/Proposed Settlement Agreement scheduled before the Commission. The State of Indiana was represented by Kelsey McNight, Deputy Attorney General, and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services.

The proposed settlement agreement was presented to the Commission for review. The proposed settlement agreement included INDEFINITE PROBATION may not lift for one (1) year, must submit QUARTERLY REPORTS, must make TWO (2) PERSONAL APPEARANCES and complete SIX (6) HOURS of CE regarding Real Estate Law, on top of required continuing education for renewal.

After reviewing the proposed settlement agreement and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Commission moved to DENY the Settlement Agreement.

Shook/Lumley, 7/0/0
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker
Tracy Hutton, Pam Lumley, Molly Kitchell
The following board members objected: none
The following board members abstained: none

Availed Realty & Property Management and Madison L. Simpson, , License Nos. RC52000022 & RB180001385, Cause No. 2024I05 REC 0005

Respondent did not appear and was not represented by counsel regarding an Administrative Complaint scheduled before the Commission. The State of Indiana was represented by Robert Fox, Deputy Attorney General, and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Service.

Mr. Fox informed the Commission that he had not had any communication with the Respondents and requested the Commission to issue a notice of proposed default.

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter, the Commission moved to issue a NOTICE OF PROPOSED DEFAULT.

Walker/Spears, 7/0/0
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker
Tracy Hutton, Pam Lumley, Molly Kitchell
The following board members objected: none
The following board members abstained: none

REAL ESTATE EDUCATION ADVISORY COUNCIL REPORT

CONTINUING EDUCATION

The REEAC met on June 24, 2024, and issued the following recommendations to the Commission:

In attendance from 3:00 p.m.to 3:45 p.m.: Kathy Harbaugh, Rick Ogden, Cheryl Butcher, and Tim Reed.

Out was Jim Bittner

1. Traci Clark –Instructor Applications – RB22002314

- a. CE Instructor Application
- b. Pre-Licensing Instructor Application

**The Committee recommended to APPROVE a, and b.
Butcher/Ogden, 4/0/0 motion carries**

2. Southern Indiana Realtors Association, CE21200049 – Significant Change Form

- a. Communication and Cooperation – 3 hours

**The Committee recommended to APPROVE for 2 hours.
Reed/Ogden, 4/0/0 motion carries**

3. Cora Henderson – CE Instructor Application

**The Committee recommended to TABLE for additional information
Reed/Ogden, 4/0/0 motion carries**

4. Jeffrey Ratanapool – CE Instructor Application

**The Committee recommended to APPROVE
Ogden/Reed, 4/0/0 motion carries**

5. Real Estate Certification Program (RECP), CE10600303 – Significant Change Form

- a. Overview of Land Development – Asynchronous & Synchronous – 2 hours
- b. Indiana Property Taxes: Assessments, Bills, Caps and Appeals – Asynchronous & Synchronous – 2 hours

The Committee recommended to APPROVE a, and b.

Ogden/Butcher, 3/0/0 motion carries

Kathy recused herself from this matter

6. Real Estate Certification Program (RECP), CE10600303 – New School Sites

- a. Columbus Site
- b. Valparaiso Site

The Committee recommended to APPROVE a, and b.

Reed/Butcher, 3/0/0 motion carries

Kathy recused herself from this matter

7. Tucker School of Real Estate – New School Site

- a. 9247 N. Meridian St., Classroom 2, Indianapolis
- b. 1050 N. J St., Richmond
- c. 9247 N. Meridian St., #325, Indianapolis

The Committee recommended to APPROVE a, b, and c.

Reed/Butcher, 4/0/0 motion carries

Tucker – Significant Change Form, CE10600410

- a. Property Inspection Issues – 3 hours
- b. Assistance Animals and Fair Housing – 4 hours
- c. Did you Serve? Identifying Homebuying Advantages for Veterans – 3 hours
- d. Document Diligence – Safeguarding your Transactions – 4 hours

The Committee recommended to APPROVE a, b, c, and d

Reed/Butcher, 4/0/0 motion carries

8. Northwest IN REALTORS Association, CE10600438 – Significant Change Form

- a. General Water Treatment - 3 hours – Managing Broker/Broker
- b. Understanding Diversity in Real Estate – 2 hours Managing Broker/Broker
- c. Understanding Diversity in Real Estate – 3 hours Managing Broker/Broker

The Committee recommended to APPROVE a, b, and c. for Broker Only

Reed/Ogden, 4/0/0 motion carries

9. Colibri Real Estate, LLC, CE21300021 – Significant Change Form

- a. Online Correspondence: Charting Your Success: The Code of Ethics, Buyer Representation, and Your Value Proposition – 3 hours

The Committee recommended to APPROVE a.

Reed/Butcher, 4/0/0 motion carries

10. David Conley – Pre-licensing Instructor Application

The Committee recommended to APPROVE

Ogden/Reed, 4/0/0 motion carries

11. Kaplan Real Estate Education – New School Application

The Committee recommended to APPROVE

Reed/Ogden, 4/0/0 motion carries

12. Renee Franz – CE Instructor Application

The Committee recommended to APPROVE

Reed/Ogden, 4/0/0 motion carries

13. Accurit – Online application

The Committee recommended to TABLE as they submitted the wrong application

Reed/Ogden, 4/0/0 motion carries

After reviewing all the recommendations, the Commission moved to APPROVE all recommendations.

Shook/Lumley, 70/0

Motion carries

The following board members voted aye:

Troy Helman, Charlie Shook, Donna Spears, Beth Walker

Tracy Hutton, Pam Lumley, Molly Kitchell

The following board members objected: none

The following board members abstained: none

DISCUSSION

CE Audit:

Ms. Edens gave an update on the CE Audit. The Brokers that were not compliant have been sent an email requesting they submit their continuing education certificates. They have until June 30th and then once all continuing education certificates have been reviewed, a second letter will be sent to those still not compliant.

Ms. Edens is also working on completing the Notices of Non-compliance for those that have the 36 hours but not in the correct years. Once the notices are completed, they will all be emailed and mailed out at the same time.

IC25-34.1-4-5 Trust Accounts – Linda Smith:

Ms. Smith appeared in person to discuss the process of taking over for a Managing Broker that has passed away.

Her managing broker passed away and no one else was a company member. The wife asked Ms. Smith to take over and do whatever was necessary so she could close the company.

The Commission said she could take over for ninety (90) days and can close out business but can't take on any new business.

The Commission can appoint someone in sole proprietorship, but have had the Bank the business is with say no.

Ms. Smith thanked the Commission and staff for allowing her to appear for this discussion.

The Commission thanked Ms. Smith for taking over this business to assist in closing it down.

Application Review:

Jude Rasmuss applied by reciprocity from the state of Utah and David Bolos applied by reciprocity from the state of Georgia. The application information was submitted to the Commission for review after Brian Thompson reviewed them himself.

The Commission had questions for Mr. Thompson and since he was not in attendance for this meeting, the Commission TABLED both applications.

CONSENSUS
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker
Tracy Hutton, Pam Lumley, Molly Kitchell
The following board members objected: none
The following board members abstained: none

Staff Discussion on issues:

The following questions were presented to the Commission for discussion:

- Does a Broker coming in by Reciprocity need to obtain the 30hour post? The answer was YES, they must still do the 30hour post.
- A person that has been working in another state gets their Broker license here, do they have to have an active license for 2 years in Indiana prior to getting Managing Broker Eligible. The answer is YES, they must have an active license for 2 years in Indiana prior to being eligible for managing broker eligible status.

Staff will discuss some of the other questions with the Board's counsel James Harry later.

Molly Kitchell informed the Commission that this would be her last meeting. The Commission thanked her for her service.

There being no further business, the Board ADJOURNED at 1:09 p. m.

Troy Helman, Chair