

MINUTES
INDIANA REAL ESTATE COMMISSION
WEDNESDAY, JANUARY 18, 2022
9:00 a.m.
402 WEST WASHINGTON STREET
INDIANAPOLIS, INDIANA 46204

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Chair, Donna Spears called the meeting to order at 9:01 a.m. and declared a quorum in accordance with Ind. Code § 25-34.1-2-3(b).

Commission Members Present

Donna Spears, Chairwoman
Beth Walker
Pam Lumley
Charlie Shook
Cheryl Stuckwish
John De Souza
John Briscoe
Brian Thompson
Molly Kitchell

Commission Members Absent:

Troly Helman
Tracy Hutton

State Officials Present:

Chris Shea-Russell, Commission Assistant Director, Indiana Professional Licensing Agency
Brad Reprass, Commission Litigation Specialist
James Harry, Commission Advisory Counsel, Office of the Attorney General
Adam Harvey, Commission Advisory Counsel, Office of the Attorney General
Court Reporter: Margie Addington

II. ADOPTION OF THE AMENDED AGENDA

Brian Thpson made a motion and was seconded by Cheryl Stuckwish to adopt the amended agenda.

Motion Passes
9/0/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	
Charlie Shook	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Cheryl Stuckwish	✓	
Pam Lumley	✓	
Beth Walker	✓	
Brian Thompson	✓	

III. APPROVAL OF THE MINUTES OF THE WEDNESDAY, NOVEMBER 16, 2022 MEETING

Brian Thompson made a motion and was seconded by John Brisco to approve the minutes as presented.

Motion Passes
9/0/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	
Charlie Shook	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Cheryl Stuckwish	✓	
Pam Lumley	✓	
Beth Walker	✓	
Brian Thompson	✓	
John Brisco	✓	

IV. PERSONAL APPEARANCES

1. Arika Riser – Application Positive Response

Arika Riser appeared to discuss her positive response on her application on probation.

A motion was made by Charlie Shook and was seconded by Tracy Hutton to approve for licensure on probation.

Motion Passes
6/0/3

The following Commission Members Voted	“Aye”	“Nay”
John De Souza		✓
Charlie Shook	✓	
Donna Spears	✓	
Molly Kitchell	✓	

Cheryl Stuckwish	✓	
Pam Lumley	✓	
Beth Walker		✓
Brian Thompson		✓
John Brisco	✓	

2. Karina Oertel – Application Positive Response

Karina Oertel appeared to discuss her positive response on her application.

A motion was made by Charlie Shook and was seconded by Tracy Hutton to approve for licensure.

Motion Passes

9/0/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	
Charlie Shook	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Cheryl Stuckwish	✓	
Pam Lumley	✓	
Beth Walker	✓	
Brian Thompson	✓	
John Brisco	✓	

V. ADMINISTRATIVE HEARINGS

1. DF Property Management LLC – Cause No: 2022IREC0025

Motion for Cease and Desist

DF Property Management LLC Jody Offutt appeared before the board in response to the motion for cease and desist

The hearing was tabled to allow Jody Offutt to have PLA process her application

A motion was made by John DeSouza and was seconded by John Brisco to deny the request.

Motion Passes

9/0/0

The following Commission Members Voted	“Aye”	“Nay”
John DeSouza	✓	
Charlie Shook	✓	
Donna Spears	✓	

Molly Kitchell	✓
John Brisco	✓
Cheryl Stuckwish	✓
Brian Thompson	✓
Pam Lumley	✓
Beth Walker	✓

2. Lori Crampton and Management Advantage Inc – Cause No: 2020IREC0067

Motion to Reinstate License

Lori Crampton appeared with her lawyer to discuss her motion to reinstate her license suspension

A motion was made by John Brisco and was seconded by Beth Walker to approve the request on priving proof of paying the court costs.

Charlie Shook recuse

Motion Passes

8/1/0

The following Commission Members Voted	“Aye”	“Nay”
John DeSouza	✓	
Charlie Shook - recuse		
Donna Spears	✓	
Molly Kitchell	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	
Pam Lumley	✓	
John Briscoe	✓	
Beth Walker	✓	

VI. ALJ DELIBERATIONS & SETTLEMENT AGREEMENTS

1. Lincoln D. Crum – Cause No: 2022IREC0027

Proposed Settlement Agreement and Disciplinary

A motion was made by Charlie Shook and was seconded by John Brisco to approve the Settlement Agreement.

Motion Passes

9/0/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	
Charlie Shook	✓	

Donna Spears	✓
John Brisco	✓
Cheryl Stuckwish	✓
Brian Thompson	✓
Pam Lumley	✓
Beth Walker	✓
Molly Kitchell	✓

2. Philip Wopshall – Cause No: 2022IREC0029

Proposed Settlement Agreement

A motion was made by John Brisco and was seconded by Charlie Shook to approve the Proposed Settlement.

Motion Passes

9/0/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	
Charlie Shook	✓	
Donna Spears	✓	
John Brisco	✓	
Cheryl Stuckwish	✓	
Pam Lumley	✓	
Beth Walker	✓	
Molly Kitchell	✓	
Brian Thompson	✓	

3. Michele DiPlotti - Cause No: 2022IREC0028

ALJ Panel’s Recommended Finding of Fact, Conclusions of Law and Order and correct the name listed on the panel

A motion was made by John Brisco and was seconded by Brian Thompson to approve the ALJ Panel’s Recommended Finding of Fact, Conclusions of Law and Order and correct the name listed on the panel

Motion Passes

9/0/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	
Charlie Shook	✓	
Donna Spears	✓	
Molly Kitchell	✓	

Cheryl Stuckwish	✓
Pam Lumley	✓
Beth Walker	✓
John Brisco	✓
Brian Thompson	✓

4. Brian Charles Nordan - Cause No: 2022IREC0006

ALJ Panel’s Recommended Finding of Fact, Conslusions of Law and Order

A motion was made by Pam Lumley and was seconded by Molly Kitchel to accept the motion

John DeSouza recuse

Motion Passes

8/1/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza		
Charlie Shook	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Cheryl Stuckwish	✓	
Pam Lumley	✓	
Beth Walker	✓	
John Brisco	✓	
Brian Thompson	✓	

5. Jennifer Luttrell - Cause No: 2022IREC0022

Proposed Settlement Agreement

A motion was made by Charlie Shook and was seconded by Molly Kitchell to accept the proposed settlement agreement

Motion Passes

9/0/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	
Charlie Shook	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Cheryl Stuckwish	✓	
Pam Lumley	✓	
Beth Walker	✓	

John Brisco	✓
Brian Thompson	✓

6. Culver Rental Management, Inc - Cause No: 2021IREC0024

Proposed Findings of Fact, Conclusions of Law and Order

A motion was made by Charlie Shook and was seconded by Molly Kitchell to approve the Proposed Order.

Motion Passes

9/0/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	
Charlie Shook	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Cheryl Stuckwish	✓	
Pam Lumley	✓	
Beth Walker	✓	
John Brisco	✓	
Brian Thompson	✓	

7. Kristin Trozoski - Cause No: 2022IREC0009

Proposed Settlement Agreement

A motion was made by John De Souza and was seconded by Brian Thompson to approve the Proposed Settlement Agreement.

Motion Passes

9/0/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	
Charlie Shook	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Cheryl Stuckwish	✓	
Pam Lumley	✓	
Beth Walker	✓	
John Brisco	✓	
Brian Thompson	✓	

8. Joseph Leksich - Cause No: 2022IREC0011

ALJ Panel’s Recommended Findings of Fact, Conclusions of Law and Order

A motion was made by Molly Kitchell and was seconded by Brian Thompson to approve the ALJ Panel’s Recommended Finding of Fact, Conclusions of Law and Order.

Motion Passes

Beth Walker recuse

8/1/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	
Charlie Shook	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Cheryl Stuckwish	✓	
Pam Lumley	✓	
Beth Walker		
John Brisco	✓	
Brian Thompson	✓	

VII. OLD/NEW BUSINESS

1. Report From The Office Of The Attorney General

Kelsey McKnight provided a report from the Office of Attorney General. Most cases have roughly a one year life span currently. This year, there has been 1 open litigation case and 1 closed litigation case.

2. Real Estate Education Advisory Council Report

The Commission reviewed the REEAC Report and the information provided about the classes that were approved, denied or tabled. Kathy Harbaugh let the board know that a subcommittee member did retire at the end of last year so they are down a member.

A motion was made by John Brisco and was seconded by Molly Kitchell to approve the REEAC report as submitted.

Motion Passes

9/0/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Cheryl Stuckwish	✓	
Pam Lumley	✓	

3. **2023 Renewal**

John DeSouza reviewed with the board the process of completing CE audits with the renewal coming up this year.

4. **Rule Changes**

Anne Johnson reviewed with the board four potentially rule changes they may want to have complete them at the same time.

- Sellers disclosure form
- Notification to managing broker of a complaint of a broker
- Require the managing broker to disciplinary hearings of broker
- Insurance

John DeSouza brought up clarifying reciprocity.

ADJOURNMENT 1:44 p.m.