

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

MINUTES OF OCTOBER 9, 2024

Troy Helman, R.B., Chair, called the meeting to order at 9:03 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
Donna Spears, Member
Charlie Shook, Member
Pamela Lumley, Member
Beth Walker, Member
John Briscoe, Member
Brian Thompson, Member
Grace Nossett, Consumer Member
John De Souza, Member
Cheryl Stuckwich, Member

Member(s) Absent: Tracy Hutton, Vice Chair

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.

Stuckwich/Thompson, 10/0/0
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker, Brian Thompson,
Pam Lumley, Grace Nossett, John Briscoe, John DeSouza, Cheryl Stuckwich
The following board members objected: none
The following board members abstained: none

The Board voted to adopt the minutes for August 21, 2024, as written.

Briscoe/Lumley, 10/0/0
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker, Brian Thompson,
Pam Lumley, Grace Nossett, John Briscoe, John DeSouza, Cheryl Stuckwich
The following board members objected: none
The following board members abstained: none

ADMINISTRATIVE HEARINGS

Jade Perry, License No. RB21000230, Cause No. 2023 IREC 0036

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.

Respondents Exhibit A – Probation Discharge

Ms. Perry indicated that she has completed all requirements for court probation and has not had any other issues with the law.

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/Spears, 10/0/0
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker, Brian Thompson,
Pam Lumley, Grace Nossett, John Briscoe, John DeSouza, Cheryl Stuckwich
The following board members objected: none
The following board members abstained: none

Brian (Nordan) Lazzara, License No. RB19001658, Cause No. 2022 IREC 0006

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 represented by Kelsey McNight, Deputy Attorney General, and the court reporter sworn in

for this matter was Margie Addington, with Accurate Reporting Services.

Let the record reflect that John DeSouza recused himself from this matter and left the room.

Mr. Lazzara indicated he has completed his court probation. He is currently doing clerical work as an Administrative Assistant for ReMax.

Of the \$2,981,357.06 he must make restitution; he has paid back \$750,000.00.

He would like to be able to continue his position as an Administrative Assistant and do some open houses on the side.

Respondents Exhibits:

- 1 – Name change document
- 2 – Final Order from Northern District of Indiana
- 3 – Proof of the \$5 payment
- 4 – Wage garnishment order 25%
- 5 – Continuing education

He sees his psychologist weekly and sees his psychiatrist every six (6) weeks.

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter, the Commission moved to REINSTATE his license on INDEFINITE PROBATION with terms and conditions.

Stuckwich/Lumley, 3/6/0

Motion fails

The following board members voted aye:

Pam Lumley, Cheryl Stuckwich, Beth Walker

The following board members objected: Donna Spears, Troy Helman, Brian Thompson

Charlie Shook, John Briscoe, Grace Nossett

The following board members abstained: none

Joseph Vida, License No. RB14030173, Cause No. 2023 IREC 0010

Respondent appeared in person and was represented by counsel, John Kolas regarding an Administrative Hearing/Second Proposed Settlement Agreement scheduled before the Commission. The State of Indiana was represented by Ian Matthews, Deputy Attorney General, and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services.

A proposed settlement agreement was submitted to the Commission for review. The proposed settlement agreement included INDEFINITE PROBATION with terms and conditions and a \$1,000 FINE.

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 second settlement agreement.

Stuckwich/Briscoe, 10/0/0
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker, Brian Thompson,
Pam Lumley, Grace Nossett, John Briscoe, John DeSouza, Cheryl Stuckwich
The following board members objected: none
The following board members abstained: none

Lisa L. Furniss, License No. RB14024245, Cause No. 2018 IREC 0016

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 represented by Robert Fox, Deputy Attorney General, and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services.

Bradley Repass was sworn in as a witness for the State.

Mr. Repass testified that the Respondent has paid her \$1,000 fine on March 20, 2019.

Ms. Furniss testified that she has completed all her requirements.

Mr. Fox informed the Commission that the Attorney General's Office is not opposed to the withdrawal of her probation.

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.

Briscoe/Thompson, 10/0/0
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker, Brian Thompson,
Pam Lumley, Grace Nossett, John Briscoe, John DeSouza, Cheryl Stuckwich
The following board members objected: none
The following board members abstained: none

Availed Realty, License No. RC52000022, Cause No. 202405 REC 0006 and Madison Simpson, License No. RB18000138, Cause No. 202405 REC 0006

Respondents did not appear and were not represented by counsel regarding a Notice of Proposed Default 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 Services.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence, and orders in this matter, the Commission moved to hold the respondents in DEFAULT.

Stuckwich/Thompson, 10/0/0
Motion Carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker, Brian Thompson,
Pam Lumley, Grace Nossett, John Briscoe, John DeSouza, Cheryl Stuckwich
The following board members objected: none
The following board members abstained: none

Andrea Mills was sworn in as a witness for the State.

Ms. Mills testified that she is an investigator for the Attorney General's office and she completed the investigation on the Respondent's. She further testified regarding her statement submitted in exhibit B.

States Exhibits:
A – complaint form
B – Ms. Mills statement
C – Copy of Lease Agreement

After having considered the evidence presented, testimony of the witness, and taking official, judicial notice of the pleadings, evidence, and orders in this matter, the Commission moved to place both Respondent's licenses on INDEFINITE SUSPENSION and to ISSUE both a LETTER OF REPRIMAND.

Briscoe/Thompson, 10/0/0
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker, Brian Thompson,
Pam Lumley, Grace Nossett, John Briscoe, John DeSouza, Cheryl Stuckwich
The following board members objected: none
The following board members abstained: none

PERSONAL APPEARANCES

The following personal appearance was continued:

Joseph Fox – Preapproval Application

Jaskirat Sidhu, Initial Application – Positive Response

Mr. Sidhu appeared in person and was not represented by counsel regarding his positive response on his Initial Application.

On March 23, 2024, he received a DUI, he paid all the fines, court costs and took the required classes.

He applied for early termination with the courts, but this was recently denied.

After discussion, the Commission moved to APPROVE the issuance of Mr. Dishu's Initial Application on INDEFINITE PROBATION until the completion of court probation.

Briscoe/DeSouza, 10/0/0
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker, Brian Thompson,
Pam Lumley, Grace Nossett, John Briscoe, John DeSouza, Cheryl Stuckwich
The following board members objected: none
The following board members abstained: none

Candice Thornton, Initial Application – Positive Response

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

Ms. Thornton was convicted on September 18, 2018, of trafficking in Methamphetamine in Georgia. She was also charged Possession of Marijuana and Possession of Methamphetamine/Ecstasy.

Ms. Thornton received a ten (10) year sentence and served four (4) years in prison. She is on Criminal Probation with the courts until February 2, 2028. She informed the Commission that she is not eligible for early termination, she must complete the full sentence.

Her Illinois license is on Probation. She must complete quarterly reports to Illinois on everything she is doing.

After discussion, the Commission APPROVED the issuance of Ms. Thorntons initial application on INDEFINITE PROBATION until completion of her criminal probation.

Briscoe/Spears, 10/0/0
Motion carries

The following board members voted aye:

Troy Helman, Charlie Shook, Donna Spears, Beth Walker, Brian Thompson,
Pam Lumley, Grace Nossett, John Briscoe, John DeSouza, Cheryl Stuckwich

The following board members objected: none

The following board members abstained: none

Eric Torness, Initial Application – Positive Response

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

In 2020 he was part of an investigation on training exercises and went in front of a Court Marshall. He pleaded guilty to the charges.

He was a Sargent, and civilians brought in alcohol. They were all drinking. The victim was junior enlistment under his command. They later had sexual relations. She was found passed out in a truck and was taken to the hospital, where a rape test kit was completed. His DNA was found on her.

They spoke on the telephone, unknown that it was being recorded, he gave her advice and then was charged with obstruction of justice.

He was reduced from Sargent to Private; completed 4-months of a 5-month sentence and was given a bad conduct discharge.

The victim later died in a car accident where she was drunk. Her family contacted him and told him she had done this to other soldiers. The family wrote a declaration for him explaining how she had done the same thing to several soldiers.

His record with the military is now free and clear and he gets all of his benefits.

After discussion, the Commission APPROVED the issuance of Mr. Torness' initial application.

Lumley/Stuckwich, 10/0/0
Motion carries

The following board members voted aye:

Troy Helman, Charlie Shook, Donna Spears, Beth Walker, Brian Thompson,
Pam Lumley, Grace Nossett, John Briscoe, John DeSouza, Cheryl Stuckwich

The following board members objected: none

The following board members abstained: none

Valerie Edley, Initial Application – Positive Response

Ms. Edley appeared virtually with a camera and was not represented by counsel regarding the positive response on her initial application.

On June 23, 2024, she received an OVI. On August 22, 2024 she was sentenced to one

(1) year probation, which included a substance abuse evaluation within thirty (30) days, complete the drug impact program, court fees and drivers license suspended for ninety (90) days.

After discussion, the Commission APPROVED the issuance of Ms. Edley's initial application on INDEFINITE PROBATION.

Lumley/Stuckwich, 10/0/0
Motion carries

The following board members voted aye:
Troy Helman, Charlie Shook, Donna Spears, Beth Walker, Brian Thompson,
Pam Lumley, Grace Nossett, John Briscoe, John DeSouza, Cheryl Stuckwich
The following board members objected: none
The following board members abstained: none

REAL ESTATE EDUCATION ADVISORY COUNCIL REPORT

CONTINUING EDUCATION

The REEAC met on November 4, 2024, and issued the following recommendations to the Commission:

In attendance from 3:00 p.m.to 3:50 p.m.: Kathy Harbaugh, Rick Ogden, Cheryl Butcher, Tim Reed and Jim Bittner and reviewed the following applications:

1. Real Estate Sales Academy – Has 90 hour pre-licensing course – requesting to have it online too.

**The Committee recommends to TABLE this matter for documentation.
Bittner/Ogden, 5/0/0**

2. Key Realty Indiana

- a. CE Sponsor – RE Broker Application

**The Committee recommends to DENY this application.
Reed/Ogden, 5/0/0**

3. LaPorte County Association of Realtors – CE21500006 – Significant Change Application

- a. Indiana Contracts – 4 hours – Broker & Managing Broker

**The Committee recommends to APPROVE.
Ogden/Bittner, 4/0/1, with Tim Reed abstaining**

4. Real Estate Certification Program (RECP) – CE10600303 Significant Change Application

- a. Sawdust to Success – Asynchronous/Synchronous- 2 hours – Broker only

The Committee recommends to APPROVE.
Ogden/Butcher, 4/0/1, with Kathy Harbaugh abstaining

5. RealUversity School of Real Estate, LLC

- a. New School Application

The Committee recommends to APPROVE.
Ogden/Reed, 5/0/0

6. The CE Shop, LLC - CE10800853 & SC41800003

- a. New Director – Nichol Andler

The Committee recommends to APPROVE the New Director
Ogden/Butcher, 5/0/0

- b. Upholding Fair Housing Laws – 2 hours – Managing Broker & Broker

The Committee recommends to APPROVE.
Reed/Ogden, 5/0/0

7. Indiana Business and Real Estate Academy – CE21800026 – Significant Change Application

- a. Stay Out of Real Estate Jail – 2 hours – Managing Broker

The Committee recommends to APPROVE for Broker only
Reed/Ogden, 5/0/0

- b. Errors and Omissions Insurance in the Real Estate Business – 2 hours
Managing Broker

The Committee recommends to APPROVE.
Reed/Butcher, 5/0/0

- c. Mindfulness in Real Estate Business – 2 hours – Managing Broker

The Committee recommends to DENY this request.
Ogden/Butcher, 5/0/0

- d. Building a Business for Real Estate Agents – 2 hours – Managing Broker

The Committee recommends to DENY this request.
Reed/Ogden, 5/0/0

- e. The New Buyer Agency Paradigms – 2 hours – Managing Broker

The Committee recommends to APPROVE.
Butcher/Bittner, 5/0/0

8. Kristi Bussell – Instructor Application

- a. CE Instructor Application

The Committee recommends to APPROVE.
Reed/Butcher, 5/0/0

9. Alan Conner – Instructor Application

- a. Pre-licensing Instructor Application

The Committee recommends to APPROVE.
Bittner/Butcher, 5/0/0

10. Elizabeth Evans – Instructor Application

- a. CE Instructor Application

The Committee recommends to APPROVE.
Butcher/Bittner, 5/0/0

11. Thomas Krause - Instructor Application – Does he need to also have a CE Sponsor – RE Broker license to teach.

The Committee recommends to APPROVE the Instructor Application.
Reed/Butcher, 5/0/0

The Committee recommends to TABLE the course submitted for a CE Sponsor application.

Bitner/Butcher, 5/0/0

12. Crystal White – Instructor Application

a. CE Instructor Application

The Committee recommends to APPROVE.
Reed/Butcher, 5/0/0

13. REAL University – Significant Change Application

a. Buyer Agency: Understanding New Indiana and NAR Rules – 4 hours

The Committee recommends to APPROVE.
Reed/Butcher, 5/0/0

14. New Day Realty Training – CE201800093 – Significant Change Application

a. REAL Pros License Law – Navigating Indiana Agency Relationships & Contracts – 6 hours – Managing Broker & Broker

The Committee recommends to APPROVE.
Bittner/Ogden, 5/0/0

15. Colibri Real Estate – CE31200021 – Significant Change Application

a. Negotiation Fundamentals – 3 hours

The Committee recommends to APPROVE.
Bittner/Ogden, 5/0/0

16. Upstate Alliance of Realtors – CE10600435 – Significant Change Application

a. What Every Agent Needs to Know About Title Insurance Commitment – 2 hours

The Committee recommends to APPROVE.
Reed/Butcher, 5/0/0

b. What You Need to Know About Mold & How to Read Air Sampling Reports – 2 hours

The Committee recommends to APPROVE.
Reed/Ogden, 5/0/0

c. Agent Knowledge for Exceptional Client Service – 4 hours Managing Broker

The Committee Recommends to APPROVE for Broker Only.
Reed/Butcher, 5/0/0

17. McKissock – CE10600460 – Significant Change Application

a. Negotiation Fundamentals – 3 hours

The Committee Recommends to APPROVE.

Ogden/Reed, 5/0/0

b. Negotiation Models & Case Studies – 3 hours

The Committee recommends to APPROVE.

Reed/Ogden, 5/0/0

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

Stuckwich/Lumley, 10/0/0

Motion carries

The following board members voted aye:

Troy Helman, Charlie Shook, Donna Spears, Beth Walker, Brian Thompson,
Pam Lumley, Grace Nossett, John Briscoe, John DeSouza, Cheryl Stuckwich

The following board members objected: none

The following board members abstained: none

DISCUSSION

CE Audit:

Ms. Edens gave an update on the CE Audit. There are Ninety (90) noncompliant brokers that will be issued a \$1,000 civil penalty; thirty-eight (38) that will be issued a \$500 civil penalty and seventy-eight (78) that will be issued a \$250 civil penalty.

The notices of non-compliant will be processed and all sent out together by mail and email. This gives them twenty-one (21) days in which to pay the civil penalty and then six (6) months to make up the continuing education. If they don't do one or both their license will be automatically suspended.

Application Review:

The following equivalent application for Deborah Woodard was submitted for review. Brian Thompson reviewed the application and indicated that he feels it is equivalent to our application. He recommended the Commission APPROVE the application.

The Commission discussed Ms. Woodard's application with Mr. Thompson and moved to APPROVE the initial application for issuance after the State Examination has been passed.

Thompson/Sparks, 10/0/0

Motion carries

The following board members voted aye:

The following board members voted aye:

Troy Helman, Charlie Shook, Donna Spears, Beth Walker, Brian Thompson,
Pam Lumley, Grace Nossett, John Briscoe, John DeSouza, Cheryl Stuckwich

The following board members objected: none

The following board members abstained: none

Yvette McCrackin Ursery – Extension of time for CE Audit:

The Commission reviewed Ms. McCrackin Ursery's request for an extension of time to produce her continuing education certificates for the audit.

After discussion, the DENIED her request for extension of time.

Briscoe/Thompson, 10/0/0

Motion carries

The following board members voted aye:

Troy Helman, Charlie Shook, Donna Spears, Beth Walker, Brian Thompson,
Pam Lumley, Grace Nossett, John Briscoe, John DeSouza, Cheryl Stuckwich

The following board members objected: none

The following board members abstained: none

Chris Brand – CE Waiver Request:

The Commission reviewed Mr. Brand's email regarding his waiver request.

After discussion, the Commission moved to DENY her waiver request.

Shook/Stuckwich, 10/0/0

Motion carries

The following board members voted aye:

Troy Helman, Charlie Shook, Donna Spears, Beth Walker, Brian Thompson,
Pam Lumley, Grace Nossett, John Briscoe, John DeSouza, Cheryl Stuckwich

The following board members objected: none

The following board members abstained: none

The Commission recognized Cheryl Stuckwich for her years of service with the Commission as this is her last meeting. She has decided it is time to retire and resign from the Commission. Cheryl will be missed by the Commission members and staff. We all wish her a wonderful retirement.

There being no further business, the Board ADJOURNED at 2:07 p.m.

Troy Helman, Chair