

Minutes
Indiana Real Estate Commission
Will meet on Thursday, December 17, 2009 at 9:00 a.m.
Indiana Government Center-South, W064
402 West Washington Street
Indianapolis, Indiana 46204

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Commissioner Shook called the meeting to order at 10:00 a.m. in Conference Center Rooms 1 & 2 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204 and declared a quorum, in accordance with IC § 25-34.1-2-3(b).

Commission Members Present:

Charles (Charlie) W. Shook
H. James Litten
Susan Daniel
Mark Bock
Sue Cox
Paul Boyter
Timothy M. Reed
Michael Lunsford
Carolyn McClintock
Norman E. McClain

Commission Members Absent

DJ Hines

State Officials Present:

Nicholas W. Rhoad, Commission Director, Indiana Professional Licensing Agency
Stephanie Sims, Commission Litigation Specialist, Indiana Professional Licensing Agency
Jim Schmidt, Commission Advisory Counsel, Office of the Attorney General

II. ADVISORY COUNSEL'S REPORT

Mr. Schmidt provided an update on advisory requests to the Commission.

III. INDIANA ATTORNEY GENERAL'S OFFICE REPORT

Ms. Owens provided a report on the status of consumer and administrative cases currently under investigation and/or litigation.

IV. REINSTATEMENT FROM SUSPENSION HEARING

A. State of Indiana v. James J. Terrell

IREC 09-10
Re: Reinstatement from suspension

A motion was made and seconded to approve the reinstatement from suspension in accordance with the order.

Litten / McClain
Motion Carried
10-0-0

V. DELIBERATIONS AND POSSIBLE ISSUANCES OF FINAL ORDER

A. State of Indiana v. Candice M. McKinney

IREC 08-05
Re: Administrative Law Judge Order

Re: Petitioner's objection to the ALJ Panel's decision and request for hearing

A motion was made and seconded to request and allow all parties to submit briefs by February 10, 2010.

Reed / McClintock

A motion as made and seconded to amend the previous motion to request and allow all parties to submit Briefs by February 10, 2010 and present oral arguments at the Commission's March 2010 meeting.

McClintock / Bock

The Chair called for a voice vote:

Charles (Charlie) W. Shook - abstain
H. James Litten - YES
Susan Daniel - YES
Mark Bock - YES
Sue Cox - Abstain
Paul Boyter - Abstain
Timothy M. Reed - YES
Michael Lunsford - YES
Carolyn McClintock - YES
Norman E. McClain – Recuse

Motion Carried
6-0-3

B. State of Indiana v. Michelle Bailey Austin

IREC 09-23

Re: Administrative Law Judge Order

Re: Extension of Time filed by Attorney

Re: Objection to the ALJ order filed by Attorney

Re: Motion to Affirm Default order filed by the State of Indiana

Re: Respondent's Request for Oral Argument before the IREC

A motion was made and seconded to require all parties to file briefs by February 10, 2010 and present oral arguments before the Commission on March 10, 2010.

Lunsford / McClintock
Motion Carried
10-0-0

C. State of Indiana v. Phillip Anderson

IREC 09-28

Re: Proposed Findings of Fact, Conclusions of Law, and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law, and Order

Bock / Reed
Motion Carried 10-0-0

D. State of Indiana v. Jennifer Eads

IREC 09-61

Re: Proposed Findings of Fact, Conclusions of Law, and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law, and Order

McClintock / Lunsford
Motion Carried 10-0-0

E. State of Indiana v. Judith L. Karst

IREC 09-50

Re: Proposed Findings of Fact, Conclusions of Law, and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law, and Order

Bock / Boyter
Motion Carried 10-0-0

F. State of Indiana v. Michelle Jackson

IREC 09-35

Re: Proposed Findings of Fact, Conclusions of Law, and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law, and Order

Boyter / Bock
Motion Carried 10-0-0

G. State of Indiana v. Kevin K. Kirkpatrick

IREC 09-36

Re: Proposed Findings of Fact, Conclusions of Law, and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law, and Order

Bock / Reed
Motion Carried 10-0-0

H. State of Indiana v. Rita O'Rear

IREC 09-40

Re: Proposed Findings of Fact, Conclusions of Law, and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law, and Order

Bock / Reed
Motion Carried 9-0-1

I. State of Indiana v. James R. Clayborn

IREC 09-37

Re: Proposed Findings of Fact, Conclusions of Law, and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law, and Order

Bock / Boyter
Motion Carried 10-0-0

XV. OLD/NEW BUSINESS

A. ARELLO

A motion was made and seconded that Mr. Rhoad not attend the ARELLO conference due to a scheduling conflict. This motion was made because at the November 2009 meeting the IREC granted their approval for attendance at the January 2010 ARELLO Conference

McClintock / Litten
Motion Carried
10-0-0

- B. Pocket Cards**
Mr. Rhoad provided an update to the Commission on the new electronic pocket cards and the transition to electronic licensing.
- C. Legislative Update**
Mr. Rhoad provided a legislative update
- D. Emergency Rule adoption of the 2010-2011 USPAP**
A motion was made and seconded to approve the 2010-2011 USPAP
Litten / Lunsford
Motion Carried
9-0-0
Commissioner Boyter was excused during his time of the meeting and was not able to vote.

XVI. Application Review Committees

A. Positive Responses

- | | |
|------------------------|---|
| 1. Daniel Vaughn | A |
| 2. Paul E. Miller Jr. | A |
| 3. Amber Hammond | A |
| 4. Steven R. Lowe | A |
| 5. Lynn Ann Gottschalk | A |
| 6. Michael Neace | A |
| 7. Glenn Brown | A |
| 8. Garry Steinke | A |

B. Application for Acceptance of College Course Credits

1. Ronald W. Smiley
2. Kenneth A. Thacker

C. Application for Waiver of One Year Experience

1. Esther Hatfield

D. Application for Continuing Education Instructors

1. Kevin MacInness

E. Application for Approval of School Site

1. Cressy and Everett's School of Real Estate
3123 Miami Street South Bend 46614
2. Real Estate Licensing Institute
4921 East 81st Avenue Merrillville 46410

F. Continuing Education Providers

1. **Provider CBT Alliance LLC online classes ARELLO approved**
Director: Darren Isaacs

Courses: Effective Disclosure and Inspection 4.0 hours
Ethics in Real Estate 2.0M/1.0E

Foreclosure Fundamentals 6.0 hours
Fair Housing Law and Practice 2.0M/1.0E
Contract Law 3.0 hours
Agency Law 2.0M/1.0E
Fundamentals of Real Estate Appraisal 3.0 hours
Rights and Limitation of Property Ownership 4.0 hours
Legal Issues 2.0 hours

Charlie Shook, Chairman

Date