

**Indiana Real Estate Commission
May 23, 2018
Minutes**

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Chair, Pam Lumley called the meeting to order at 9:00 a.m. in Conference Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204 and declared a quorum in accordance with Ind. Code § 25-34.1-2-3(b).

Commission Members Present: Roll Call

Paul Boyter
Jack McCombs
Michael Lunsford
Pam Lumley, Chair
Charles (Charlie) W. Shook
Sue Cox
Doug Rose
Justin Busch
James Litten

Commission Members Absent:

Norman McClain
John Briscoe
Sahara Williams

State Officials Present:

Deanna Alexander, Director, Indiana Professional Licensing Agency
Toby Davis, Assistant Director, Indiana Professional Licensing Agency
Nate Black, Compliance Officer, Indiana Professional Licensing Agency
Jim Schmidt, Commission Advisory Council, Office of the Attorney General

Transcriptionist:

Sherri Rutledge, Rutledge Court Reporting

II. CALL TO ORDER & ESTABLISHMENT OF QUORUM

8:45 a.m.

III. APPROVAL OF MINUTES OF THE APRIL 18, 2018 MEETING OF THE COMMISSION

A motion was made and seconded to approve the minutes from the April 18, 2018 meeting.

Lunsford/Busch
9/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	

Doug Rose ✓
Jim Litten ✓

IV. INDIANA ATTORNEY GENERAL'S OFFICE REPORT

Leif Johnson, presented the Attorney General's report.

V. REAL ESTATE EDUCATION ADVISORY COUNCIL REPORT

REEAC, Kathy Harbaugh presented the Real Estate Education Advisory Council Report.

Motion was made and seconded to approve report.

Boyter/McCombs
9/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jim Litten	✓	

VI. RULE PUBLIC HEARING AND POSSIBLE ADOPTION OF RULE

9:00 a.m.

A. LSA# 18-130
Re: 2018-2019 USPAP

Motion was made and seconded to approve report.

Litten/Cox
9/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jim Litten	✓	

VII. PERSONAL APPEARANCES

9:00 a.m.

A. In the Matter of the License of: Paul Watkins
Re: Application Review

Motion was made and seconded to **Issue a License.**

Shook/Boyster
9/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jim Litten	✓	

VIII. ADMINISTRATIVE HEARINGS

9:00 a.m.

A. In the Matter of the License of: Shane A. Tilton
2014 IREC 0054
Re: Removal of Probation

Respondent: Not Present
Attorney: No Attorney Present for the Respondent

Motion was made and seconded to **Reschedule Hearing.**

Busch/McCombs
9/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jim Litten	✓	

B. In the Matter of the License of: M. Claire McGuffey
2017 IREC 0023
Re: Withdrawal of Probation

Respondent: M. Claire McGuffey

Attorney: No Attorney Present for the Respondent

Motion was made and seconded to **Withdrawal Probation.**

Lunsford/Cox
9/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jim Litten	✓	

C. In the Matter of the License of: Kim Summers

2017 IREC 0025

Re: Withdrawal of Probation

Respondent: Kim Summers

Attorney: No Attorney Present for the Respondent

Motion was made and seconded to **Withdrawal Probation.**

Shook/McCombs
9/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jim Litten	✓	

D. In the Matter of the License of: Kristina Kinney

2018 IREC 0012

Re: Summary Suspension Extension

Sam Dayton, Attorney General's Office

Witness: No Witness

Respondent: Not Present

Attorney: No Attorney Present for the Respondent

Motion was made and seconded to **Extend the Summary Suspension for an addition 90 Days.**

Boyer/Cox
9/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jim Litten	✓	

E. In the Matter of the License of: Todd Woodmansee

2017 IREC 0004

Re: Extension of Summary Suspension

Sam Dayton, Attorney General's Office
Witness: No Witness

Respondent: Not Present
Attorney: No Attorney Present for the Respondent

Motion was made and seconded to **Extend the Summary Suspension for an addition 90 Days.**

Lunsford/Cox
9/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	

Jim Litten has recused himself from the hearing as Todd Woodmansee worked for Jim Litten's Company. The following members continued to take part in the hearing: Doug Rose, Sue Cox, Michael Lunsford, Paul Boyter, Charlie Shook, Jack McCombs and Justin Busch.

F. In the Matter of the License of: Everett Powell

2018 IREC 0009

Re: Summary Suspension

Marion County Courts has **Vacated** today's hearing.

IX. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDERS

A. In the Matter of the License of: Tiffany Walker
2016 IREC 0034
Re: Administrative Law Judge Panel's Order

A motion was made and seconded to **Affirm the Law Judge Panel's Order.**

Litten/Cox
9/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jim Litten	✓	

B. In the Matter of the License of: William Bryant
2016 IREC 0012
Re: Administrative Law Judge Panel's Order, objection and briefs

A motion was made and seconded to **Affirm the Law Judge Panel's Order.**

Litten/Lunsford
9/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jim Litten	✓	

C. In the Matter of the License of: Arthur Small
2017 IREC 0047
Re: Administrative Law Judge Panel's Order

A motion was made and seconded to **Approve the Law Judge Panel's Order.**

Boyter/Lunsford
9/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	

Jim Litten has recused himself from the hearing as Jim was the liaison on this case. The following members continued to take part in the hearing: Doug Rose, Sue Cox, Michael Lunsford, Paul Boyter, Charlie Shook, Jack McCombs and Justin Busch.

D. In the Matter of the License of: Jeremy Tucker
2017 IREC 0045
Re: Administrative Law Judge Panel's Order

A motion was made and seconded to **Approve the Law Judge Panel's Order.**

Boyter/Shook
9/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	

Jim Litten has recused himself from the hearing as Jim was the liaison on this case. The following members continued to take part in the hearing: Doug Rose, Sue Cox, Michael Lunsford, Paul Boyter, Charlie Shook, Jack McCombs and Justin Busch.

X. OBJECTIONS TO ADMINISTRATIVE LAW JUDGE PANEL ORDERS

A. Nothing to review

XI. APPLICATION REVIEW

A. Rachel Colbert

Re: Positive Response on Application

A motion was made and seconded to **Approve and issue a license.**

Litten/Cox
9/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jim Litten	✓	

XII. OLD/NEW BUSINESS

A. Legislative Changes

Re: HB1245

Julia Camara presented HB1245 to the Commission.

B. Nicholas White

Managing broker status but has not held an active license for 2 years

A motion was made and seconded to **Deny request, as he has not meet the requirements of holding an “Active” Brokers license for 2 years before becoming a “Managing Broker”. The Commission’s decision is that “Unassigned Status” is not considered an “Active Broker License”.**

Litten/Cox
9/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jim Litten	✓	

C. Bryan Barus

Wanting license reinstated without taking the pre-licensing course
Expired 12/31/2002

A motion was made and seconded to **Reinstate the license if he can Verify that he has an Current Illinois license and Pass the Indiana Law Portion of the Exam.**

Boyer/Lunsford
9/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jim Litten	✓	

D. Johnathon Torongeau

Is unassigned status considered active since CE is required? Wanting to become
Managing broker

A motion was made and seconded to **Deny request, as he has not meet the requirements of holding an active Brokers license for 2 years before becoming a "Managing Broker". His active status counts towards the two years and doesn't have to be concurrent.**

Boyer/Lunsford
9/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jim Litten	✓	

E. Aaron Kuroiwa

Wanting to go active from referral without taking the 30 hour post licensing course
That is not due until 05/04/2019. Stating his managing broker put him in the wrong
Status when he was transferred to the company on 06/14/2017

A motion was made and seconded to **Reach out to the previous Managing Broker to see if they placed his license into Referral status in error, if so we can back date his status change. We need it in writing from the previous Broker stating they placed his license in Referral Status by mistake when it should have been placed in an Active status.**

F. Irrevocable Consent to Service of Process by Out-Of-State Commercial Real Estate Broker

Was requested to be placed on agenda as a discussion item. Jim went over the Statue regarding the Out-Of-State.

XIII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Real Estate Commission adjourned @ 11:54 a.m.

**Next Meeting:
July 25, 2018
W064**