

**Indiana Real Estate Commission
July 25, 2018
Minutes**

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Chair, Pam Lumley called the meeting to order at 8:52 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

Jack McCombs
Michael Lunsford
Pam Lumley, Chair
Charles (Charlie) W. Shook
Sue Cox
James Litten
Norman McClain
John Briscoe
Sahara Williams – leaving @ 12:15

Commission Members Absent:

Paul Boyter
Doug Rose
Justin Busch

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 MAY 23, 2018 MEETING OF THE COMMISSION

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

Lunsford/McClain
8/0

Sahara didn't vote on the minutes as she was absent the last meeting.

The following Board Members Voted	"Aye"	"Nay"
Sue Cox	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	

IV. INDIANA ATTORNEY GENERAL'S OFFICE REPORT

Sam Dayton, 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.

McClain/McCombs
9/0

The following Board Members Voted	"Aye"	"Nay"
Sue Cox	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	
Sahara Williams	✓	

VI. RULE PUBLIC HEARING AND POSSIBLE ADOPTION OF RULE

9:00 a.m.

- A. LSA# 18-65
Re: Real Estate Appraiser Rule Changes

Motion was made and seconded to **Adopt Document LSA# 18-65.**

McClain/Litten
9/0

The following Board Members Voted	"Aye"	"Nay"
Sue Cox	✓	

Jack McCombs	✓
Michael Lunsford	✓
Pam Lumley	✓
Charles (Charlie) W. Shook	✓
Norm McClain	✓
Jim Litten	✓
John Briscoe	✓
Sahara Williams	✓

VII. PERSONAL APPEARANCES

9:00 a.m.

A. In the Matter of the License of: Phillip Anderson

Re: Application Review

Motion was made and seconded to **Reinstate the License on Probation.**

Motion was made and seconded to approve report.

Briscoe/Litten

9/0

The following Board Members Voted	"Aye"	"Nay"
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	
Sahara Williams	✓	

VIII. ADMINISTRATIVE HEARINGS

9:00 a.m.

A. In the Matter of the License of: Richard Sceifers

2014 IREC 0036

Re: Removal of Probation

Leif Johnson, Office of the Attorney General

Respondent: Not Present

Attorney: No Attorney Present for the Respondent

Motion was made and seconded to **Issue a Notice of Proposed Dismissal.**

Shook/Lunsford

8/0

The following Board Members Voted	"Aye"	"Nay"
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Sue Cox	✓
Jack McCombs	✓
Michael Lunsford	✓
Pam Lumley	✓
Charles (Charlie) W. Shook	✓
Norm McClain	✓
Jim Litten	✓
John Briscoe	✓

B. In the Matter of the License of: David Cronnin

2016 IREC 0004

Re: Withdrawal of Probation

Samuel Dayton, Office of the Attorney General

Respondent: David Cronnin

Attorney: No Attorney Present for the Respondent

Motion was made and seconded to **Withdraw from Probation.**

Briscoe/McCombs

9/0

The following Board Members Voted	"Aye"	"Nay"
Sue Cox	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	
Sahara Williams	✓	

C. In the Matter of the License of: Fred Hughey

2011 IREC 0037

Re: Withdrawal of Probation

Correction of the reason it should state that it is a **Reinstatement from Suspension.**

Hilary Egan, Office of the Attorney General

Witness: Fred Hughey

Respondent: Fred Hughey

Attorney: No Attorney Present for the Respondent

Motion was made and seconded to **Deny the request for Reinstatement from Suspension.**

Cook/McClain

8/1

The following Board Members Voted	"Aye"	"Nay"
Sue Cox	✓	
Jack McCombs	✓	
Michael Lunsford		✓
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	
Sahara Williams	✓	

D. In the Matter of the License of: MaryBeth Cambre

2017 IREC 0041

Re: Removal of Probation

Respondent: MaryBeth Cambre

Attorney: No Attorney Present for the Respondent

Motion was made and seconded to **Remove from Probation.**

Cox/Briscoe

9/0

The following Board Members Voted	"Aye"	"Nay"
Sue Cox	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	
Sahara Williams	✓	

E. In the Matter of the License of: Daniel Shih

2017 IREC 0044

Re: Withdrawal of Probation

Respondent: Daniel Shih

Attorney: No Attorney Present for the Respondent

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

Litten/Cox

9/0

The following Board Members Voted	"Aye"	"Nay"
Sue Cox	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	
Sahara Williams	✓	

Sahara Williams left the meeting early @ 12:18 pm.

F. In the Matter of the License of: Douglas Swanson
 2013 IREC 00023
 Re: Reinstatement from Suspension

Hilary Egan, Office of the Attorney General
 Witness: Douglas Swanson

Respondent: Douglas Swanson
 Attorney: No Attorney Present for the Respondent

Motion was made and seconded to **Deny the Respondent's Petition to reinstate the license from Suspension.**

McCombs/Cox
 8/0

The following Board Members Voted	"Aye"	"Nay"
Sue Cox	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	

G. In the Matter of the License of: Melissa McClendon
 2018 IREC 0013
 Re: Summary Suspension

Samuel Dayton, Office of the Attorney General
 Witness: Jaclyn Meza

Respondent: Not Present
 Attorney: No Attorney Present for the Respondent
 State Exhibits – A, B, C, D, E,

Motion was made and seconded to **Grant the Summary Suspension for 90 Days.**

Briscoe/Litten
8/0

The following Board Members Voted	"Aye"	"Nay"
Sue Cox	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	

H. In the Matter of the License of: Stephen Schwering
2018 IREC 0014
Re: Summary Suspension

Leif Johnson, Office of the Attorney General
Witness: Jaclyn Meza

State Exhibits – A, B, C, D, E, F, H, I

Respondent: Stephen Schwering
Witness: Brad Rozzi
Attorney: Brent Embrey

Respondent has a Motion to request the Commission Dismiss the Summary Suspension

Motion was First and Seconded to **Deny the request to the Motion to Dismiss.**
Cox/McClain
9/0

The following Board Members Voted	"Aye"	"Nay"
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	
Sahara Williams	✓	

Commission has moved forward with the Respondent's Case

Respondents Exhibits – 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36

Motion was made and seconded to **Deny Summary Suspension**

Lunsford/Shook
6/3

The following Board Members Voted	“Aye”	“Nay”
Sue Cox		✓
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain		✓
Jim Litten	✓	
John Briscoe	✓	
Sahara Williams		✓

Motion carried

IX. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDERS

A. In the Matter of the License of: Kenneth Vaughn
2017 IREC 0009
Re: Administrative Law Judge Panel’s Order

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

Lunsford/Briscoe
8/0

The following Board Members Voted	“Aye”	“Nay”
Sue Cox	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	

Jack McCombs has recused himself from the hearing as Jim was the liaison on this case. The following members continued to take part in the hearing: Sue Cox, Michael Lunsford, Charlie Shook and John Briscoe, Norm McClain, Jim Litten and Pam Lumley.

B. In the Matter of the License of: Patsy Hill
2018 IREC 0002
Re: Administrative Law Judge Panel's Order

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

Lunsford/Cox
8/0

The following Board Members Voted	"Aye"	"Nay"
Sue Cox	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	

C. In the Matter of the License of: Clark Klemme
2017 IREC 0018
Re: Administrative Law Judge Panel's Order

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

Cox/McClain
10/0

The following Board Members Voted	"Aye"	"Nay"
Sue Cox	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	

D. In the Matter of the License of: Donald Kohler
2018 IREC 0003
Re: Administrative Law Judge Panel's Order

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

Shook/McClain
8/0

The following Board Members Voted	"Aye"	"Nay"
Sue Cox	✓	
Jack McCombs	✓	
Michael Lunsford	✓	

Pam Lumley	✓
Charles (Charlie) W. Shook	✓
Norm McClain	✓
Jim Litten	✓
John Briscoe	✓

E. In the Matter of the License of: Michael Wyatt
 2017 IREC 0038
 Re: Administrative Law Judge Panel’s Order

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

Lunsford/Briscoe
 8/0

The following Board Members Voted	“Aye”	“Nay”
Sue Cox	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	

F. In the Matter of the License of: Joshua Vida
 2018 IREC 0004
 Re: Proposed Findings of Fact, Conclusions of Law and Order

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

Lunsford/McClain
 7/0

The following Board Members Voted	“Aye”	“Nay”
Sue Cox	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	

Sue Cox has recused himself from the hearing as Jim was the liaison on this case. The following members continued to take part in the hearing: Sue Cox, Michael Lunsford, Charlie Shook and John Briscoe, Norm McClain, Jim Litten and Pam Lumley.

X. OBJECTIONS TO ADMINISTRATIVE LAW JUDGE PANEL ORDERS

- A. Nothing to review

XI. APPLICATION REVIEW

A. Eric J. Kovalak

Re: Positive Response on Application

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

Briscoe/McCombs
8/0

The following Board Members Voted	"Aye"	"Nay"
Sue Cox	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	

B. In the Matter of the License of: Shawn Smiley

Re: Positive Response

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

Briscoe/Litten
8/0

The following Board Members Voted	"Aye"	"Nay"
Sue Cox	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	

C. In the Matter of the License of: Christopher Elkins

Re: Positive Response

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

McClain/McCombs
8/0

The following Board Members Voted	"Aye"	"Nay"
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Sue Cox	✓
Jack McCombs	✓
Michael Lunsford	✓
Pam Lumley	✓
Charles (Charlie) W. Shook	✓
Norm McClain	✓
Jim Litten	✓
John Briscoe	✓

D. In the Matter of the License of: Michael Gaudzels
 Re: Positive Response

A motion was made and seconded to **Deny the Application.**

Shook/Lunsford
 8/0

The following Board Members Voted	"Aye"	"Nay"
Sue Cox	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	

E. In the Matter of the License of: Justin Stryker
 Re: Positive Response

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

Shook/Litten
 8/0

The following Board Members Voted	"Aye"	"Nay"
Sue Cox	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	

XII. OLD/NEW BUSINESS

A. CE Audit

Motion was made and seconded to and Audit 1.1%.

McClain/Shook
8/0

The following Board Members Voted	"Aye"	"Nay"
Sue Cox	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	

B. Mortgage Task

1. Board Member participation at the meetings, there are only 4 meetings a year (every quarter).

- September 11th @ 1:00 p.m.
- December 11th @ 1:00 p.m.
- March 19, 2019 @ 1:00 p.m.
- June 4, 2019 @ 1:00 p.m.

Motion was made to Table on the next Agenda

C. KaRonna Smith

Re: Incompletion of CE hours on Renewal – This matter was already taken care of prior to the meeting.

D. Christine Nicholas

Re: Incompletion of CE hours on Renewal

Motion was first and seconded to **Issue a Notice of Non Compliance and issue a Civil Penalty of \$666.67.**

Shook/Cox
8/0

The following Board Members Voted	"Aye"	"Nay"
Sue Cox	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	

John Briscoe had to leave the meeting early @ 1:35 p.m.

E. Tracy Hoss

Re: Request for waiver on CE

The Commission has Granted the Extension of the CE for 7/1/2017 – 6/30/2018 and must complete the CE within the CE cycle of 7/1/2018 to 6/30/2019 which equals 24 hours.

F. Everett Powell

Re: Petition for Summary Suspension, Petition to Commission to seek Courts reconsideration to allow hearing for Summary Suspension, Motion to strike Petitioner’s third Petition for Summary Suspension and Request for Sanctions and Objection to Petitioner’s Petition to Commission to seek Court’s Reconsideration to allow Hearing on Petition for Summary Suspension.

Motion was first and seconded to Deny the States Petition for Summary Suspension, Petition to Commission to seek Courts reconsideration to allow hearing for Summary Suspension, Motion to strike Petitioner’s third Petition for Summary Suspension and Request for Sanctions and Objection to Petitioner’s Petition to Commission to seek Court’s Reconsideration to allow Hearing on Petition for Summary Suspension.

Litten/McClain.
7/0

The following Board Members Voted	“Aye”	“Nay”
Sue Cox	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	

G. Jason Lindsay and First Choice Housing, LLC

Re: Motion for Voluntary Dismissal

Motion was first and seconded to Grant the Motion for Voluntary Dismissal

Litten/McClain.
7/0

The following Board Members Voted	“Aye”	“Nay”
Sue Cox	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Norm McClain	✓	
Jim Litten	✓	
John Briscoe	✓	

H. Mike Smitson

RE: transfer to referral status without signature due to stroke unable to complete CE

Request by managing broker

Licensee can apply for a waiver of the CE once he is able to apply due to his stroke.

I. Elections (last election was on (6/28/2017)

1. Chairman – Doug Rose
2. Vice Chairman – Jack McCombs

Commission has Table the Chairman selectin until the next Agenda and vote for Jack McCombs as Vice Chairman.

XIII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Real Estate Commission adjourned @ 1:52 a.m.

**Next Meeting:
August 29, 2018
W064**