

**Indiana Real Estate Commission
August 29, 2018
Minutes**

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Chair, Pam Lumley called the meeting to order at 9:10 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
Sue Cox
Sahara Williams
Paul Boyter
Doug Rose, Vice Chair
Justin Busch

Commission Members Absent:

Charles (Charlie) W. Shook
John Briscoe
James Litten

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 JULY 25, 2018 MEETING OF THE COMMISSION

A motion was made and seconded to approve the minutes from the July 25, 2018 meeting.

Cox/Lunsford
7/0

The following Board Members Voted "Aye" "Nay"

Paul Boyter	✓
Sue Cox	✓
Jack McCombs	✓
Justin Busch	✓
Michael Lunsford	✓
Pam Lumley	✓
Doug Rose	✓
Sahara Williams	✓

IV. INDIANA ATTORNEY GENERAL’S OFFICE REPORT

Jennifer Williams, 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/Williams
7/0

The following Board Members Voted	“Aye”	“Nay”
-----------------------------------	-------	-------

Paul Boyter	✓
Sue Cox	✓
Jack McCombs	✓
Justin Busch	✓
Michael Lunsford	✓
Pam Lumley	✓
Doug Rose	✓
Sahara Williams	✓

VI. PERSONAL APPEARANCES

9:00 a.m.

A. Jeremy Martin
Re: Positive Response

Motion was made and seconded to **Deny** the application.

Boyter/Cox
7/1

The following Board Members Voted	“Aye”	“Nay”
-----------------------------------	-------	-------

Paul Boyter	✓
Sue Cox	✓
Jack McCombs	✓
Justin Busch	✓

Michael Lunsford	✓	
Pam Lumley	✓	
Doug Rose		✓
Sahara Williams	✓	

B. Stephen Eppink
Re: Positive Response

Motion was made and seconded to **Reinstate the License and licensee must complete the 36 hours must completed within 180 days and pay a \$1000.00 civil penalty within as well as issue a Notice of Non-compliance letter.**

Paul Boyter withdrew his motion.

Motion was made and seconded to amend renewal and put license into the inactive status

Boyter/Lunsford
6/1 Sue Cox abstained

The following Board Members Voted "Aye" "Nay"

Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Doug Rose	✓	
Sahara Williams	✓	

VII. ADMINISTRATIVE HEARINGS

9:00 a.m.

A. In the Matter of the License of: Thomas Nickols
2017 IREC 0043
Re: Removal of Probation

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

Recommended to reschedule to the October Meeting.

B. In the Matter of the License of: Tina Torres
2017 IREC 0024
Re: Removal of Probation

Respondent: Tina Torres
Attorney: No Attorney Present for the Respondent

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

Lunsford/Cox
7/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Doug Rose	✓	
Sahara Williams	✓	

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

Leif Johnson, Office of the Attorney General
Witness: No Wittnes

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

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

Boyter/Williams
7/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Doug Rose	✓	
Sahara Williams	✓	

D. In the Matter of the License of: Kristina Kinney
2018 IREC 0012
Re: Extension of Summary Suspension

Leif Johnson, Office of the Attorney General
Witness: No Witnesses

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

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

State has presented two exhibits A and B

Boyter/Cox
7/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Doug Rose	✓	
Sahara Williams	✓	

E. In the Matter of the License of: Todd Woodmansee
2017 IREC 0004
Re: Extension of Summary Suspension

Leif Johnson, Office of the Attorney General
Witness: No Wittness

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

State request to take notice of copies of States Exhibits A

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

Cox/McCombs
7/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Doug Rose	✓	
Sahara Williams	✓	

VIII. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDERS

A. In the Matter of the License of: Keith Brown, Garan Smith, Nick Ryan, & KCB Property Management, LLC

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

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

Lunsford/Boyter
7/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Doug Rose	✓	
Sahara Williams	✓	

B. In the Matter of the License of: Pete Shawver

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/McCombs
7/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Doug Rose	✓	
Sahara Williams	✓	

C. In the Matter of the License of: Scott White & Apex Property Management

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**

Lunsford/Boyter
6/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Doug Rose	✓	
Sahara Williams	✓	

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: Michael Lunsford, Jack McCombs, Paul Boyter, Justin Busch, Pam Lumley, Sahara Williams and Doug Rose.

IX. OBJECTIONS TO ADMINISTRATIVE LAW JUDGE PANEL ORDERS

A. In the Matter of the License of: Clark Klemme

2018 IREC 0018

Re: Notice of Objection to Administrative Law Judge Panel Final Order of August 8, 2018

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

Lunsford/Cox
7/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Doug Rose	✓	
Sahara Williams	✓	

X. APPLICATION REVIEW

A. Nothing for review

XI. OLD/NEW BUSINESS

A. Scott Adams

Re: Did not complete CE for 2017-2018.

No action can be taken at this time, but could during his 2020 renewal.

B. Matthew Deulley

Re: Requesting waiver to take the 90 hour pre-licensing course. Took course June 20, 2016

A motion was first and seconded to Deny request.

McCombs/Lunsford
6/0

The following Board Members Voted	"Aye"	"Nay"
Sue Cox	✓	
Jack McCombs	✓	
Justin Busch	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Doug Rose	✓	
Sahara Williams	✓	

Paul Boyter abstain from voting.

C. Monica Meyer

Re: Requesting waiver of 30 hour post licensing and fine due to moving out of state and will not be using her real estate license in Indiana. Asking to terminate license?

D. Mortgage Task Force

Re: 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.

Doug Rose has volunteered to participate.

E. HB 1245 Rule Drafting

Re: Need to revise its licensing requirements to the extent necessary to explicitly list the crimes that will disqualify an individual from receiving a license.

Commission has recommends for each Commission member to complete the Survey and back withing the dead line of two weeks which is September 14th.

F. Proctored Exam Question for Online Distance Education & Pre-licensing

Commission says providers are not required to have their online pre-licensing classes or an online CE courses be proctored.

G. Elections (Last election was on 06/28/2017)

1. Chairman – **Doug Rose**

Busch/Boyter

7/0

2. Vice Chairman – **Jack McCombs**

Boyer/Busch

7/0

H. New ALJ Panel Member Election / Re-election

The Commission is designating **Jack McCombs** as the third member on the ALJ Panel.

Boyer/Busch

7/0

1. Paul Boyter
2. Charlie Shook
3. Jack McCombs

XII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Real Estate Commission adjourned @ 12:31 p.m.

**Next Meeting:
October 3, 2018
W064**