

**Indiana Real Estate Commission
December 18, 2019
Minutes**

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Chairperson, Doug Rose 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

Sue Cox
Paul Boyter
Charles (Charlie) W. Shook
Doug Rose, Chairperson
Sahara Williams – In @ 9:00 / Out @ 10:19 am
Jack McCombs, Vice Chairperson
James Litten

Commission Members Absent:

John Briscoe
Pam Lumley

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
Travis Lovett, Commission Advisory Council, Office of the Attorney General

Transcriptionist:

Lindy Myers, Accurate Reporting of Indiana

II. CALL TO ORDER & ESTABLISHMENT OF QUORUM

8:52 a.m.

III. AGENDA ITEM ADDED

A. Selection of a new Liason to replace Sue Cox with the AG's office.

A motion was made and seconded to approve the amended agenda.

McCombs/Boyer
6/0

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

IV. APPROVAL OF MINUTES OF THE NOVEMBER 13, 2019 MEETING OF THE COMMISSION

A motion was made and seconded to approve the minutes from the November 13, 2019 meeting.

McCombs/Cox
6/0

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

V. INDIANA ATTORNEY GENERAL'S OFFICE REPORT

Jenifer Barth, presented the Attorney General's report.

Sahara Williams arrived @ 9:00 am

VI. REAL ESTATE EDUCATION ADVISORY COUNCIL REPORT

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

A motion was made and seconded to Approve the REEAC recommendations.

McCombs/Litten
6/0

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

VII. PERSONAL APPEARANCES

9:00 a.m.

A. IN THE MATTER OF THE APPLICATION OF: Jason Storm
 Re: Positive Response

A motion was made and seconded to Issue a license.

McCombs/Litten
 7/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
Sahara Williams	✓	
Jim Litten	✓	

B. IN THE MATTER OF THE APPLICATION OF: Jennifer Isley
 Re: Positive Response

A motion was made and seconded to Issue a license on Probation.

Shook/Boyter
 7/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	

Jack McCombs	✓
Sahara Williams	✓
Jim Litten	✓

C. IN THE MATTER OF THE APPLICATION OF: Vaughn Spight

Re: Positive Response

A motion was made and seconded to Issue a license on Probation.

McCombs/Cox
7/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
Sahara Williams	✓	
Jim Litten	✓	

D. IN THE MATTER OF THE APPLICATION OF: Kevin Harcourt

Re: Positive Response

A motion was made and seconded to Issue a license.

McCombs/Boyter
7/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
Sahara Williams	✓	
Jim Litten	✓	

A revised motion was made and seconded to Issue a license contingent on receiving documentation that he has completed his probation.

McCombs/Boyter
7/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
Sahara Williams	✓	
Jim Litten	✓	

VIII. ADMINISTRATIVE HEARINGS

9:00 a.m.

A. IN THE MATTER OF THE LICENSE OF: Clark Rehme
2017 IREC 0002
Re: Probation Withdrawal

Respondent: Clark Rehme
Attorney: No Attorney present

Wititness: Deanna Alexander

Exhibits: 1, 2, 3, 4 and 5

A motion was made and seconded to Withdrawl Probation.

Litten/Boyter
6/1

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox		✓
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
Sahara Williams	✓	
Jim Litten	✓	

B. IN THE MATTER OF THE LICENSE OF: Jeffrey Kocel

2015 IREC 0050

Re: Probation Withdrawal

Respondent: Jeffrey Kocel

Attorney: No Attorney present

A motion was made and seconded to Deny Probation Withdrawal due to lack of proof of completion of criminal probation.

McCombs/Williams

7/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
Sahara Williams	✓	
Jim Litten	✓	

C. IN THE MATTER OF THE LICENSE OF: Joshua Lybolt and Magdalena Lybolt

2019 IREC 0022

Re: Summary Suspension Extension

Leif Johnson, Deputy Attorney General

Witness – Jaclyn Meza

Respondents: Not Present

Attorney: Not Present

A motion was made and seconded to Summary Suspend both license of Joshua Lybolt and Magdalena Lybolt.

McCombs/Cox

7/0

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

Charles (Charlie) W. Shook	✓
Doug Rose	✓
Jack McCombs	✓
Sahara Williams	✓
Jim Litten	✓

D. IN THE MATTER OF THE LICENSE OF: Angela Miracle
 2019 IREC 0032
 Re: Summary Suspension

Sahara Williams left the meeting @ 10:19 am.

Kelsey E. Miller, Deputy Attorney General
 Witness - Jaclyn Meza

State Exhibits – A, B and C

Respondent: Angela Miracle – Present Via Phone
 Attorney: No Attorney present

A motion was made and seconded to Approve the 90 day Summary Suspension.

Shook/McCombs
 6/0

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

Sahara Williams has recused herself from the vote. The following members continued to take part in the hearing: Jack MConbs, Charlie Shook, Doug Rose, Paul Boyter ,Sue Cox and Jim Litten.

IX. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDERS

X. OBJECTIONS TO ADMINISTRATIVE LAW JUDGE PANEL ORDERS

XI. APPLICATION REVIEW

XII. OLD/NEW BUSINESS

A. Todd Gould – Failure to Complete CE on Renewal Discussion

A motion was made and seconded to issue a Non-Compliance and a civil penalty assessed of \$333.33 due.

Shook/Boyter
6/0

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

The Commission has deligated the staff to issue a Non-Compliance letter with civil penalty to individuals that are in non-compliance with their CE audit.

McCombs/Boyter
6/0

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

B. Ryan Nolan – Failure to Complete CE on Renewal

C. Rodney Rhodes Sr. – Failure to Complete CE on Reinstatement (Renewal)

D. Joseph Braun – Failure to Complete CE on Reinstatement (Renewal)

E. LisaMarie Taillon- Returned check from 2014-2017 renewal. Owes \$85.50. Sent out email per last meeting with no response.

A first and second Motion to Table until next meeting.

Boyter/McCombs
6/0

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

F. Seller Disclosure Form – Sahara Williams – Tabled

G. Possible Correction of Minutes

H. 2020-2021 Emergency USPAP Rule

A first and second Motion to Approve the 2020/2021 USPAP Emergency Rule.

Litten/McCombs
6/0

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

I. Liason to the AG's office to replace Sue Cox

A first and second Motion to vote an interim Liason to replace Sue Cox until another has been selected Doug Rose has agreed to step in until the Commission can select another Liason at their January 15, 2020 meeting.

Litten/McCombs
6/0

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

XIII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Real Estate Commission adjourned @ 11:57 a.m.

**Next Meeting:
January 13, 2020
W064**

Doug Rose, Chairman