

**Indiana Real Estate Commission  
March 6, 2019  
Minutes**

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**I. CALL TO ORDER & ESTABLISHMENT OF QUORUM**

Chair, Doug Rose called the meeting to order at **8:57 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  
James Litten  
John Briscoe  
Sahara Williams  
Doug Rose, Chairperson  
Pam Lumley

**Commission Members Absent:**

Jack McCombs, Vice Chairperson

**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**

**8:57 a.m.**

**III. APPROVAL OF MINUTES OF THE JANUARY 16, 2019 MEETING OF THE COMMISSION**

**A motion was made and seconded to approve the minutes from the January 16, 2019 meeting.**

Shook/Cox  
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Charles (Charlie) W. Shook	✓	
James Litten	✓	
John Briscoe	✓	
Sahara Williams	✓	
Doug Rose, Chairperson	✓	
Pam Lumley	✓	

#### 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.

**A motion was made and seconded to approve the REEAC recommendations.**

Cox/Litten  
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Charles (Charlie) W. Shook	✓	
James Litten	✓	
John Briscoe	✓	
Sahara Williams	✓	
Doug Rose, Chairperson	✓	
Pam Lumley	✓	

**VI. PERSONAL APPEARANCES**

**9:00 a.m.**

**A. IN THE MATTER OF THE RENEWAL OF: Landon Chase**  
Re: Positive Response

**A motion was made and seconded to Approve the reinstatement.**

Shook/Boyster  
8/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Sue Cox	✓	
Charles (Charlie) W. Shook	✓	
James Litten	✓	
John Briscoe	✓	
Sahara Williams	✓	
Doug Rose, Chairperson	✓	
Pam Lumley	✓	

**B. IN THE MATTER OF THE APPLICATION OF: Patrick Cardova**  
Re: Positive Response

**A motion was made and seconded to Issue a license.**

Shook/Williams  
8/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Sue Cox	✓	
Charles (Charlie) W. Shook	✓	
James Litten	✓	
John Briscoe	✓	
Sahara Williams	✓	
Doug Rose, Chairperson	✓	
Pam Lumley	✓	

**C. IN THE MATTER OF THE APPLICATION OF: Holly Thomas**  
Re: Positive Response

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

Shook/Boyster  
7/1

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Charles (Charlie) W. Shook	✓	
James Litten	✓	
John Briscoe	✓	
Sahara Williams		✓
Doug Rose, Chairperson	✓	
Pam Lumley	✓	

**VII. ADMINISTRATIVE HEARINGS**

**9:00 a.m.**

**A. IN THE MATTER OF THE LICENSE OF: Charles Charleston**  
2009 IREC 0018  
Re: Petition to Withdraw Probation and Order to Show Cause

Aдриanna Zelijkovic, Office of the Attorney General  
Witness:

Respondent: Charles Charleston  
Attorney: No attorney present to represent respondent

**State request to withdraw it's Motion to Show Cause.**

**Motion was made and secondend to approve the Withdrawl from Probation.**

Litten/Lumley  
8/0

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

Charles (Charlie) W. Shook	✓
James Litten	✓
John Briscoe	✓
Sahara Williams	✓
Doug Rose, Chairperson	✓
Pam Lumley	✓

**B. IN THE MATTER OF THE LICENSE OF: Garrett Pennington**  
 2009 IREC 0018  
 Re: Petition to Withdraw Probation

**A motion was made and seconded to reschedule for the April meeting.**

Shook/Boyter  
 8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Charles (Charlie) W. Shook	✓	
James Litten	✓	
John Briscoe	✓	
Sahara Williams	✓	
Doug Rose, Chairperson	✓	
Pam Lumley	✓	

**C. IN THE MATTER OF THE LICENSE OF: Jeffrey Kocel**  
 2015 IREC 0050  
 Re: Probation Withdrawal

**A motion was made and seconded to reschedule for the April Meeting.**

Shook/Boyter  
 8/0

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

James Litten	✓
John Briscoe	✓
Sahara Williams	✓
Doug Rose, Chairperson	✓
Pam Lumley	✓

**D. IN THE MATTER OF THE LICENSE OF: Everett Powell**  
 2018 IREC 0009  
 Re: Oral Argument

Leif Johnson, Office of the Attorney General  
 Witness:

Respondent: Everett Powell  
 Attorney: No attorney

**A motion was made and seconded to proceed with the hearing.**

Shook/Lumley  
 7/1

The following Board Members Voted	Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Charles (Charlie) W. Shook	✓	
James Litten	✓	
John Briscoe	✓	
Sahara Williams		✓
Doug Rose, Chairperson	✓	
Pam Lumley	✓	

**A motion was made and seconded to issue a final order with modifying the ALJ order and dropping the violation MB application and denying Powell’s Motion for Summary Judgement, and to Affirm the Suspension for 18 months.**

Cox/Boyter  
 8/0

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

James Litten	✓
John Briscoe	✓
Sahara Williams	✓
Doug Rose, Chairperson	✓
Pam Lumley	✓

**E. IN THE MATTER OF THE LICENSE OF: Jason King**  
 2018 IREC 0021  
 Re: Extension of Summary Suspension

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

Respondent: Jason King  
 Attorney: Dereck Peterson  
 Witness: Ryan West  
 Witness: Hannah Miller  
 Witness: Amber Landes  
 Witness: Jason King

Respondents Exhibits – 3, affidavit attached to exhibit 1, 2, 5, Chairman Rose struck to accept exhibit 4,

**A motion was made by the Respondent’s Attorney to Objection to proceed. Motion was first and seconded to Deny the Objection and to move forward with the hearing.**

Boyer/Shook  
 8/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Sue Cox	✓	
Charles (Charlie) W. Shook	✓	
James Litten	✓	
John Briscoe	✓	
Sahara Williams	✓	
Doug Rose, Chairperson	✓	
Pam Lumley	✓	

**A motion was first and seconded to Deny the Motion to Direct Devert.**

Shook/Boyter  
7/1

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Charles (Charlie) W. Shook	✓	
James Litten	✓	
John Briscoe	✓	
Sahara Williams		✓
Doug Rose, Chairperson	✓	
Pam Lumley	✓	

**A motion was first and seconded to Deny the the Renewal of the Summary of Suspension.**

Williams/Briscoe  
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Charles (Charlie) W. Shook	✓	
James Litten	✓	
John Briscoe	✓	
Sahara Williams	✓	
Doug Rose, Chairperson	✓	
Pam Lumley	✓	

## VIII. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDERS

**A. IN THE MATTER OF THE UNLICENSED PRACTICE OF: Trinity Property Developments LLC and Eric Moore**  
2018 IREC 0008  
Re: Administrative Law Judge Panel Order

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



Litten/Cox  
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Charles (Charlie) W. Shook	✓	
James Litten	✓	
Sahara Williams	✓	
Doug Rose, Chairperson	✓	
Pam Lumley	✓	

**B. IN THE MATTER OF THE LICENSE OF: Tamara Everett**  
2018 IREC 0010  
Re: Administrative Law Judge Panel Order

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

Litten/Cox  
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Charles (Charlie) W. Shook	✓	
James Litten	✓	
Sahara Williams	✓	
Doug Rose, Chairperson	✓	
Pam Lumley	✓	

**C. IN THE MATTER OF THE LICENSE OF: Jennifer Williamson**  
2018 IREC 0025  
Re: Proposed Findings of Fact

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

Litten/Boyter

7/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
James Litten	✓	
Sahara Williams	✓	
Doug Rose, Chairperson	✓	
Pam Lumley	✓	

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

**D. IN THE MATTER OF THE LICENSE OF: Phillip Chamberlain**  
2017 IREC 0011  
Re: Administrative Law Judge Panel Order

**A motion was made and seconded to Affirm the Proposed Findings of Fact,**

Litten/Cox  
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Charles (Charlie) W. Shook	✓	
James Litten	✓	
Sahara Williams	✓	
Doug Rose, Chairperson	✓	
Pam Lumley	✓	

**IX. OBJECTIONS TO ADMINISTRATIVE LAW JUDGE PANEL ORDERS**

**X. APPLICATION REVIEW**

**XI. OLD/NEW BUSINESS**

- A.** Rodney Boyd  
Re: Motion to Terminate Summary Suspension
- Motion was first and seconded to reinstate license.

Shook/Boyter

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Charles (Charlie) W. Shook	✓	
James Litten	✓	
Sahara Williams	✓	
Doug Rose, Chairperson	✓	
Pam Lumley	✓	

**B.** Consumer Federation of America recent study.

- Motion was first and seconded to move to the April Meeting

**C.** Margaret White request for extension of pre licensing exam due to health reasons

- Commission doesn't have the authority to grant this extension.

**D.** Tiffany Clark

Re: Managing Broker Status using her Florida broker's license active status.

- Motion was first and seconded to allow her Florida license active status to count towards 2 years experience for her Indiana license to obtain her managing broker designation in Indiana.

Boyter/Shook

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Charles (Charlie) W. Shook	✓	
James Litten	✓	
Sahara Williams	✓	
Doug Rose, Chairperson	✓	
Pam Lumley	✓	

**XII. ADJOURNMENT**

There being no further business, and having completed its duties, the meeting of the Indiana Real Estate Commission adjourned @ 2:57 pm.

**Next Meeting:  
April 17, 2019  
W064**