

**Indiana Real Estate Commission
May 22, 2019
Minutes**

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Chair, Doug Rose called the meeting to order at **9:01 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
Pam Lumley
James Litten

Commission Members Absent:

John Briscoe
Jack McCombs, Vice Chairperson
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
James 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 APRIL 17, 2019 MEETING OF THE COMMISSION

A motion was made and seconded to approve the minutes from the April 17, 2019 meeting.

Cox/Boyer
6/0

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

IV. INDIANA ATTORNEY GENERAL'S OFFICE REPORT

Jenifer Williams, presented the Attorney General's report.

V. 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.

Boyer/Litten
6/0

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

VI. LEGISLATIVE UPDATES

A. Meredith Lizza

Meredith presented the current legislative updates before the Commission.

House Bill 1269
Update on HB 1245

Update on AMC regarding the fees for panel size.

VII. PERSONAL APPEARANCES

9:00 a.m.

A. IN THE MATTER OF THE APPLICATION OF: Jeffrey Tegethoff
Re: Positive Response

A motion was made and seconded to Issue a license.

Lumley/Litten
5/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Doug Rose	✓	
Pam Lumley	✓	
Jim Litten	✓	

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

B. IN THE MATTER OF THE LICENSE OF: John Tiffany
2016 IREC 0011
Re: Probationary Personal Appearance

A motion was first and seconded to accept his probation report. According to the Order January 26, 2018 he is required to do a probationary check in before the Commission.

Shoot/Boyter
5/0

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

Jim Litten

✓

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

C. IN THE MATTER OF THE APPLICATION OF: Jason Campbell
Re: Positive Response

A motion was made and seconded to Issue license.

Shook/Litten
6/0

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

D. IN THE MATTER OF THE REINSTATEMENT OF: Jason King
Re: Positive Response

A motion was made and seconded to reinstate the license and to file a complaint with the Attorney General's office.

Boyter/Shook
5/1

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

VIII. ADMINISTRATIVE HEARINGS

9:00 a.m.

A. IN THE MATTER OF THE LICENSE OF: Susan Todd
2019 IREC 0002
Re: CE Notice of Noncompliance Appeal

Witness: Toby Davis, Assistant Director

Respondent: Susan Todd

Attorney: No attorney present to represent respondent

A motion was made and seconded that a Notice of Non-compliant shouldn't have been issued as a well as a civil penalty been issued as she was in compliance but didn't submit CE until after the non compliance letter and civil penalty was issued.

Cox/Litten

5/0

The following Board Members Voted

“Aye” “Nay”

Paul Boyter	✓
Sue Cox	✓
Charles (Charlie) W. Shook	✓
Doug Rose	✓
Jim Litten	✓

Pam Lumley was not present during the case being presented and will not vote.

B. IN THE MATTER OF THE LICENSE OF: Angela Davis
2019 IREC 0009
Re: CE Notice of Noncompliance Appeal

Witness: Toby Davis

Respondent: Angela Davis

Attorney: No attorney present to represent respondent

Respondent submitted exhibits: 1

A motion was made and seconded to pay Civil Penalty of \$222.24 within 21 days and has 6 months to make up the 8 hours of CE.

Boyter/Cox
6/0

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

C. IN THE MATTER OF THE LICENSE OF: Melissa McClendon
2018 IREC 0009
Re: Summary Suspension Extension

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

State Exhibits Submitted: A, B, C, D, E, F

Respondent: Not present
Attorney: No attorney present to represent respondent

A motion was made and seconded to Renew the Summary Suspension for an additional 90 days.

Boyter/Litten
6/0

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

IX. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDERS

A. IN THE MATTER OF THE LICENSE OF: Dan Walker

2018 IREC 0028
Re: Administrative Law Judge Panel Order

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

Cox/Boyster
6/0

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

B. IN THE MATTER OF THE LICENSE OF: Michael Wyatt
2018 IREC 0031
Re: Administrative Law Judge Panel Order

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

Cox/Lumley
6/0

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

C. IN THE MATTER OF THE LICENSE OF: Building Better Communities and Steven Kollar
2018 IREC 0036
Re: Administrative Law Judge Panel Order

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

Cox/Lumley
6/0

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

D. IN THE MATTER OF THE LICENSE OF: Karen Duncan
2016 IREC 0022
Re: Proposed Findings of Fact, Conclusions of Law, and Order

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

Litten/Boyter
5/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Pam Lumley	✓	
Jim Litten	✓	

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

X. OBJECTIONS TO ADMINISTRATIVE LAW JUDGE PANEL ORDERS

XI. APPLICATION REVIEW

A. Cheresa Covington took exam after 90 hour certificate expired

A motion was made and seconded to Issue the license as Pearson Vue was in the wrong to allow the license to take the exam as her certificate was expired.

Lumley/Boyer
6/0

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

XII. OLD/NEW BUSINESS

A. Kathy Harbaugh Discussion Correspondence courses

- **Kathy presented her discussion on correspondence courses and has asked the Commission to do away with them as 1. They offer online CE and 2. They are not being updated.**

A motion was made and seconded to add to the list of Rule making process.

Cox/Shook
6/0

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

B. David Schouweiler- Waiver request for CE for 2019-2020 due to Medical Reasons

A motion was made and seconded to Waive the CE for July 1, 2018 to June 30, 2019 CE Cycle.

Litten/Boyer
6/0

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

C. Reinstatement applications that did not complete CE – Complaints?
• **William Searcy – INST 200803 & DeAndre McClendon**

William Searcy – INST 200803 - A motion was made and seconded to grant the renewal and issue a letter of Non-Compliance and a Civil penalty.

12 hours dificancy X \$27.77 = \$333.33 and make up the CE.

Cox/Boyer
6/0

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

DeAndre McClendon - A motion was made and seconded to issue a Notice of Non-compliance and Civil penalty must make up the 12 hours before he can be reinstated.

12 hours dificancy X \$27.77 = \$333.33 and make up the CE.

Boyter/Cox
6/0

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

- D. James Sexton-per the January meeting had until 04/15/2019 to submit 90 hour pre licensing certificate.**

A motion was made and seconded to give Mr. Sexton an addition 30 days to complete and submit the 90 Hour Broker completion certificate, if not completed and sbmitted the Commission can take further action.

Litten/Boyter
6/0

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

- E. Exam Provider**
- Deanna Alexander addressed the Commission regarding the new contract with PSI for the exams of Real Estate & Appraiser**

- F. John R Osborne Jr. – at last meeting Commission gave 30 days to notify for renewal**

Questions 4 and 5. No response

A motion was made and seconded to issue a Notice of Non-compliance and Civil penalty must make up the 12 hours before he can be reinstated.

12 hours deficiency X \$27.77 = \$333.33 and make up the CE.

Boyster/Cox
6/0

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

G. David McCrea – Seller’s Residential Real Estate Sales Disclosure Form

He sent in a letter and he will be here if the Commission has any questions regarding what it is he is asking for.

The Commission wish to discuss at a further time.

H. Wayne Vogel – RB14031493

Re: Was suspended in 2014 due to CE audit

A motion was made and seconded that the license needs to complete the activation requirements and to do away with the suspension and civil penalty.

Shook/Lumley
6/0

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

**I. Aundrea Wilson
Re: Application**

A motion was made and seconded to issue the license on Probation.

Cox/Boyter
5/0

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

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

II. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Real Estate Commission adjourned @ 1:23 am.

**Next Meeting:
July 24, 2019
W064**

Doug Rose, Chairman