

**Indiana Real Estate Commission
AND CERTIFICATION BOARD
Wednesday August 26th, 2020
8:00 a.m.**

***TO BE HELD THROUGH WEBEX*
TO JOIN, CALL: (240) 454-0887
MEETING CODE: 610915440 OR**

<https://IndianaEnhanced.Webex.com/join/PLAWebex>

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Chairperson, Doug Rose called the meeting to order at **8:12 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

Paul Boyter
Charles (Charlie) W. Shook
Doug Rose, Chairperson
Sahara Williams
Jack McCombs, Chairperson
John De Souza
Donna Spears
Pam Lumley
James Litten
Molly Kitchell
John Briscoe

Commission Members Absent:

State Officials Present:

Deanna Alexander, Director, Indiana Professional Licensing Agency
Erin Sutton, Compliance Officer, Indiana Professional Licensing Agency
James Harry, Commission Advisory Council, Office of the Attorney General
Nichole Shuster, Office of the Attorney General

Transcriptionist:

Heater Orbough, Accurate Reporting of Indiana

II. CALL TO ORDER & ESTABLISHMENT OF QUORUM
III. REAL ESTATE EDUCATION ADVISORY COUNCIL REPORT

8:00 a.m.

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

A motion was made and seconded to amend the agenda to add to Old/New Busisenss Lee Lull and Dawn Williams.

Boyter/Kitchell
11/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	
John Briscoe	✓	

IV. ATTORNEY GENERAL’S REPORT

Jennifer Barth, gave the AG report

V. APPROVAL OF MINUTES OF THE JULY 22, 2020 MEETING OF THE COMMISSION

**To amend the minutes to update location to Web Ex
Item # 9 vote Rose/Spears**

Rose/Shook
11/0

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

Jack McCombs	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Pam Lumley	✓
James Litten	✓
Molly Kitchell	✓
John Briscoe	✓

A motion was made and seconded to approve the minutes from the July 22, 2020 meeting.

McCombs/Boyter
11/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	
John Briscoe	✓	

VI. PUBLIC HEARING LSA# 20-71 2020-2021 USPAP RULE ADOPTION 8:00 a.m.

A motion was made and seconded to approve the 2020/2021 USPAP Rule.

No Public Comments

Boyter/DeSouza
11/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	
John Briscoe	✓	

VII. ADMINISTRATIVE HEARINGS

8:00 a.m.

A. IN THE MATTER OF THE LICENSE OF: SHAWN SMILEY
 2018 IREC 0019
 Re: Probation Withdrawal

Respondent: Shawn Smiley
 Attorney: No Attorney present

A motion was made and seconded to Remove Probation.

Boyter/Litten
 11/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

B. IN THE MATTER OF THE LICENSE OF: VAUGHN SPIGHT
2019 IREC 0036
Re: Probation Withdrawal

Respondent: Vaughn Spight
Attorney: No Attorney present

States Exhibits:

A motion was made and seconded to Continue this to the next meeting October 7th meeting.

Boyter/Kitchell
11/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

C. IN THE MATTER OF THE LICENSE OF: PATRICK MCDONALD
2019 IREC 0010
Re: Petition to Reinstate and Order to Show Cause

Leif Johnson, Attorney General Office
Witness: Jaclyn Meza

Respondent: Patrick McDonald
Attorney: No Attorney present

States Exhibits: 1, 2, 3, 4 and 5
Respondents Exhibits: No Exhibits admitted

A motion was made and seconded to Revoke License

Rose/Shook
11/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

A motion was made and seconded to Deny his request to Reinstate the License

Kitchell/Lummey
11/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

VIII. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDERS

A. No Agenda Items

IX. OBJECTIONS TO ADMINISTRATIVE LAW JUDGE PANEL ORDERS

X. POSITIVE RESPONSE RENEWAL REVIEWS

A. Jason King

A motion was made and seconded to Renew license.

Shook/Rose
11/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

B. Mark Sergi

A motion was made and seconded to renew the license on Active status

Donna Spears and Sahara Williams were not present to hear testimony and are not present for vote.

Boyter/Lumley
9/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John Briscoe	✓	
John De Souza	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

C. Amy Pollock

A motion was made and seconded to Renew License.

Shook/Boyter

8/3

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose		✓
Jack McCombs	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears		✓
Sahara Williams		✓
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

Motion was first and seconded to amend Charlies first motion to renew the license and file a Complaint with the AG's office. Motion Denied.

Williams/Spears

8/3

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter		✓
Charles (Charlie) W. Shook		✓
Doug Rose	✓	
Jack McCombs		✓
John Briscoe		✓
John De Souza		✓
Donna Spears	✓	
Sahara Williams	✓	
Pam Lumley		✓
James Litten		✓
Molly Kitchell		✓

D. Monica O'Donnell

A motion was made and seconded to renew license as Active

Attorney: Dereck Peterson

Sahra Williams not present for vote

Boyter/Biscoe
9/0/1

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears		obstained from vote
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

E. Bradley Tomlinson

A motion was made and seconded to renew.

Molly Kitchell withdraws her motion

A motion was first and seconded to renew on Probation.

Shook/Rose
10/1

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears		✓
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

F. Scott Nally

A motion was made and seconded to Renew License.

Litten/Kitchell
11/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

G. Pete LaSalle

**A motion was made and seconded to Renew the License Active
Attorney: Todd Uzelac**

Lumley/Rose
10/0

The following Board Members Voted	"Aye"	"Nay"
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

Paul Boyter has recused himself from the hearing. The following members continued to take part in the hearing: Jack McCombs, Charlie Shook, Doug Rose, John Briscoe, John De Souza, Donna Spears, Pam Lumley, James Litten, Molly Kitchell and Sahara Williams.

H. Renata LaSalle

**A motion was made and seconded to Renew license to active status
Attorney: Todd Uzelac**

Shook/Rose
10/0

The following Board Members Voted	“Aye”	“Nay”
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

Paul Boyter has recused himself from the hearing. The following members continued to take part in the hearing: Jack McCombs, Charlie Shook, Doug Rose, John Briscoe, John De Souza, Donna Spears, Pam Lumley, James Litten, Molly Kitchell and Sahara Williams.

I. Lisa Lovell

A motion was made and seconded to renew license on Probation

Donna Spears and Sahara Williams were not present to hear testimony and are not present for vote.

Litten/De Souza
9/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	

Charles (Charlie) W. Shook	✓
Doug Rose	✓
Jack McCombs	✓
John Briscoe	✓
John De Souza	✓
Pam Lumley	✓
James Litten	✓
Molly Kitchell	✓

J. John Larkin

**A motion was made and seconded to renew license in the Active status
Attorney: Dorothy Maryan**

Sahara Williams not voting as she didn't hear testimony

Rose/Litten
10/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

K. Joseph Novak

A motion was made and seconded to Deny Removal from Probation

McCombs/Boyter
11/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John Briscoe	✓	

John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Pam Lumley	✓
James Litten	✓
Molly Kitchell	✓

L. Claudel Dickantone

A motion was made and seconded to Deny Removal from Probation

McCombs/Boyer
11/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

M. Shawn Begley

A motion was made and seconded to renew the license on Probation

Sahra Williams not present for vote

Rose/Litten
10/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John Briscoe	✓	
John De Souza	✓	

Donna Spears	✓
Pam Lumley	✓
James Litten	✓
Molly Kitchell	✓

N. Brandon Burchel

A motion was made and seconded to renew license as Active

Donna Spears and Sahara Williams were not present to hear testimony and are not present for vote.

Rose/De Souza
9/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John Briscoe	✓	
John De Souza	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

O. Jessica Burke

A motion was made and seconded to Deny Removal from Probation

Donna Spears and Sahara Williams were not present to hear testimony and are not present for vote.

McCombs/Boyter
11/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John Briscoe	✓	
John De Souza	✓	

Donna Spears	✓
Sahara Williams	✓
Pam Lumley	✓
James Litten	✓
Molly Kitchell	✓

P. Cooper Laikin

A motion was made and seconded to renew license on Probation Attorney: Jason Clark

Sahar Williams was not part of the vote as she didn't hear the tesomony

Boyter/Lumley
10/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

Q. Kristopher Fredericks

A motion was made and seconded to Deny Removal from Probation

Donna Spears and Sahara Williams were not present to hear testimony and are not present for vote.

McCombs/Boyter
11/0

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

Doug Rose	✓
Jack McCombs	✓
John Briscoe	✓
John De Souza	✓
Pam Lumley	✓
James Litten	✓
Molly Kitchell	✓

T. Deborah Dykstra

A motion was made and seconded to renew license to Active

Donna Spears and Sahara Williams were not present to hear testimony and are not present for vote.

Lumley/Boyster
9/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John Briscoe	✓	
John De Souza	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

U. Barton Gauker

A motion was made and seconded to renew license on Probation

Donna Spears and Sahara Williams were not present to hear testimony and are not present for vote.

Litten/Lumley
9/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	

Charles (Charlie) W. Shook	✓
Doug Rose	✓
Jack McCombs	✓
John Briscoe	✓
John De Souza	✓
Pam Lumley	✓
James Litten	✓
Molly Kitchell	✓

A motion was made and seconded to amend the agenda to add John Lawson as a PA

Sahara Williams and Holly Kitchell were not present to hear testimony and are not present for vote.

Litten/Spears
9/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John Briscoe	✓	
John De Souza	✓	
Pam Lumley	✓	
James Litten	✓	
Donna Spears	✓	

V. John Lawson – Positive Response for New Licensure

A motion was made and seconded to amend the agenda to add John Lawson as a PA

Sahara Williams and Holly Kitchell were not present to hear testimony and are not present for vote.

Motion was first and seconded to Approve the application as Active

Briscoe/Boyter
9/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John Briscoe	✓	
John De Souza	✓	
Pam Lumley	✓	
James Litten	✓	
Donna Spears	✓	

XI. APPLICATION REVIEW

XII. OLD / NEW BUSINESS

A. Kentucky Reciprocity Agreement

It was decided to to meet with Pam Lumley, John Briscoe and James Harry to discuss this before moving forward.

B. Sellers Disclosure Form – Adding Historical Homes

A recommendation was made to put a sub committee together to go over the form

C. Lee Lull – Broker Exam

A motion was made and seconded to Deny the request

Sahara Williams, John Briscoe and Molly Kitchell were not present to hear testimony and are not present for vote.

Rose/Spears
8/0

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

John De Souza	✓
Donna Spears	✓
Pam Lumley	✓
James Litten	✓

D. Dawn Williams – CE Waiver

A motion was made and seconded to Deny the request a CE waiver

Sahara Williams, John Briscoe and Molly Kitchell were not present to hear testimony and are not present for vote.

Shook/Litten
8/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Jack McCombs	✓	
John De Souza	✓	
Donna Spears	✓	
Pam Lumley	✓	
James Litten	✓	

XIII.ADJOURNMENT @ 4:20

**Next Meeting:
October 7th, 2020**

TO BE HELD THROUGH WEBEX

TO JOIN, CALL: (240) 454-0887

MEETING CODE: 610915440 OR

<https://IndianaEnhanced.Webex.com/join/PLAWebex>