

**INDIANA REAL ESTATE COMMISSION
WEDNESDAY, NOVEMBER 17, 2021
9:00 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

Chairman, John De Souza called the virtual meeting to order at 9:03 a.m. and declared a quorum in accordance with Ind. Code § 25-34.1-2-3(b).

Commission Members Present: Roll Call

John De Souza, chairman
Charlie Shook
Donna Spears
Molly Kitchell - 9:04
John Briscoe
Pam Lumley – 9:05
Sahara Williams
Troy Helman
Cheryl Stuckwish
Brian Thompson

Commission Members Absent:

Tracy Hutton

State Officials Present:

Amy Hall, Director, Indiana Professional Licensing Agency
Chris Shea-Russell, Indiana Professional Licensing Agency
Erin Sutton, Compliance Officer, Indiana Professional Licensing Agency
James Harry, Commission Advisory Counsel, Office of the Attorney General

Court Reporter:

Margie Addington, Accurate Reporting of Indiana

II. ADOPTION OF THE AGENDA

Molly Kitchell made a motion and was seconded by Brian Thompson to adopt the agenda.

Kitchell/Thompson

10/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Charlie Shook	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Pam Lumley	✓	
Sahara Williams	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

III. APPROVAL OF THE MINUTES OF THE OCTOBER 6, 2021 MEETING

A motion was made by John Briscoe and was seconded by Donna Spears to approve the minutes for the October 6, 2021 meeting.

Briscoe/ Spears

10/0/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Charlie Shook	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Pam Lumley	✓	
Sahara Williams	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

IV. PERSONAL APPEARANCES

1. Monica Snelling – Military Waiver Request – TABLED
She will need to bring in a license verification from Nevada.

Monica Snelling did not appear before the Commission.

A motion was made by John Briscoe and was seconded by Pam Lumley to provide a

license verification from Nevada, where she has a license.

Briscoe/Lumley

10/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Charlie Shook	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Pam Lumley	✓	
Sahara Williams	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

2. Steven Hinton, Jr. – Application – Positive Response

Steven Hinton, Jr. did appear virtually before the Commission due to the positive responses on his application. He is no longer on any probation and has not has an incident since 2015. He has unpaid court balances from two cases. He will need to rectify those prior to becoming licensed.

A motion was made by Pam Lumley and was seconded by Charlie Shook to approve pending verification of payment of his court costs.

Lumley/Shook

10/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Charlie Shook	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Pam Lumley	✓	
Sahara Williams	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

3. Charles Charleston - Renewal- Positive Response

Charles Charleston appeared virtually before the Commission due to his positive response. He is still on criminal probation until May 12, 2022. He did appear at the previous meeting and the Commission provided him with guidance as to what was needed to be done prior to appearing before the board pertaining to his license status.

A motion was made by John Briscoe and was seconded by Pam Lumley to reinstate and renew his license on probation. Probation to run concurrent with his criminal probation.

Briscoe/Lumley

10/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Charlie Shook	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Pam Lumley	✓	
Sahara Williams	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

4. Trashawn L. Green – Application - Positive Response

Trashawn L. Green did appear electronically to discuss his positive response on his application. He is currently on criminal probation until December 8, 2021. He has had some multiple arrests. He has unpaid balances to the criminal courts. The court costs need to be paid and verified that he no longer owes the court costs.

A motion was made by Pam Lumley and was seconded by Brian Thompson to approve for licensure pending the payment of court costs, completing criminal probation and verification of both. Can be licensed after December 8, 2021.

Lumley/Thompson

10/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Charlie Shook	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	

Molly Kitchell	✓
Pam Lumley	✓
Sahara Williams	✓
Troy Helman	✓
Cheryl Stuckwish	✓
Brian Thompson	✓

V. ADMINISTRATIVE HEARINGS

**1. Derek Jackson- Cause No: 2021 IREC 0007
Petition to Withdraw from Probation**

Derek Jackson did appear. He has completed his pre trial diversion program and provided the Commission with the documentation stating as much.

A motion was made by Charlie Shook and was seconded by Cheryl Stuckwish to approve his petition to withdraw from probation.

Shook/Stuckwish

9/0

John De Souza recused himself

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Charlie Shook	✓
John Briscoe	✓
John De Souza	
Donna Spears	✓
Molly Kitchell	✓
Pam Lumley	✓
Sahara Williams	✓
Troy Helman	✓
Cheryl Stuckwish	✓
Brian Thompson	✓

**2. Shady Hannah - Cause No: 2021 IREC 0017
Petition for Withdrawal of Probation**

Shady Hannah appeared before the Commission regarding his petition to be removed from probation. He has completed the requirements of his criminal probation.

Motion made by Molly Kitchell and seconded by John Briscoe to approve his petition request to withdraw probation.

Kitchell/Briscoe

10/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Charlie Shook	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Pam Lumley	✓	
Sahara Williams	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

**3. Claudel Dickantone- Cause No. 2020 IREC 0032
Petition for Withdraw of Probation**

Claudel Dickantone appeared before the Commission regarding his petition to be removed from probation. He has completed the requirements of his probation.

Motion made by John Briscoe and seconded by Brian Thompson to approve his petition request to withdraw probation.

Briscoe/Thompson

10/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Charlie Shook	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Pam Lumley	✓	
Sahara Williams	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

**4. Roger Shoot - Cause No. 13-39 (renamed 2013 IREC 0039)
Request to be reinstated**

Roger Shoot appeared before the Commission regarding his request for reinstatement.

Motion made by Molly Kitchell and seconded by Pam Lumley to deny his petition for reinstatement.

Kitchell/Lumley

8/2

Roll Call Vote - The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
John Briscoe		✓
John De Souza	✓	
Donna Spears		✓
Molly Kitchell	✓	
Pam Lumley	✓	
Sahara Williams	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

5. Everett Powell- Cause No. 2018 IREC 0009

Request to be reinstated

Everett Powell appeared before the Commission regarding his request for reinstatement.

Motion made by Molly Kitchell and seconded by Pam Lumley to deny his petition for reinstatement.

Kitchell/Lumley

10/0

Roll Call Vote - The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Pam Lumley	✓	
Sahara Williams	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	

Brian Thompson

✓

MOLLY KITCHELL left at 2:48

VI. ALJ DELIBERATIONS & SETTLEMENT AGREEMENTS

1. Stephen Kline & Kline Properties 2021 IREC 0025/0026

ALJ Recommended Order

Motion made by Sahara Williams and seconded by John Briscoe to table the ALJ Orders until the December meeting.

Williams/Briscoe

9/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Charlie Shook	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Pam Lumley	✓	
Sahara Williams	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

2. Stephen Kline - 2021 IREC 0026 - ALJ Recommended Order

Motion made by Sahara Williams and seconded by John Briscoe to table the ALJ Order until the December meeting.

Williams/Briscoe

9/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Charlie Shook	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Pam Lumley	✓	
Sahara Williams	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

3. Kline Properties - 2020 IREC 0025 – ALJ Recommended Order

Motion made by Sahara Williams and seconded by John Briscoe to table the ALJ Order until the December meeting.

Williams/Briscoe

9/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Charlie Shook	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Pam Lumley	✓	
Sahara Williams	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

4. Sui T. Sung - 2021 IREC 0038 – Proposed Settlement Agreement

Motion made by John Briscoe and seconded by Cheryl Stuckwish approve the Proposed Settlement Agreement

Briscoe/Stuckwish

9/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

Charlie Shook	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Pam Lumley	✓	
Sahara Williams	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

5. Claudia White – 2021 IREC 0032 - Motion to Dismiss

Motion made by Troy Helman and seconded by John Briscoe to approve the Motion to Dismiss

Helman/Briscoe

8/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Pam Lumley	✓
Sahara Williams	✓
Troy Helman	✓
Cheryl Stuckwish	✓
Brian Thompson	✓

6. 5 Star Reality - 2021 IREC 0042 - Motion to Dismiss

Motion made by Donna Spears and seconded by John Briscoe to approve the Motion to Dismiss

Spears/Briscoe

8/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Pam Lumley	✓
Sahara Williams	✓
Troy Helman	✓
Cheryl Stuckwish	✓
Brian Thompson	✓

Charlie Shook left at 4:40

VI. OLD / NEW BUSINESS

1. Report From The Office Of The Attorney General

Chase Haller provided a report from the Office of Attorney General.

2. Real Estate Education Advisory Council Report

Cathy Harbaugh reported to the Commission the REAC Report and provided information about the classes that were approved, denied or tabled.

A motion was made by Cheryl Stuckwish and seconded by Donna Sears to approve the recommendations from The Real Estate Education Advisory Council.

Stuckwish/Spears

8/0

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Pam Lumley	✓
Troy Helman	✓
Cheryl Stuckwish	✓
Brian Thompson	✓

Cathy Harbaugh brought up the fact that the Emergency Order for the State of Indiana will end on December 1, 2021. She wanted to discuss the continuance of utilizing ZOOM like classrooms

3. Kentucky Reciprocity

The reciprocal agreement is in its final stages. It needs the final review and go over from the Kentucky revisions. Trying to equalize the licenses between the two states. The reciprocity is only for the sales associate and the broker, entry level positions, in both states. Make sure the requirements are spelled out.

4. ALJ

Need another panel member to replace Paul Boyter. John Briscoe will attend the ALJ on December 3

A motion was made by Troy Helman and seconded by Pam Lumley to have John Briscoe do the December ALJ

Helman/Lumley

6/0/1

Roll Call Vote - The following Commission Members Voted “Aye” “Nay”

John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	abstain

Pam Lumley
Troy Helman
Cheryl Stuckwish

✓
✓
✓

VII. ADJOURNMENT 5:14 p.m.