

MINUTES
INDIANA REAL ESTATE COMMISSION
WEDNESDAY, APRIL 13, 2022
9:00 a.m.
402 WEST WASHINGTON STREET
INDIANAPOLIS, INDIANA 46204

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Vice chairperson, Donna Spears called the meeting to order at 9:02 a.m. and declared a quorum in accordance with Ind. Code § 25-34.1-2-3(b).

Commission Members Present

Charlie Shook
Molly Kitchell
Tracy Hutton
Troy Helman
Cheryl Stuckwish
Donna Spears, Vice chair
John Briscoe

Commission Members Absent:

Sahara Williams
John De Souza, chairman
Pam Lumley
Brian Thompson

State Officials Present:

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

Informal introductions were made from all Commissioners.

Sahara Williams did call in to that the Commission and let them know that as of now she is resigning from the Commission due to work time constraints. She thanked the Commission and her service was acknowledged by the Commission.

II. ADOPTION OF THE AGENDA

Molly Kitchell made a motion and was seconded by John Briscoe to adopt the agenda.

Kitchell/Briscoe

7/0

The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
John Briscoe	✓	
Molly Kitchell	✓	

III. APPROVAL OF THE MINUTES OF THE WEDNESDAY, MARCH 2, 2022 MEETING

A motion was made by Molly Kitchell and was seconded by John Briscoe to approve the minutes for the March 2, 2022 meeting.

Kitchell/Briscoe

7/0

The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
John Briscoe	✓	
Molly Kitchell	✓	

IV. PERSONAL APPEARANCES

1. Cassandra Brown

Cassandra Brown appeared before the Commission to discuss the positive response on her application. Her appraiser license was put on indefinite suspension for ten years, in Illinois due to forging documents. She appeared before the Appraiser Board in Illinois, due the fact she was signing appraisals without the licensed appraisers consent. She tried to bribe her general appraiser due to the forging of document. The general

appraiser did not accept said bribe and turned her into the board. There were other issues that occurred in Illinois with real estate items. She was denied a real estate leasing license in Illinois due to her active suspension with the appraiser board.

A motion was made by Charlie Shook and was seconded by John Briscoe to approve

Shook/Briscoe

7/0

The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
John Briscoe	✓	
Molly Kitchell	✓	

2. Alexis Wheeler

Alexis Wheeler appeared before the commission to discuss the positive response on her application.

A motion was made by Charlie Shook and was seconded by John Briscoe to approve

Shook/Briscoe

7/0

The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
John Briscoe	✓	
Molly Kitchell	✓	

V. ADMINISTRATIVE HEARINGS

**1. Holly Thomas - Cause No: 2019 IREC 0004
Petition to Withdraw from Probation**

Holly Thomas did not appear. She requested her petition be moved to May, due to unexpected circumstances.

**2. Liuyun Dong - Cause No: 2021 IREC 0059
Notice of Proposed Default/Compalint**

Liuyon Dong

A motion was made by Charlie Shook and was seconded by Tracy Hutton to find in Default.

Shook/Hutton

7/0

The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
John Briscoe	✓	
Molly Kitchell	✓	

A motion was made by Charlie Shook and was seconded by Molly Kitchell to find in Violation of Counts 1.

Shook/Kitchell

7/0

The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
John Briscoe	✓	
Molly Kitchell	✓	

A motion was made by Tracy Hutton and was seconded by Molly Kitchell to find in Violation of Count 2.

Hutton/Kitchell

7/0

The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
John Briscoe	✓	
Molly Kitchell	✓	

A motion was made by John Briscoe and was seconded by Cheryl Stuckwish to find in Violation of Count 3.

Briscoe/Stuckwish

7/0

The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
John Briscoe	✓	
Molly Kitchell	✓	

A motion was made by Troy Helman and was seconded by John Briscoe to find in Violation of Count 4.

Helman/Briscoe

7/0

The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
John Briscoe	✓	
Molly Kitchell	✓	

A motion was made by Molly Kitchell and was seconded by John Briscoe to find her in violation of counts 1, 2, 3 and 4, to place to her license on indefinite suspension with her ability to petition for reinstatement to the Commission after one year of the suspension. She will need to complete 4 hours of her

Continuing Education in license law.

Kitchell/Briscoe

7/0

The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
John Briscoe	✓	
Molly Kitchell	✓	

**3. Lou Ann Stoner – Cause No: 2021 IREC 0057
Notice of Proposed Default/Complaint**

Lou Ann Stoner was not present

A motion was made by Molly Kitchell and was seconded by John Briscoe to find in Default.

Kitchell/Briscoe

7/0

The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
John Briscoe	✓	
Molly Kitchell	✓	

A motion was made by John Briscoe and was seconded by Tracy Hutton to find in violation of Count 1.

Briscoe/Hutton

7/0

The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
Donna Spears	✓	

Tracy Hutton	✓
Troy Helman	✓
Cheryl Stuckwish	✓
John Briscoe	✓
Molly Kitchell	✓

A motion was made by Tracy Hutton and was seconded by John Briscoe to find in violation of Count 2.

Hutton/Briscoe

7/0

The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
John Briscoe	✓	
Molly Kitchell	✓	

A motion was made by Molly Kitchell and was seconded by Charlie Shook to find her in violation of counts 1 and 2 and to place to her license on indefinite suspension with her ability to petition for reinstatement to the Commission after one year of the suspension, to pay restitution of \$13,974.00 to the identified complainants. She will need to complete 4 hours of her Continuing Education in license law.

Kitchell/Shook

7/0

The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
John Briscoe	✓	
Molly Kitchell	✓	

4. Brian Charles Nordan – Cause No: 2022 IREC 0006
 Petition for Summary Suspension

Brian Charles Nordan did not appear as he is currently incarcerated in Florida. He was convicted on 13 Counts of Federal Wire Fraud. He did not disclose his conviction to the Commission.

A motion was made by Charlie Shook and was seconded by Tracy Hutton to place his license on Summary Suspension.

Shook/Hutton

7/0

The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
John Briscoe	✓	
Molly Kitchell	✓	

5. Kristin Trzoski- Cause No: 2022 IREC 0009
Petition for Summary Suspension

A **Motion to Vacate** was submitted by of Office the Attorney General. Respondent’s Counsel stated they would be submitting a **Motion for reimbursement of sanctions and attorney fees – Cross Claim**. The respondent’s livelihood has been placed in jeopardy due to this frivolous complaint. Evidentiary hearing has been requested by respondent and would like a hearing on attorney fees only. Client was out of state at the filings.

A motion was made by Troy Helman and was seconded by Charlie Shook to Vacate the Summary Suspension.

Helman/Shook

7/0

The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
John Briscoe	✓	
Molly Kitchell	✓	

Agency defined in AOPA – qualifies the OAG as an Agency. Burden of Proof lies with the respondent, to show this summary suspension was frivolous, groundless or action was pursued in bad faith. A paper motion has to be filed in order for this motion to be enacted. Research Briefing pertaining to

A motion was made by Charlie Shook and seconded by Molly Kitchell for the parties to submit briefs pertaining attorneys’s fees and the if OAG fits the definition of AGENCY via AAOPA 15 days prior to the May meeting date.

Shook/Kitchell
7/0

The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
John Briscoe	✓	
Molly Kitchell	✓	

VI. ALJ DELIBERATIONS & SETTLEMENT AGREEMENTS

**1. James Backmeyer- Cause No: 2021 IREC 0047
Proposed Settlement**

A motion was made by John Briscoe and was seconded by Tracy Hutton to approve the Proposed Settlement.

Briscoe/Hutton
7/0

The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
John Briscoe	✓	
Molly Kitchell	✓	

**2. GERALYN NEU Cause No: 2021 IREC 0058
Proposed Settlement Agreement**

A motion was made by Molly Kitchell and was seconded by John Briscoe to approve the Proposed Settlement Agreement

Kitchell/Briscoe

7/0

The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
John Briscoe	✓	
Molly Kitchell	✓	

**3. ANGELA MARIE JIMENE Z- Cause No: 2022 IREC 0008
Proposed Voluntary Summary Suspension Agreement**

A motion was made by John Briscoe and was seconded by Cheryl Stuckwish to approve the Proposed Voluntary Summary Suspension Agreement.

Briscoe/Stuckwish

7/0

The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
John Briscoe	✓	
Molly Kitchell	✓	

VI. OLD / NEW BUSINESS

1. Report From The Office Of The Attorney General

Chase Haller provided a report from the Office of Attorney General. Most cases have roughly a one year life span currently. Some discussions occurred about the brokers and managing brokers and their responsibilities.

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 Molly Kitchell and was seconded by Cheryl Stuckwish to approve the REEAC report as presented.

Kitchell/Stuckwish

7/0

The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
John Briscoe	✓	
Molly Kitchell	✓	

3. Sole Proprietor Managing Broker

This discussion is about the death of a sole proprietor who is the managing broker. There is a trust account holding transactions for pending real estate transactions. There are specific options that can be addresses. The Commission shall take possession of the said trust account. There is an obligation to act. The trust account needs to be located and official action has to be taken. A Trustee will be needed to be there to manage the business funds only.

A motion was made by Troy Helman and seconded by Cheryl Stuckwish to appoint John DeSouza, as the Trustee, who has statutory authority.

Helman/Stuckwish

7/0

The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	

Cheryl Stuckwish
John Briscoe
Molly Kitchell

✓
✓
✓

VII. ADJOURNMENT 1:45 p.m.