

**INDIANA REAL ESTATE COMMISSION  
Indiana Government Center South  
402 West Washington St., Room W064  
Indianapolis IN 46204**

**MINUTES OF AUGUST 9, 2023**

Troy Helman, R.B., Chair, called the meeting to order at 9:02 a.m. and declared a quorum in accordance with IC § 25-34.1-2-3(b), pursuant to public notice posted at the principal office for the Board, online at the board's website and on the state calendar at least forty-eight (48) hours before the time of the meeting.

Members Present: Troy Helman, Chair  
John Desouza, Member  
Beth Walker, Member  
Charlie Shook, Member  
Cheryl Stuckwish, Member  
Molly Kitchell, Consumer Member(in at 9:10a.m.)  
Pamela Lumley, Member  
John Briscoe, Member  
Brian Thompson (left 12:20p.m.)

Member(s) Absent: Donna Spears, Member  
Beth Walker, Member  
Tracy Hutton, Vice Chair

Staff Present: Jody Edens, Board Director  
Professional Licensing Agency  
Brad Repass, Litigation Specialist  
Professional Licensing Agency  
Clarence Leatherbury, J.D., Deputy Attorney  
General, Office of the Attorney General

The Board voted to adopt the agenda as amended.

Lumley/Thompson, 7/0/0  
Motion carries

The following board members voted aye:  
Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
Cheryl Stuckwish, John Desouza, Pam Lumley  
The following board members objected: none  
The following board members abstained: none

There Board voted to approve the June 14, 2023, minutes as presented.

Stuckwish/Lumley, 7/0/0  
Motion carries

The following board members voted aye:  
Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
Cheryl Stuckwish, John Desouza, Pam Lumley  
The following board members objected: none  
The following board members abstained: none

### **PUBLIC HEARINGS FOR RULES**

**Real Estate Conviction of Concern Rules:** The Chair read into the record the public hearing script. No one in the audience, by email or by written mail made any comments regarding the conviction of concern rules.

The Commission approved the conviction of concern rules to move forward as presented.

Briscoe/Lumley, 8/0/0  
Motion carries

The following board members voted aye:  
Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
Cheryl Stuckwish, John Desouza, Pam Lumley, Molly Kitchell  
The following board members objected: none  
The following board members abstained: none

**Real Estate Appraiser Conviction of Concern Rules:** The Chair read into the record the public hearing script. No one in the audience, by email or by written mail made any comments regarding the conviction of concern rules.

The Commission approved the conviction of concern rules to move forward as presented:

Briscoe/Lumley, 8/0/0  
Motion carries

The following board members voted aye:  
Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
Cheryl Stuckwish, John Desouza, Pam Lumley, Molly Kitchell  
The following board members objected: none  
The following board members abstained: none

**Real Estate Appraiser clean up Rules:** Mark Ratterman, with the Appraiser Board appeared before the Commission to answer any questions the Commission may have on the clean-up rules.

The Commission thanked him for appearing and did not have any questions.

The Commission approved the appraiser clean up rules to move forward as presented:

Helman/Thompson, 8/0/0  
Motion carries

The following board members voted aye:  
Troy Helman, Charlie Shook, Brian Thompson, John Briscoe  
Cheryl Stuckwish, John Desouza, Pam Lumley, Molly Kitchell  
The following board members objected: none  
The following board members abstained: none

### **PERSONAL APPEARANCES**

The following personal appearances did not appear:

- **Greg Kelly, Application – Positive Response**
- **Erianna Loller, License Renewal – Positive Response**
- **LeeAnn Balta, License Renewal – Positive Response**
- **Brody McCulloch, License Renewal – Positive Response**
- **Lori Hunter, License Renewal – Positive Response**
- **Mary Cossey, License Renewal – Positive ResponseR**

#### **Shanna Gentry, License Renewal – Positive Response**

Ms. Gentry appeared in person and was not represented by counsel regarding the positive response on her license renewal application.

Ms. Gentry explained that on February 21, 2023, she went to hear a friend play music at a bar and when she left she was pulled over. She failed the breathalyzer, and they did a blood test but it would take six (6) months to get the results back, so she pled guilty to operating while intoxicated. She received one (1) year probation which should be completed in a couple of months.

After discussion, the Commission moved to APPROVE Ms. Gentry's license renewal on AGREED INDEFINITE PROBATION with terms and conditions.

Shook/Briscoe, 8/0/0  
Motion carries

The following board members voted aye:

Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
Cheryl Stuckwish, John Desouza, Pam Lumley, Molly Kitchell

The following board members objected: none

The following board members abstained: none

**Sara Stone, Renewal – License Positive Response:**

Ms. Stone appeared in person and was represented by counsel, Lori Brown regarding the positive response on her license renewal application.

Ms. Stone was charged with an OWI on June 24, 2020 after drinking at home. She was also charged with a OWI in 2015 and 2016.

She went to Positive Outlook program and hasn't drank since the 2020 incident.

She was sentenced to 910 days with 485 days suspended. She was required to serve 60 days in IDOC followed by 365 days with Hamilton County Community Corrections Work Release program.

Her first six (6) months' probation was in person and now she is on call ins but is subject to random drug screens.

After discussion, the Commission moved to APPROVE Ms. Stone's license renewal on AGREED INDEFINITE PROBATION with terms and conditions.

Kitchell/Thompson, 8/0/0

Motion carries

The following board members voted aye:

Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
Cheryl Stuckwish, John Desouza, Pam Lumley, Molly Kitchell

The following board members objected: none

The following board members abstained: none

**Josey McLaughlin, License Renewal – Positive Response:**

Ms. McLaughlin appeared in person and was not represented by counsel regarding the positive response on her license renewal.

On April 3, 2023, Ms. McLaughlin after receiving bad medical news, drowned her sorrows in alcohol and was arrested for an OWI. She pled guilty and entered a deferral program with Warrick County Pre-trial Deferral Program and Controlled Substance Abuse Program.

She stated her Managing Broker is aware of the charge.

After discussion, the Commission moved to APPROVE Ms. McLaughlin's license renewal on AGREED INDEFINITE PROBATION with terms and conditions.

Briscoe/Lumley, 8/0/0  
Motion carries

The following board members voted aye:  
Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
Cheryl Stuckwish, John Desouza, Pam Lumley, Molly Kitchell  
The following board members objected: none  
The following board members abstained: none

**Brittani Hess, License Renewal – Positive Response:**

Ms. Hess appeared in person and was represented by counsel, Dennis McCrosson regarding the positive response on her renewal application.

Mr. McCrosson informed the Board that Ms. Hess is also a RN/APRN and her nursing license and advanced practice nursing license were placed on indefinite probation by the Nursing Board for judgement issues.

It was explained to the Board that a patient at the facility in which Ms. Hess worked was thrown out of the facility and his family wouldn't have anything to do with him. He was on the streets.

Ms. Hess allowed him to stay in a family vacation home she shared with her family for a couple of days. She never stayed there but did check up on him. She also explained to the Board that she was not his direct therapist at Health Net Harbor Light Center.

He found alcohol in the house and drank it. She found him the next day and reported it to her employer and his facility. She was fired and they filed a complaint against her.

She indicated she only did this to help the patient. She entered into a consent agreement on July 28, 2023 with the Nursing Board for eighteen (18) months' probation with terms and conditions.

After discussion, the Commission moved to APPROVE Ms. Hess' license renewal.

Briscoe/Lumley, 8/0/0  
Motion carries

The following board members voted aye:  
Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
Cheryl Stuckwish, John Desouza, Pam Lumley, Molly Kitchell  
The following board members objected: none  
The following board members abstained: none

**Jacqueline Barnett, License Renewal – Positive Response:**

Ms. Barnett appeared in person and was represented by counsel, Adriana Zeljkovic regarding the positive response on her license renewal application.

April 12, 2022 Ms. Barnett entered into a plea agreement on a Felony 6: Forgery with intent to defraud.

She received a Suspended Sentence: 730 Days; placed on Probation with a start date of February 23, 2022 and scheduled to be discharged 3/3/2023.

She was also sanctioned by MYBOR. She was issued a letter of reprimand; required to complete a thirty (30) hour Post Licensing course withing twelve (12) months and was issued a \$10,000 fine due September 1, 2023. Her MYBOR membership was suspended for thirty (30) days as well.

Ms. Zeljkovic explained that this all happened five (5) years ago, but she wasn't charged until 2021.

After discussion, the Commission moved to APPROVE Ms. Barnett's license renewal.

Shook/Lumley, 8/0/0  
Motion carries

The following board members voted aye:  
Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
Cheryl Stuckwish, John Desouza, Pam Lumley, Molly Kitchell

The following board members objected: none  
The following board members abstained: none

**Evan Broderick, License Renewal – Positive Response:**

Mr. Broderick appeared in person and was not represented by counsel regarding the positive response on his license renewal application.

In February 2023, he received an OWI, with his daughter in the car. He was charged with neglect of a dependent. Said the court/charges were not complete yet.

He was evaluated by Dr. Timothy Kelly. Dr. Kelly's letter indicated that he is now maintaining abstinence from alcohol and had a negative screen. He is receiving counseling through Orion Counseling with Ms. Rigsbee, LCSW. He is involved in Smart Recovery support groups and has the support of his parents and family.

Dr. Kelly further stated that Mr. Broderick was sober for a five (5) year period when he was involved Indiana Judges and Lawyers Assistant Program.

In the end he states that Mr. Broderick is doing very well and he will continue to follow his

progress and send reports if requested.

Mr. Broderick explained that his attorney license expired three (3) years ago and he sees his therapist weekly.

After discussion, the Commission moved to APPROVE Mr. Broderick's license renewal as his court process has not been completed.

Shook/Lumley, 8/0/0  
Motion carries

The following board members voted aye:  
Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
Cheryl Stuckwish, John Desouza, Pam Lumley, Molly Kitchell  
The following board members objected: none  
The following board members abstained: none

**Jack Lawson, License Renewal – Positive Response:**

Mr. Lawson appeared in person and was not represented by counsel regarding the positive response on his license renewal application.

Mr. Lawson explained that he was dog sitting for his son, while they were on vacation. He had a couple of drinks while watching the basketball game. After the game was over he drove home which was about a half of mile away and was pulled over.

He was placed on court probation, which will end September 23, 2023.

After discussion, the Commission moved to APPROVE Mr. Lawson's license renewal on AGREED INDEFINITE PROBATION with terms and conditions.

Briscoe/Lumley, 8/0/0  
Motion carries

The following board members voted aye:  
Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
Cheryl Stuckwish, John Desouza, Pam Lumley, Molly Kitchell  
The following board members objected: none  
The following board members abstained: none

**Joseph Rider, License Renewal – Positive Response:**

Mr. Rider appeared in person and was not represented by counsel regarding the positive response on his license renewal application.

He explained that on October 26, 2022, he found out his wife was having an affair and they got into a fight. He was arrested and charged with a Felony 6: Domestic Battery

committed in the presence of a child less than 16 and Interference with reporting a crime.

He entered a deferral program in June 2023. He must stay out of trouble for one (1) year.

After discussion, the Commission moved to APPROVE Mr. Rider's license renewal on AGREED INDEFINITE PROBATION with terms and conditions.

Briscoe/Lumley, 8/0/0  
Motion carries

The following board members voted aye:  
Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
Cheryl Stuckwish, John Desouza, Pam Lumley, Molly Kitchell  
The following board members objected: none  
The following board members abstained: none

**Jerry Hanna, License Renewal– Positive Response:**

Mr. Hanna appeared in person and was not represented by counsel regarding the positive response on his license renewal application.

Mr. Hanna entered a plea agreement on September 12, 2022 for an OWI. He received probation for one (1) year which will be up in a couple of weeks.

After discussion, the Commission moved to TABLE Mr. Hanna's license renewal until the September meeting.

Kitchell/Thompson, 8/0/0  
Motion carries

The following board members voted aye:  
Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
Cheryl Stuckwish, John Desouza, Pam Lumley, Molly Kitchell  
The following board members objected: none  
The following board members abstained: none

**Brittany Green, License Renewal– Positive Response:**

Ms. Green appeared in person and was represented by counsel, Adriana Zeljkovic regarding the positive response on her license renewal application.

On December 29, 2022, she was pulled over for an expired license plate. She admitted to the officer that she had been drinking due to family issues.

She was placed on three hundred-sixty (360) days probation, which should end on January 28, 2024.



After discussion, the Commission moved to APPROVE Ms. Green's license renewal on AGREED INDEFINITE PROBATION with terms and conditions.

Shook/Briscoe, 8/0/0

Motion carries

The following board members voted aye:

Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
Cheryl Stuckwish, John Desouza, Pam Lumley, Molly Kitchell

The following board members objected: none

The following board members abstained: none

**Jordan VanWinkle-Montgomery, License Renewal– Positive Response:**

Ms. VanWinkle-Montgomery appeared in person and was not represented by counsel regarding the positive response on her license renewal application.

She was charged on October 3, 2023 with an OWI. She has completed the Prime for Life course at Fairbanks.

She is currently on court probation, where she calls in one (1) time a month.

After discussion, the Commission moved to APPROVE Ms. VanWinkle-Montgomery's license renewal on AGREED INDEFINITE PROBATION with terms and conditions.

Briscoe/Lumley, 8/0/0

Motion carries

The following board members voted aye:

Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
Cheryl Stuckwish, John Desouza, Pam Lumley, Molly Kitchell

The following board members objected: none

The following board members abstained: none

**Jon Hochstrasser, Broker Renewal– Positive Response:**

Mr. Hochstrasser appeared in person and was not represented by counsel regarding the positive response on his broker renewal application.

He was charged with Battery resulting in serious bodily injury. The incident happened in 2019. In January 2020 he was called in front of a Grand Jury. After that he accepted a plea deal that gave him two and one-half (2 1/2) years' probation and would be dropped to two (2) years with good behavior. He successfully completed the two (2) years of probation, and the charge was dropped to a misdemeanor.

He explained the incident was that he went to see his girlfriend, and she had another boyfriend that answered the door. They got into a physical fight and the other boyfriend

ended up in the Hospital IUC for three (3) days.

He also has a plumber contractor license and it is on probation at this time.

After discussion, the Commission moved to APPROVE Mr. Hochstrasser's broker renewal.

Briscoe/Lumley, 8/0/0  
Motion carries

The following board members voted aye:  
Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
Cheryl Stuckwish, John Desouza, Pam Lumley, Molly Kitchell  
The following board members objected: none  
The following board members abstained: none

### **ADMINISTRATIVE HEARINGS**

#### **Kayla Hood, License No. RB22002100, Cause No. 2022 IREC 0020**

Respondent appeared and was not represented by counsel regarding Petition to Withdraw Probation scheduled before the Commission. The State of Indiana was not represented, and the court reporter sworn in for this matter was Heather Orbaugh, with Accurate Reporting Services.

Ms. Hood explained that her probation with the courts was completed on April 10, 2023 successfully, but she didn't have proof of completion.

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to WITHDRAW the Order of Probation on Ms. Hood's license upon receipt of proof from the courts it was completed.

Kitchell/Thompson, 8/0/0  
Motion carries

The following board members voted aye:  
Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
Cheryl Stuckwish, John Desouza, Pam Lumley, Molly Kitchell  
The following board members objected: none  
The following board members abstained: none

#### **Geralyn Neu, License No. RB14044800, Cause No. 2021 IREC 0058**

Respondent appeared in person and was represented by counsel, Joanne McAnlis regarding a Petition to Withdraw Probation scheduled before the Commission. The State of Indiana was represented by Carlos Montenegro, Certified Legal Intern and Kelsey

McKnight, Deputy Attorney General, and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services.

Ms. Neu's license was placed on Indefinite Probation through a settlement agreement.

She has completed the probation with the Commission successfully. The State has no objection to the Commission withdrawing the order of probation.

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to WITHDRAW the Order of Probation on Ms. Neu's license.

Briscoe/Thompson, 8/0/0  
Motion carries

The following board members voted aye:  
Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
Cheryl Stuckwish, John Desouza, Pam Lumley, Molly Kitchell  
The following board members objected: none  
The following board members abstained: none

**Melissa Richey, License No. RB14030844, Cause No. 2021 IREC 0046**

Respondents appeared in person and was not represented by counsel regarding a Petition to Withdraw Probation scheduled before the Commission. The State of Indiana was represented by Katie Kramer, Certified Legal Intern and Kelsea McKnight, Deputy Attorney General, and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services.

Bradley Repass, Litigation Specialist was sworn in as a witness for the State.

Ms. Richey's license was placed on Indefinite Probation, and she was required to have six (6) hours of continuing education in real estate licensing law.

Respondents Exhibit:  
1 – Copies of CE completed

The State has no objection to the withdraw of probation.

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Commission moved to WITHDRAW the Order of Probation on Ms. Richey's license.

Briscoe/Thompson, 8/0/0  
Motion carries

The following board members voted aye:

Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
Cheryl Stuckwish, John Desouza, Pam Lumley, Molly Kitchell

The following board members objected: none

The following board members abstained: none

**Breeden Comercial, LLC and Tara Board, License Nos RC51800029 & RB14038657,  
Cause No 2023 IREC 0009**

Respondent did not appear in person and was not represented by counsel regarding an Administrative Complaint scheduled before the Commission. The State of Indiana was represented by Alex James, Deputy Attorney General, and the court reporter sworn in for this matter was Heather Orbaugh, with Accurate Reporting Services.

Let the record reflect that Cheryl Stuckwish recused herself and left the room for this matter.

Mr. James entered a Motion to Dismiss without Prejudice.

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Commission moved to APPROVE the MOTION TO DISMISS.

Kitchell/Thompson, 7/0/0

Motion carries

The following board members voted aye:

Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
John Desouza, Pam Lumley, Molly Kitchell

The following board members objected: none

The following board members abstained: none

**Tyler Carmichael, License No. RB22001468, Cause No. 2022 IREC 0012**

Respondent appeared in person and was not represented by counsel regarding a Petition to Withdraw Probation scheduled before the Commission. The State of Indiana was not represented in this matter, and the court reporter sworn in for this matter was Heather Orbaugh, with Accurate Reporting Services.

Mr. Carmichael submitted proof that he has completed court probation.

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Commission moved to WITHDRAW the Order of Probation from Mr. Carmichael's license.

Briscoe/Stuckwish, 8/0/0

Motion carries

The following board members voted aye:  
Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
Cheryl Stuckwish, John Desouza, Pam Lumley, Molly Kitchell  
The following board members objected: none  
The following board members abstained: none

## **REAL ESTATE EDUCATION ADVISORY COUNCIL REPORT**

### **CONTINUING EDUCATION**

The REEAC met on July 31, 2023, and issued the following recommendations to the Commission:

#### **1. Tuckers School of Real Estate CE10600410 – Significant Change App**

- a. BAGI – Presenting the Client, Realtor, and Builder Relationships **2 hours**

**Recommended to APPROVE.**

**Reed/Bitner 5/0/0**

- b. Understanding the Importance E&O Insurance **2 hours**

**Recommended to APPROVE.**

**Reed/Bitner 5/0/0**

- c. Buyer and Seller Relationships: A Consumer – Centered Approach **3 hours**

**Recommended to APPROVE**

**Reed/Bitner 5/0/0**

#### **2. Listing Leaders Academy of Real Estate – School Site Approval App**

- a. Address – 708 E. Talmer Ave., North Judson, IN

**Recommended to APPROVE**

**Reed/Ogden 5/0/0**

#### **3. Appraiser E-Learning – New Sponsor App**

- a. Ben Maxwell – School Director

**TABLED – Needs Broker license**

**CONSENSUS**

#### **4. Real Estate Certification Program (RECP) CE10600303 – Significant Change App**

- a. New school site – 3801 E. 82<sup>nd</sup> Street Indianapolis, IN

**Recommended to APPROVE**

**Butcher/Ogden 3/0/2 with Kathy Harbaugh and Jim Bitner abstaining.**

#### **5. Real Estate Certification Program (RECP) CE10600303 – Significant Change App**

- a. Professional Standards and Ethics Case Studies (Asynchronous & Synchronous)  
**7 hours**

**Recommended to APPROVE**

**Butcher/Ogden 3/0/2 with Kathy Harbaugh and Jim Bitner abstaining.**

- b. Cyber Security & Tech Risk Management (Asynchronous & Synchronous)

**6 hours**

**Recommended to APPROVE**

**Butcher/Ogden 3/0/2 with Kathy Harbaugh and Jim Bitner abstaining.**

After discussion the Commission moved to ACCEPT all RECOMMENDATIONS as presented.

Briscoe/Lumley, 8/0/0  
Motion carries

The following board members voted aye:  
Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
Cheryl Stuckwish, John Desouza, Pam Lumley, Molly Kitchell  
The following board members objected: none  
The following board members abstained: none

### **DISCUSSION**

#### **Waiver Request:**

Malea Fernandes submitted a continuing education waiver application for the pre-licensure continuing education. The Commission reviewed the waiver and stated that all continuing education can be obtained online, therefore they DENY her waiver request.

Briscoe/Thompson, 8/0/0  
Motion carries

The following board members voted aye:  
Troy Helman, Charlie Shook, Brian Thompson, John Briscoe,  
Cheryl Stuckwish, John Desouza, Pam Lumley, Molly Kitchell  
The following board members objected: none  
The following board members abstained: none

#### **Continuing Education Audit:**

The Commission discussed the continuing education audit, specifically what percent of practitioners are going to be pulled for the Audit.

Ms. Edens indicated that depending on a report she can get from the IT department, it will be anywhere from four (4) to five (5) percent.

There being no further business, the Board ADJOURNED at 1:01 p. m.

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Troy Helman, Chair

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Tracy Hutton, Vice Chair