

**MINUTES
INDIANA REAL ESTATE COMMISSION
WEDNESDAY, JULY 21, 2021
8:00 a.m.
HELD THROUGH WEBEX**

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Chairperson, Sahara Williams called the virtual meeting to order at 8:03 a.m. 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
Sahara Williams, Chairperson
John De Souza
Donna Spears
Molly Kitchell - 8:05
Pam Lumley – 8:09

Commission Members Absent:

John Briscoe

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:

Heather Orbaugh, Accurate Reporting of Indiana (left at 1:45)
Lindy Meyer, Accurate Reporting of Indiana (started at 1:47)

II. ADOPTION OF THE AGENDA

Paul Boyter made a motion and was seconded by John DeSouza to adopt the agenda.

**Boyter/DeSouza
5/0**

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

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	✓

III. APPROVAL OF THE MINUTES OF THE MAY 19, 2021 MEETING

A motion was made by Charlie Shook and was seconded by Donna Spears to approve the minutes for the May 19, 2021 meeting.

John DeSouza/Paul Boyter
6/0

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

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Molly Kitchell	✓

IV. PERSONAL APPEARANCES

1. Paul Champlin – Application – Positive Response

Paul Champlin appeared before the Commission electronically to discuss his application and the positive response

A motion was made by Charlie Shook and was seconded by Pam Lumley to approve license issuance.

Charlie Shook/Pam Lumley
7/0

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

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
Pam Lumley	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Molly Kitchell	✓

2. Desmond Bowman – Application – Positive Response

Desmond Bowman did not appear virtually before the Commission due to his positive response on the application.

No action taken since he did not appear.

3. Matthew Brandenburg - Application- Positive Response

Matthew Brandenburg appeared virtually before the Commission due to his positive response on his application. He discussed his positive responses for possession and breaking and entering from 2011 and a OUI in 2017. He has satisfied all Court related requirements and fines associated with his criminal history.

A motion was made by Charlie Shook and was seconded by Pam Lumley to approve Timothy Scott’s license application.

Charlie Shook/Pam Lumley
7/0

Roll Call Vote - The following Commission Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Pam Lumley	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Molly Kitchell	✓	

4. Devon Nave - Application- Positive Response

Devon Nave appeared virtually before the Commission due to the positive response on his application. Had drivers license suspended due to paperwork and automobile proof of ownership. He was arrested for habitual traffic violator, and was granted a conditional license but now has a free and clear drivers license.

A motion was made by Pam Lumley and was seconded by Paul Boyter to approve the application.

Pam Lumley/Paul Boyter
7/0

Roll Call Vote - The following Commission Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	

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

5. Eloise Blackmon Griffin - Application- Positive Response

Eloise Blackmon Griffin did appear electronically before the Commission due to the positive response on her application. She had a her previous license, real estate, revoked in January 2014. and now has submitted a new application.

A motion was made by Charlie Shook and was seconded by Pam Lumley to approve the license.

Charlie Shook/Pam Lumley
7/0

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

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
Pam Lumley	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Molly Kitchell	✓

6. Marsha Cederquist - Application- CE Waiver Request

Marsha Cederquist appeared virtually before the Commission due to her CE Waiver Request due to illness of Covid and Covid vaccine related issues. She did show and list property in the first 6 months of the year until January 2021.

A motion was made by Charlie Shook and was seconded by Paul Boyter to deny the CE Waiver request and they encouraged her to get caught up as soon as possible.

Charlie Shook/Paul Boyter
7/0

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

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
Pam Lumley	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Molly Kitchell	✓

7. Thomas Bochnowski – CE Waiver Extension Request

Thomas Bochnowski did appear virtually before the Commission for his request for a CE Waiver due to health issues. He is requesting an extension of the CE for July 1, 2020 to June 30, 2021. Recommendation to go to referral status until he is ready to complete the CE. He did withdraw his request and will be requesting to be placed in referral.

A motion was not needed.

8. Patricia Murry – CE Waiver Request

Patricia Murry appeared virtually before the Commission to discuss her CE Waiver Request due to helping out her mother who is in hospice that she is attending to. She is not practicing real estate at this time, and she owns her own company without other agents. It was recommended to her to go to inactive status or in referral status, which would grant her an extension of time. She will be submitting her referral request. She withdrew her wavier request.

A motion was not needed.

9. Robert Enoch – CE Waiver Request

Robert Enoch appeared virtually before the Commission his CE Waiver Request due to a back injury which started in 2019 . He could not get back surgery until 2020. He had specific directions from his surgeon. He will complete the required CE. It was recommended to him to place his license in referral status until he can complete and submit his CE. He submitted an inactive request and will be placed in inactive status.

A motion was not needed.

10. Ryan Gillum – CE Waiver Request

Ryan Gillum did not appear virtually before the Commission his CE Waiver Request due to a family emergency.

A motion was made by Charlie Shook and was seconded by Molly Kitchell to table the request.

Charlie Shook/Kitchell
7/0

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

Paul Boyter	✓
Charles (Charlie) W. Shook	✓

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

V. ADMINISTRATIVE HEARINGS

1. Vaughn Spight – Cause No: 2019 IREC 0036 Request to Withdraw from Probation 10:35 a.m.

Vaughn Spigt did appear before the Commission electronically. The State was not represented. His criminal probation is complete so now he is requesting to be removed from probation. He has not completed the 30 hour after licensure course which has to be completed by December 31, 2021 an dhe must complete the 12 hours of CE too.

Motion made by Molly Kitchell and seconded by Paul Boyter to approve his petition request to withdraw probation.

Molly Kitchell/Paul Boyter
7/0

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

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
Pam Lumley	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Molly Kitchell	✓

2. Bradley Tomlinson - Cause No: 2020 IREC 0026 Request to be removed from Probation

Bradley Tomlinson appeared before the Commission regarding his petition to be removed from probation. He has completed his criminal probation and has supplied documents showing the completion of criminal probation.

Molly Kitchell/Paul Boyter
8/0/0

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

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
Pam Lumley	✓
John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Molly Kitchell	✓

3. Lisa Lovell - Cause No: 2020 IREC 0027 Request to be removed from Probation

Lisa Lovell appeared electronically. She completed her criminal probation and petitioned for her probation to be removed.

Motion made by Paul Boyter and seconded by Charlie Shook to approve her petition for request of removal of probation.

Paul Boyter/Charlie Shook
6/0

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

Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Molly Kitchell	✓	

4. Jerry Huxford - Cause No: 2020 IREC 0028 Request to be removed from Probation

Jerry Huxford appeared before the Commission regarding his petition to be removed from probation. He has completed his criminal probation and has supplied documents showing the completion of criminal probation.

Motion made by Paul Boyter and seconded by Molly Kitchell approve the petition for removal of probation.

Paul Boyter/Molly Kitchell
6/0/0

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

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Molly Kitchell	✓

Pam Lumley Returned at 2:02

5. Rhonda Gridley - Cause No: 2021 IREC 0022 Administrative Complaint

Rhonda Gridley did not appear.

Motion made by Paul Boyter and seconded by Donna Spears issued a Notice of Proposed Default.

Paul Boyter/Donna Spears
7/0

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

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
Pam Lumley	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Molly Kitchell	✓

6. Rhonda Gridley – Cause No: IREC 14-55 Request to be removed from Probation

Rhonda Gridley did not appear on her petition to be removed from probation.

Motion made by Paul Boyter and seconded by Donna Spears to dismiss the petition to be removed from probation.

Paul Boyter/Donna Spears
7/0

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

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
Pam Lumley	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Molly Kitchell	✓

**7. Donald Kohler – Cause No: 2018 IREC 003
Request to be removed from Probation**

Donld Kohler appeared and Hilary Egan appeared for the State.

Motion made by Molly Kitchell and seconded by Paul Boyter to remove from probation.

Pam Lumley left at 1:15

Molly Kitchell/Paul Boyter
6/0

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

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Molly Kitchell	✓

**8. Management Advantage & Lorie Crampton – Cause No: 2020 IREC 0067
Notice of Proposed Default**

Lorie Crampton did not appear

Motion made by Molly Kitchell and seconded by Donna Spears to approve the default.

Molly Kitchell/Donna Spears
7/0

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

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
Pam Lumley	✓

John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Molly Kitchell	✓

Motion made by Paul Boyter and seconded by Charlie Shook to find Management Advantage in violation of Count 1 and Count 2

Paul Boyter/Charlie Shook
7/0

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

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
Pam Lumley	✓
John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Molly Kitchell	✓

Motion made by Pam Lumley and seconded by Paul Boyter to find Lorie Crampton in violation of Counts 3, 4 and 5

Pam Lumley/Paul Boyter/Charlie Shook
7/0

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

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
Pam Lumley	✓
John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Molly Kitchell	✓

Motion made by Pam Lumley and seconded by Paul Boyter to suspend the license of Lorie Crampton for one year, for the 5.00 health fee payable to the Office of the Attorney General, the cost of the proceedings and to take an additional 6 hours of continuing education in license law – in addition to the required 12 continuing hours, for being in violation of Counts 3, 4 and 5.

Pam Lumley/Paul Boyter
7/0

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

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
Pam Lumley	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Molly Kitchell	✓

VII. ALJ DELIBERATIONS & SETTLEMENT AGREEMENTS

1. Justin Berggren 2020IREC0071- Proposed Settlement Agreement

Motion made by Paul Boyter and seconded by John Desouza to remove from probation.

Paul Boyter/John De Souza
7/0

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

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
Pam Lumley	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Molly Kitchell	✓

2. Bright Star Realty & Auctions- 2021 IREC 0014 - Proposed Settlement Agreement

Motion made by Paul Boyter and seconded by Pam Lumley to approve the proposed settlement agreement.

Paul Boyter/Pam Lumley
7/0

Roll Call Vote - The following Commission Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Pam Lumley	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Molly Kitchell	✓	

3. LaChante Stewart- 2021 IREC 0012- Proposed Agreed Order

Motion made by Paul Boyter and seconded by John De Souza to approve the Cease and Desist.

Paul Boyter/John De Souza
7/0/

Roll Call Vote - The following Commission Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Pam Lumley	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Molly Kitchell	✓	

4. Conrad Johnston- 2021 IREC 0003- Proposed Settlement Agreement

Motion made by Molly Kitchell and seconded by Paul Boyter approve the proposed settlement agreement.

Molly Kitchell/Paul Boyter
7/0

Roll Call Vote - The following Commission Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Pam Lumley	✓	
John De Souza	✓	
Donna Spears	✓	

Sahara Williams ✓
Molly Kitchell ✓

5. Melissa Richey- 2021 IREC 0013- ALJ Recommended Order

Motion made by Pam Lumley and seconded by Molly Kitchell to approve the recommended order.

Pam Lumley/Molly Kitchell
7/0/0

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

Paul Boyter ✓
Charles (Charlie) W. Shook ✓
Pam Lumley ✓
John De Souza ✓
Donna Spears ✓
Sahara Williams ✓
Molly Kitchell ✓

6. Angela Miracle- 2019 IREC 0032- Motion to Dismiss Indefinite Summary Suspension

Motion made by Paul boyter and seconded by John De Souza to approve the motion to dimiss from summary suspension.

Paul Boyter/John De Souza
7/0/0

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

Paul Boyter ✓
Charles (Charlie) W. Shook ✓
Pam Lumley ✓
John De Souza ✓
Donna Spears ✓
Sahara Williams ✓
Molly Kitchell ✓

7. John Stainbrook, Alpine Property Management, Aaron Adams 2019 IREC 0023 - Motion to Dismiss

Motion made by Paul Boyter and seconded by Molly Kitchell to approve the motion to dismiss.

Paul Boyter/Molly Kitchell

6/1/0

Roll Call Vote - The following Commission Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Pam Lumley	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams		✓
Molly Kitchell	✓	

VI. OLD / NEW BUSINESS

1. Report From The Office Of The Attorney General

Ryan Eldridge provided a report from the Office of Attorney General. The average age of a consumer complaint is 13 months old. There are currently 75 open litigation complaints that are roughly 15 months old.

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 Paul Boyter and seconded by Donna Spears to approve the recommendations from The Real Estate Education Advisory Council.

Paul Boyter.Donna Spears
7/0/0

Roll Call Vote - The following Commission Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Pam Lumley	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Molly Kitchell	✓	

Elections

Chair – Nominations for John De Souza as chair

Roll Call Vote - The following Commission Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Pam Lumley	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Molly Kitchell	✓	

Vice or Chair Elect– Nomination for Donna Spears as vice chair

Roll Call Vote - The following Commission Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Pam Lumley	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Molly Kitchell	✓	

Liaisons - Nominations for Liaisons – John Briscoe, Molly Kitchell and Donna Spears

Roll Call Vote - The following Commission Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Pam Lumley	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Molly Kitchell	✓	

Managing Brokers

There was a change on the broker application. The application ceased to require the signature of the managing broker. This created confusion within the application process, due to the fact the managing broker had signed off on the applications, verifying the new brokers working with them. Now the managing broker is part of the process, with the managing broker signing off on the the broker that they over, on a separate communitcaion, to verifying the new broker is under their employ.

Virtual CE

There is a request of maintaining virtual CE classes. Dee Young appeared electronically before the board requesting that the Commission consider allowing permanent virtual classes after the Executive Order expires.

VII. SUBCOMMITTEE REPORTS

1. Kentucky Reciprocity Agreement

Pam Lumley & John Briscoe

John Briscoe reported that there have been changes made that both Kentucky and Indiana are revising and are at points they approve. Various agencies are involved in reviewing this agreement. PLA wanted to see what Kentucky came back with and the agreement is under review.

Sahara Williams made a motion which was seconded by Pam Lumley to have John De Souza sign off on the IN/KY Reciprocity Agreement.

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

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
Pam Lumley	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Molly Kitchell	✓

VIII. ADJOURNMENT 4:53 p.m.