

INDIANA REAL ESTATE COMMISSION
WEDNESDAY, AUGUST 25, 2021
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

Chairman, John De Souza called the virtual meeting to order at 8:04 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
John De Souza, chairman
Donna Spears
Molly Kitchell
John Briscoe

Commission Members Absent:

Pam Lumley
Sahara Williams

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

II. ADOPTION OF THE AGENDA

Molly Kitchell made a motion and was seconded by Charlie Shook to adopt the agenda.

Kitchell/Shook

6/0

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

Paul Boyter	✓
Charles (Charlie) W. Shook	✓

John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Molly Kitchell	✓

III. APPROVAL OF THE MINUTES OF THE JULY 21, 2021 MEETING

A motion was made by Paul Boyter and was seconded by Molly Kitchell to approve the minutes for the July 21, 2021 meeting.

Boyter/ Kitchell
6/0

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

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

IV. PERSONAL APPEARANCES

1. Desmond Bowman – Application – Positive Response(did not appear at last meeting though he was scheduled to attend)

Desomond Bowman appeared before the Commission electronically to discuss his application and the positive response. His application is approved on probation, to run concurrent with his criminal probation, pending receipt from his association from his managing broker.

A motion was made by Paul Boyter and was seconded by Molly Kitchell to approve license issuance on probation to run concurrent with his criminal probation and with the submission of his association with a managing broker.

Boyter/Kitchell
6/0

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

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

2. Martha Gilchrist – Application – Positive Response

Martha Gilchrist did appear virtually before the Commission due to her positive response on the application. She does have an open balance for the remaining court costs.

A motion was made by Charlie Shook and was seconded by Molly Kitchell to approve the application on probationary status until all court cost have been paid in full.

Shook/Kitchell

6/0

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

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

3. Matthew Warner - Application- Positive Response

Matthew Warner appeared virtually before the Commission due to his positive response on his application.

A motion was made by John Briscoe and was seconded by Donna Spears to approve Matthew Warner’s license application on probationary status to run concurrent with his criminal probation.

Briscoe/Spears

6/0

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

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

4. Virginia Isagladi - Application- Positive Response

Virginia Isagladi did appear electronically to discuss her positive response.

She was charged with using someone else's information to apply for a car loan.

A motion was made by Paul Boyter and was seconded by John Briscoe to approve the license pending managing broker association.

Boyter/Briscoe

6/0

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

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

5. Pete LaSalle – Final Order reporting from renewal positive response

Pete LaSalle appeared electronically before the Commission due to the positive response on his renewal application since he has received a final order on his criminal conviction. He is currently on criminal probation

A motion was made by Charlie Shook and was seconded by John Briscoe to place the license on probation to run concurrent with his criminal probation.

Shook/Briscoe

5/0/1

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

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

6. Ryan Gillum – Application - CE Waiver Request

Ryan Gillum appeared virtually before the Commission due to his CE Waiver hardship request due to his mother’s poor health. He assumed her position as office manager for his father’s business, due to his mother’s poor health. He is requesting a waiver since he has been out of the real estate business for a while. He should be back in real estate full time in September or October.

A motion was made by Paul Boyter and was seconded by Molly Kitchell to give him a 30 day extension, thirty days from today, August 25, 2021, to complete needed the

Continuing Education.

Boyter/Kitchell
6/0

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

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

- 7. Natalie Childers – managing broker application – Request for exemption from educational/exam requirements with no reciprocity – she is a military spouse.

Natalie Childers did appear virtually before the Commission for her request since she is a military spouse. She is licensed in three other states. She wishes to be exempt from the education and to be exempt from taking the national exam. She would not be able to be a managing broker due to residency requirements.

Paul Boyter made a motion and it was seconded by John Briscoe to grant her a brokers license, but not managing broker status, once the state jurisprudence exam has been passed.

Charlie Shook/Paul Boyter
6/0

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

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

- 8. Nicholas Walters – Report of a DUI

Nicholas Walters did appear before the board to report a DUI he is currently on probation

Charlie Shook made a motion that was seconded by John Briscoe to place his license on probation to run concurrent with his criminal probation.

Shook/Briscoe

6/0

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

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

V. ADMINISTRATIVE HEARINGS

1. Jessica Burke - Cause No: 2020 IREC 34 Petition for Withdrawal of Probation

Jessica Burke did appear before the Commission electronically. The State was not represented

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

Briscoe/ Kitchell

5/0/1

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

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

2. Steve Piegza - Cause No: 2019 IREC 0028 Petition for Withdrawal of Probation

Steve Piegza 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 Donna Spears to approve her petition request to withdraw probation.

Boyter/Spears

6/0/0

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

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

**3. John C. Koerner - Cause No: 2014 IREC 0053
Petition for Withdrawal of Probation**

John C. Koerner appeared electronically. He completed her criminal probation and petitioned for his probation to be removed.

Motion made by Paul Boyter and seconded by John Briscoe to approve his petition for request of removal of probation.

Boyter/Briscoe

6/0

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

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

**4. Michele DiPlottie - Cause No: 2021 IREC 0024
Notice of Proposed Default**

Michele DiPlottie appeared before the Commission. The State did appear in this hearing.

Motion made by Paul Boyter and seconded by Donna Spears to dismiss the notice of proposed default.

Boyter/Spears

6/0

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

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
John Briscoe	✓

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

Count I

Motion made by Paul Boyter and seconded by John Briscoeto find in violation of Count 1.

Boyter/Briscoe

6/0

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

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

Count 2

Motion made by Paul Boyter and seconded by Donna Spears to find in violation of Count 2.

Boyter/Spears

6/0

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

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

Motion made by Paul Boyter and seconded by Donna Spears to have her pay the cost of the hearing, 5.00 Health Record’s Fee and for indefinite suspension with no ability to reinstate until she has worked for a licensed managing broker that she is not related to and must maintain up to date communication tools – address, email and phone – with PLA.

Boyter/Spears

6/0

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

Paul Boyter	✓
Charles (Charlie) W. Shook	✓

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

**5. Rhonda Gridley - Cause No: 2021 IREC 0022
Notice of Proposed Default**

Rhonda Gridley did not appear.

Motion made by Paul Boyter and seconded by John Briscoe find in Default.

Boyter/Briscoe
6/0

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

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

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

**Count I
Motion made by Paul Boyter and seconded by Molly Kitchell to find in
violation of Count 1.**

Boyter/Kitchell
6/0

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

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

Count 2

1. Brenda Jones 2021 IREC 0010 - Proposed Settlement Agreement

Motion made by Paul Boyter and seconded by John Briscoe to approve the Proposed Settlement Agreement.

Boyter/Briscoe

6/0

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

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

2. Sung Lee- 2020 IREC 0011- Proposed Settlement Agreement

Motion made by Paul Boyter and seconded by Molly Kitchell to approve the Proposed Settlement Agreement.

Boyter/Kitchell

6/0

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

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

3. Ronald and Gregory McColly - 2020 IREC 0020- Motion to Dismiss

Motion made by Charlie Shook and seconded by John Briscoe to approve the Motion to Dismiss

Shook/Briscoe

5/0/1

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

Paul Boyter	
Charles (Charlie) W. Shook	✓
John Briscoe	✓

John De Souza	✓
Donna Spears	✓
Molly Kitchell	✓

4. Ryan Crissinger.Annette Donica - Blythe.Jean Donica.Real Estate Professionals-2020 IREC 0009 - Motion to Dismiss

Motion made by Paul Boyter and seconded by Molly Kitchell approve the Motion to Dismiss

Boyter/Kitchell

6/0

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

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

5. Justin Capps - Motion to Dismiss

Motion made by Paul Boyter and seconded by John Briscoe to approve the Motion to Dismiss

Boyter/Briscoe

6/0/0

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

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

6. Fred Strattan- Motion to Dismiss

Motion made by Molly Kitchell and seconded by John Briscoe to approve the Motion to Dismiss

Kitchell/Briscoe

5/0/1

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

7. PARC Property Management- Motion to Dismiss

Motion made by Paul Boyter and seconded by John Briscoe to approve the Motion to Dismiss.

Boyter/ Briscoe
6/0

Roll Call Vote - The following Commission Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
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. The average age of a consumer complaint is 13.2 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.

Boyter/ Spears
6/0/0

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

John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Molly Kitchell	✓

3. Electronic Participation Policy

The Commission reviewed the updated Commission Participation Policy and discussed it. James Harry provided the members about the correct numbers needed for the Commission, in relation to the policy as it was presented. Made modifications pertaining directly to the Commission.

Molly Kitchell/John Briscoe to approve the electronic participation policy with the recommended changes.

Briscoe/Kitchell
6/0/0

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

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

VII. SUBCOMMITTEE REPORTS

1. Kentucky Reciprocity Agreement

Pam Lumley & John Briscoe

James Harry brought the Commission up to date on the reciprocity agreement. He just received the final draft from Kentucky this morning. John De Souza also stated that there are some separations within the managing broker comparisons. The reciprocity is for the sales person/broker licenses.

Anne Johnson discussed Title 25 information. Discussed mental health practitioners.

VIII. ADJOURNMENT 3:53 p.m.

