

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

MINUTES OF APRIL 19, 2023

Donna Spears, R.B., Chair, called the meeting to order at 9:00 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: Donna Spears, Chair
Troy Helman, Vice Chair
John Desouza, Member
Beth Walker, Member
Brian Thompson, Member
Charlie Shook, Member
Cheryl Stuckwish, Member
John Brisco, Member
Molly Kitchell, Consumer Member
Tracy Hutton, Member

Member(s) Absent: Pamela Lumley, Member

Staff Present: Jody Edens, Board Director
Professional Licensing Agency
Erin Sutton, Assistant Board Director
Professional Licensing Agency
Brad Repass, Litigation Specialist
Professional Licensing Agency
James Harry, J.D., Deputy Attorney
General, Office of the Attorney General

The Board voted to adopt the agenda as amended.

Shook/Kitchell, 10/0/0
Motion carries

The following board members voted aye:
Donna Spears, Troy Helman, Beth Walker, Brian Thompson, Charlie Shook
Cheryl Stuckwish, John Brisco, John Desouza, Molly Kitchell, Tracy Hutton
The following board members objected: none

The following board members abstained: none

There Board voted to approve the March 8, 2023, minutes with corrections.

Walker/Thompson, 10/0/0
Motion carries

The following board members voted aye:
Donna Spears, Troy Helman, Beth Walker, Brian Thompson, Charlie Shook
Cheryl Stuckwish, John Brisco, John Desouza, Molly Kitchell, Tracy Hutton

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

PERSONAL APPEARANCES

Desmon White, Broker Application – Positive Response:

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

Mr. White explained to the Commission that in 2015 he was working for people that had counterfeit money. He stated he was a senior in high school working at Pizza Hut. He was guilty by association as he didn't have any counterfeit money on him, but he knew they had it.

In 2016, while in college, someone took some of his things from his room and took it to a college house, which he entered and took back his things. The tenants of the house called the Police, and he was arrested.

In 2018, he was charged with breaking and entering his girlfriend's house. He indicated that she had some of his things and they got into a fight, she wouldn't give him back his things. He stated since they were his he just went in and got them and was then arrested.

He informed the Commission that all this happened when he was 18/19 years old. He stated that he feels he had grown up a lot since then and now has a child of his own. He has been shadowing a mentor that is a licensed realtor. He stated that he is currently doing welding.

At this time, he still owes \$100 to the courts for the 2018 arrest.

After discussion, the Commission moved to APPROVE Mr. White's application on INDEFINITE PROBATION for no less than one (1) year with the following terms:

- Proof of payment of the \$100 to the courts withing thirty (30) days from the date of the order
- Affiliate with a established Brokerage firm

Shook/Brisco, 9/0/0
Motion carries

The following board members voted aye:
Donna Spears, Troy Helman, Beth Walker, Brian Thompson, Charlie Shook
Cheryl Stuckwish, John Brisco, John Desouza, Tracy Hutton
The following board members objected: Molly Kitchell
The following board members abstained: none

Douglas Horton, Broker Application – Positive Response:

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

Let the record reflect that John Desouza recused himself from this matter and left the room.

Mr. Horton explained that he lives up in the South Bend area and is currently licensed in the state of Michigan. His license was issued on 10/7/2021 on active status and he wants to be licensed in both states so he can work in both.

He explained that his first arrest was when he was sixteen (16) years old back in 2012 he was charged with armed robbery in Chicago in August 2012. The following charges show on his court documents relating to the armed robbery charge:

Degree	Description	Arrest Date
FX	ARMED ROBBERY/NO FIREARM	8/21/2012
FX	AGG KIDNAPPING ARMED W/FIR	8/21/2012
FX	AGG KIDNAPPING/INFLICT HARN (4 CHARGES)	8/21/2012
F3	AGG BATTERY/USE DEADLY WEAPON	8/21/2012
F3	AGG BATTERY/PUBLIC PLACE	8/21/2012
F3	AGG BATTERY/GREAT BODILY HARM	8/21/2012

On October 18, 2013, he was sentenced to ten (10) years with 427 days credit to the IL department of corrections. He indicated he served five (5) of the ten (10) years.

He stated that in 2019 he was with his girlfriend in her car when they were pulled over for a traffic stop. A cup in the console had a counterfeit bill in it. The court document shows the following charges in 2019:

F4	PSC – MFG - POSSESS ANY SUBST	1/21/2019
F4	PSC – MFG - POSSESS ANY SUBST	1/21/2019
MB	POSS CAN/> 10-30 //GRANS/I ST	1/21/2019

He plead NOLLE PROSEQUI to all charges, this was in Illinois. There wasn't any information regarding sentencing with this.

In 2019 he was arrested and charged with Forgery – Def, W/Intent to Defraud, Makes/Utters Written Instrument that Purports to have been Made Comment: He plead guilty by agreement. He was fined \$200 and sentenced to 1 year 182 days, with 2 days credit and 427 days suspended leaving 120 days to serve and the balance on a suspended sentenced. No probation ordered.

After discussion, the Commission moved to APPROVE Mr. Horton’s broker application.

Shook/Brisco, 9/0/0
Motion carries

The following board members voted aye:
Donna Spears, Troy Helman, Beth Walker, Brian Thompson, Charlie Shook
Cheryl Stuckwisch, John Brisco, Tracy Hutton, Molly Kitchell
The following board members objected: none
The following board members abstained: none

Gregory Willis, Broker Application – Positive Response:

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

He indicated that his retired from the Military at the age of 31 as an E6 after he was shot in the chest. He indicated that after his surgery he had difficulty getting back into society. He stated that he had been self-medicating for the pain from the surgery.

He was pulled over by the Police, they searched his car and found Marijuana. He indicated he spent a few days in jail and the matter was dismissed.

After discussion, the Commission moved to APPROVE Mr. Willis’ broker application.

Brisco/Stuckwisch, 10/0/0
Motion carries

The following board members voted aye:
Donna Spears, Troy Helman, Beth Walker, Brian Thompson, Charlie Shook
Cheryl Stuckwisch, John Brisco, John Desouza, Molly Kitchell, Tracy Hutton
The following board members objected: none
The following board members abstained: none

Peter Basford, Broker Application – Positive Response:

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

Mr. Basford indicated he fell in with the wrong crowd and had the following arrests:

2019 – Charged with Dealing in Marijuana, he stated he was smoking a lot of Marijuana at the time. He was sentenced to 60 days in jail, with 60 days suspended.

2020 – he was smoking marijuana in his car, was pullover and the Police found pills in his car too. He was charged with possession of controlled substances and two counts of possession of Marijuana. He plead guilty to possession of a controlled substance and the two counts of possession of Marijuana were dismissed. He was sentenced to 365 days in jail, with 1 day credit and 364 days suspended. He was then placed on court probation for 1 year.

2021 – He was charged with carrying a handgun with out a license to which he plead guilty. He was sentenced to 20 days in jail, with 8 days credit, 0 suspended.

2022 – He was arrested and charged with a Felony 6 OWI with a prior conviction within 7 years. He was sentenced to 365 days in jail, with 11 days credit and 345 days suspended. His driver's license was suspended for 1 year.

He indicated that after his arrest in 2022 he was fired from his job and now works at Henny Penny in Ohio. All of his court probations have been completed.

After discussion, the Commission moved to APPROVE Mr. Basford's broker application.

Shook/Brisco, 10/0/0
Motion carries

The following board members voted aye:
Donna Spears, Troy Helman, Beth Walker, Brian Thompson, Charlie Shook
Cheryl Stuckwish, John Brisco, John Desouza, Molly Kitchell, Tracy Hutton

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

Nathan Cavender, Broker Application – Positive Response:

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

Mr. Cavender signed a consent order with the State of Illinois which issued him a \$2,500 fine.

After discussion, the Commission moved to APPROVE Mr. Cavender's broker application.

Shook/Thompson, 10/0/0
Motion carries

The following board members voted aye:
Donna Spears, Troy Helman, Beth Walker, Brian Thompson, Charlie Shook
Cheryl Stuckwish, John Brisco, John Desouza, Molly Kitchell, Tracy Hutton

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

Ali Beilk, Broker Application – Positive Response:

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

In 2017, Mr. Beilk plead guilty to a Felony 6, maintaining a common nuisance – controlled substances. He was also charged with the following, but they were dismissed with his guilty plea.

- Dealing in Marijuana
- Possession of a controlled substance – 5 counts
- Possession of Marijuana
- Possession of Hashish

He stated that he plead guilty to maintaining a common nuisance – controlled substances because they arrested his wife too. When he pleaded guilty they released his wife.

He said he had all kinds of pills that he had stockpiled to trade for Marijuana.

He was sentenced to 365 days confinement in the county jail, with 2 days jail credit, 363 days suspended. Court Probation for 363 days.

On March 28, 2022, he was charged with the following:

- Dealing in a schedule I controlled substance with weight of at least 28 grams – Felony 2
- Dealing in Marijuana weighing b/t 30 grams & 10 pounds – Felony 6
- Possession of a Controlled Substance – Possession of a Schedule I, II, III, IV cont – 4 counts
- Possession of Marijuana
- Possession of paraphernalia

These charges are all still pending, with a jury trial scheduled currently for May 8, 2023.

He stated that after the 2017 incident he went to an outpatient rehab through his physician and saw a therapist three times a week. When asked he couldn't give any information regarding the rehab program.

After discussion, the Commission moved to DENY Mr. Beilke's broker application.

Desouza/Helman, 10/0/0
Motion carries

The following board members voted aye:
Donna Spears, Troy Helman, Beth Walker, Brian Thompson, Charlie Shook
Cheryl Stuckwish, John Brisco, John Desouza, Molly Kitchell, Tracy Hutton

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

Jeffrey McGownd – Broker Application – Positive Response:

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

In 2013 he entered a guilty plea and the court having entered a Judgment of Conviction for the crime of Amended Count I Dealing in A Schedule II Controlled Substance, a Class B Felony.

The court accepted the negotiated plea agreement and entered the following sentence:

- Sentenced to Indiana Department of Corrections for classification and confinement for a period of twenty (20) years of which thirteen (13) shall be suspended;
- Pay court costs of \$166.00
- Shall be on probation for a period of thirteen (13) years to begin upon date of release from incarceration; there are many more terms but the above are the most important.

It was found that he was eligible for the Community Transition Program. On July 8, 2014, his began his In-Home incarceration portion of the sentence.

He violated his probation in 2018 due to a positive drug screen. He was then placed in the SERCC Work Release Program for sixty (60) days and then one hundred-eighty (180) days in the SERCC In-Home Detention Program.

His court probation will continue until July 1, 2027.

After discussion, the Commission moved to APPROVE Mr. McGownd's broker application.

Brisco/Hutton, 10/0/0
Motion carries

The following board members voted aye:
Donna Spears, Troy Helman, Beth Walker, Brian Thompson, Charlie Shook
Cheryl Stuckwish, John Brisco, John Desouza, Molly Kitchell, Tracy Hutton

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

Emanuel Favila, Broker Application – Positive Response:

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

In 2020 he was charged with a Criminal Misdemeanor – Disorderly conduct engages in fighting or tumultuous conduct and Battery resulting in Bodily Injury.

He was arrested for getting into a fight with his cousin in a park.
After discussion, the Commission moved to APPROVE Mr. Favila's broker application.

Shook/Hutton, 10/0/0
Motion carries

The following board members voted aye:
Donna Spears, Troy Helman, Beth Walker, Brian Thompson, Charlie Shook
Cheryl Stuckwish, John Brisco, John Desouza, Molly Kitchell, Tracy Hutton
The following board members objected: none
The following board members abstained: none

Alissa French, Broker Application – Positive Response:

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

In Michigan she had a Pokagan Gaming license. She was fired from Four Winds Casino Resort for not properly charging customers for soda drinks. She along with fifteen other employees were terminated. The Customers said they shouldn't have to pay for the soda drinks because they were free in the casino, so they should be free in the restaurant too.

They were comping the drinks, so the customers didn't have to pay for them. She indicated that none of the servers benefited from comping the drinks.

After discussion, the Commission moved to APPROVE Ms. French's broker application.

Hutton/Walker, 10/0/0
Motion carries

The following board members voted aye:
Donna Spears, Troy Helman, Beth Walker, Brian Thompson, Charlie Shook
Cheryl Stuckwish, John Brisco, John Desouza, Molly Kitchell, Tracy Hutton
The following board members objected: none
The following board members abstained: none

ADMINISTRATIVE HEARINGS

The following administrative hearing was continued:

- **Vicinia Property Management, License No. CO52200186 & Kimra Holcomb, No License, Cause No. 2023 IREC 0004**

Samuel Henen, License No. RB20000066 Cause No. 2022 IREC 0017

Mr. Henen did not appear and was not represented by counsel regarding an Administrative Complaint/Motion to Vacate/Motion for Voluntary Dismissal scheduled before the Board. The State of Indiana was represented by A.J. Holbrook, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services.

In August 2022 an administrative complaint was filed with the Commission indicating one (1) count violation. They then found that the Respondent did not violate the code, it was a city error.

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to GRANT the motion to VACATE and DISMISSED this matter.

Kitchell/Thompson, 10/0/0
Motion carries

The following board members voted aye:
Donna Spears, Troy Helman, Beth Walker, Brian Thompson, Charlie Shook
Cheryl Stuckwish, John Brisco, John Desouza, Molly Kitchell, Tracy Hutton

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

Vilgar Property Management, LLC, Cause No. 2023 IREC 0001

Respondent did not appear in person and was not represented by counsel regarding a Motion for Cease & Desist scheduled before the Commission. The State of Indiana was represented by A.J. Holbrook, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting Services.

The Respondent's counsel requested a continuance of this matter to work on a settlement with the Attorney General's Office, but it was denied by the Chair.

Ms. Holbrook informed the Commission that the opposing counsel has been very cooperative, and she does not oppose the continuance.

After discussion, the Chair moved to approve the continuance request until the September 2023 meeting.

Daniel Annee, Cause No. 2023 IREC 0005

Respondent appeared in person and was represented by Derek Peterson regarding a Petition for Review Hearing on License Application scheduled before the Board.

Brenda Richard, his managing broker was sworn in as a witness.

Mr. Annee's broker application was not officially denied by the Commission at the March 2023 meeting, the Commission voted on the approval of the application and that vote failed to pass.

On his application Mr. Annee has several positive responses to the questions. He indicated that everything happened ten (10) years ago. He plead guilty to one (1) count of Arson.

After incidents of his building be destroyed on the inside and other issues, Mr. Annee agreed to listed to two guys on how to fix the problem, which was to possibly burn down the building and how the arson would be arranged. One of the two men was a undercover police officer and the other was a confidential informant of the police officer. They recorded the conversation, and the recording was handed over to the Department of Justice.

He was charged with one (1) count of Solicitation to commit a crime of violence (arson). He was sentenced to three (3) years' probation from April 4, 2011, to April 3, 2014, and Fined \$10,000.

On January 28, 2013, the Commission permanently revoked his salesperson license.

Ms. Richards testified that she met Mr. Annee twenty-five (25) years ago. They have a client relationship. She has been a broker for forty-five (45) years. She is willing to serve as his managing broker and will be proud to have him work for her.

After having considered the evidence presented, testimony of the witness, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Commission moved to APPROVE Mr. Annee's broker application.

Hutton/Kitchell, 8/2/0
Motion carries

The following board members voted aye:
Donna Spears, Troy Helman, Brian Thompson, Charlie Shook
Cheryl Stuckwish, John Brisco, Molly Kitchell, Tracy Hutton
The following board members objected: John Desouza, Beth Walker
The following board members abstained: none

Let the record reflect that Cheryl Stuckwish left for the day.

James Bleier, License No. RB14027959, Cause No., 2022 IREC 0015

Respondent did not appear in person and was represented by counsel, Derek Peterson regarding an Administrative Hearing scheduled before the Board. The State of Indiana was represented by Chase Haller and Kelsey McNight, Deputy Attorney Generals and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting

Services.

A Petition to Surrender is pending before the Commission. Mr. Peterson indicated there is a AVC (Assurance of Voluntary Compliance) in place with the Marion County Courts. The petition to surrender indicates he agrees to not apply for a new license for ten (10) years.

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 PETITION TO SURRENDER as written. The Commission also indicated that this is not considered disciplinary action and is not reportable, but the information will remain on record.

Desouza/Thompson, 10/0/0
Motion carries

The following board members voted aye:
Donna Spears, Troy Helman, Brian Thompson, Charlie Shook, Beth Walker
Cheryl Stuckwish, John Brisco, Molly Kitchell, Tracy Hutton, John Desouza
The following board members objected: none
The following board members abstained: none

The state presented an Agreed Motion to Dismiss the Administrative Complaint with 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 Agreed Motion to Dismiss

Hutton/Kitchell, 8/2/0
Motion carries

The following board members voted aye:
Donna Spears, Troy Helman, Brian Thompson, Charlie Shook
Cheryl Stuckwish, John Brisco, Molly Kitchell, Tracy Hutton
The following board members objected: John Desouza, Beth Walker
The following board members abstained: none

REAL ESTATE EDUCATION ADVISORY COUNCIL REPORT **CONTINUING EDUCATION**

The REEAC met on April 17, 2023, and issued the following recommendations to the Commission:

Empire Learning (CE21700011)

- a. Real Estate Investing: Recognizing Opportunities **3 hrs.**
- b. Real Estate Investing: Crunching the Numbers and Understanding Purchase Agreements **4 hrs.**

- c. Fair Housing: Confronting Racial Discrimination 4 hrs.
- d. Advances Opportunities: REOs, Short Sales, Probates, and Passive Investing 4 hrs.
- e. Property Management: Single-Family Rentals 101 3 hrs.
- f. Real Estate Investing: Due Diligence and Closings 3 hrs.
- g. Real Estate Investing: Getting Started 3 hrs.

Recommend to TABLE All for learning objectives and to recheck their hours requested.
5/0/0

Tim Reed/Rick Ogden

2. Frontline Training & Consulting (new provider)

- a. Realtor Safety, Surviving Violent Encounters 4 hrs.
 - New instructor – Dale Anderson

Recommend to TABLE for correct application (form #43492)

5/0/0

Tim Reed/Rick Ogden

3. International Right of Way Association (CE10600454)

- a. Railroad Symposium 2023 7 hrs.
Tabled from the 3/6/23 meeting for detail timed outline.

Recommend to APPROVE for 6 Hours and for Broker Education Only

5/0/0

Tim Reed/Jim Bittner

4. Listing Leaders Academy of Real Estate LLC (SC42100004)

- New school site

Recommend to APPROVE.

5/0/0

Cheryl Butcher/Rick Ogden

5. Northwest Indiana Realtors Association (CE10600438)

- a. Commercial verse Residential Real Estate
a ICBR & NIRA Collaboration (RB and MB) 2 hrs.

Recommend to APPROVE for Broker Education only

5/0/0

Tim Reed/Rick Ogden

6. Southern Indiana Realtors Association (CE21200049)

- a. Common Defects and Water Damage 3 hrs.

Recommend to APPROVE (a) Broker Education Only

5/0/0

Tim Reed/Cheryl Butcher

- b. Short Sales & Foreclosure Resource Certification (NAR course)8 hrs.

Recommend to APPROVE (b) for 6 Hours; Broker Education Only

5/0/0

Cheryl Butcher/Jim Bittner

7. World Inspection Network International LLC – new provider

- a. Sewer Scopes in Homes for Real Estate Professionals 2 hrs.

- b. Random in Homes for Real Estate Professionals **3 hrs.**
 - New Instructor - Mahlie Dukes-Whitaker (INST201078)

Recommend to APPROVE BOTH (a) and (b)

5/0/0

Tim Reed/Cheryl Butcher

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

Brisco/Thompson, 10/0/0

Motion carries

The following board members voted aye:

Donna Spears, Troy Helman, Brian Thompson, Charlie Shook, Beth Walker
Cheryl Stuckwish, John Brisco, Molly Kitchell, Tracy Hutton, John Desouza

The following board members objected: none

The following board members abstained: none

There being no further business, the Board ADJOURNED at 2:11 p. m.

Donna Spears, Chair