

**Indiana Real Estate Commission
March 8, 2018
Minutes**

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Chair, Pam Lumley called the meeting to order at 8:56 a.m. in Conference Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204 and declared a quorum in accordance with Ind. Code § 25-34.1-2-3(b).

Commission Members Present: Roll Call

Paul Boyter
Jack McCombs
Michael Lunsford
Pam Lumley, Chair
Charles (Charlie) W. Shook
Sue Cox
John Briscoe
Doug Rose

Commission Members Absent:

Sahara Williams
Norman McClain
Justin Busch
James Litten

State Officials Present:

Deanna Alexander, Director, Indiana Professional Licensing Agency
Nate Black, Compliance Officer, Indiana Professional Licensing Agency
Jim Schmidt, Commission Advisory Council, Office of the Attorney General

Transcriptionist:

Sherri Rutledge, Rutledge Reporting

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|---|------------------|
| I. COMMITTEE MEETINGS | 8:30 a.m. |
| II. CALL TO ORDER & ESTABLISHMENT OF QUORUM | 8:45 a.m. |
| III. APPROVAL OF MINUTES OF THE JANUARY 17, 2018 MEETING OF THE COMMISSION | |

A motion was made and seconded to approve the minutes from the January 17, 2018 meeting.

Boyter/Cox
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	

Sue Cox	✓
John Briscoe	✓
Doug Rose	✓

IV. INDIANA ATTORNEY GENERAL’S OFFICE REPORT

Leif Johnson, presented the Attorney General’s report.

V. REAL ESTATE EDUCATION ADVISORY COUNCIL REPORT

REEAC, Kathy Harbaugh presented the Real Estate Education Advisory Council Report.

Motion was made and seconded to approve report.

Boyter/Briscoe
8/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Sue Cox	✓	
John Briscoe	✓	
Doug Rose	✓	

VI. PERSONAL APPEARANCES

9:00 a.m.

A. In the Matter of the License of: Melissa Noojin
Re: Positive Response on Application

Motion was made and seconded to **Issue** license.

Shook/Briscoe
8/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Sue Cox	✓	
John Briscoe	✓	
Doug Rose	✓	

B. Morgan Matt
Re: Positive Response on Application

Motion was made and seconded to **Issue license on Probation.**

McCombs/Briscoe
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Sue Cox	✓	
John Briscoe	✓	
Doug Rose	✓	

VII. ADMINISTRATIVE HEARINGS

9:00 a.m.

A. In the Matter of the License of: Mark Hack
2013 IREC 0045
Re: Petition for Withdraw of Probation

Leif Johnson, Attorney General's Office

Respondent: Mark Hack
Attorney: No Attorney

Motion was made and seconded to **Withdrawal from Probation.**

Lunsford/McCombs
6/1

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Charles (Charlie) W. Shook	✓	
Sue Cox		✓
John Briscoe	✓	
Doug Rose	✓	

Pam Lumley has recused herself from the hearing. The following members continued to take part in the hearing: Jack McCombs, John Briscoe, Charlie Shook, Doug Rose, Mike Lunsford, Paul Boyter and Sue Cox.

B. In the Matter of the License of: Everett Powell
2018 IREC 0009
Re: Petition for Summary Suspension

Leif Johnson: Attorney General's Office

Respondent: Everett Powell
Attorney: No Attorney

Motion was made and seconded to **Grant Suspend License for 90 Days.**

Cox/Boyter
5/3

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford		✓
Pam Lumley	✓	
Charles (Charlie) W. Shook		✓
Sue Cox	✓	
John Briscoe		✓
Doug Rose	✓	

VIII.DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDERS

A. In the Matter of the License of: Teresa Ashmore
2017 IREC 0039
Re.: Administrative Law Judge Panel's Order

A motion was made and seconded to **Affirm the Law Judge Panel's Order.**

Briscoe/Cox
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Sue Cox	✓	
John Briscoe	✓	
Doug Rose	✓	

B. In the Matter of the License of: Charles B. Blackwelder
2014 IREC 0031
Re.: Administrative Law Judge Panel's Order

A motion was made and seconded to **Affirm the Law Judge Panel's Order.**

Lunsford/Briscoe
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Sue Cox	✓	
John Briscoe	✓	
Doug Rose	✓	

C. In the Matter of the License of: Charles S. Blackwelder
2014 IREC 0023
Re.: Administrative Law Judge Panel's Order

A motion was made and seconded to **Affirm the Law Judge Panel's Order.**

Cox/McCombs
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Sue Cox	✓	
John Briscoe	✓	
Doug Rose	✓	

D. In the Matter of the License of: Cara Grumme
2014 IREC 0020
Re.: Administrative Law Judge Panel's Order

A motion was made and seconded to **Affirm the Law Judge Panel's Order.**

Briscoe/Cox
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Sue Cox	✓	
John Briscoe	✓	
Doug Rose	✓	

E. In the Matter of the License of: Adrian Frazier
 2017 IREC 0033
 Re.: Administrative Law Judge Panel's Order

A motion was made and seconded to **Affirm the Law Judge Panel's Order.**

Rose/Lunsford
 8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Sue Cox	✓	
John Briscoe	✓	
Doug Rose	✓	

F. In the Matter of the License of: Lynn Haffner
 2016 IREC 0035
 Re.: Revised Proposed Findings of Fact, Conclusion of Law and Order

A motion was made and seconded to **Approve the Settlement.**

Lunsford/Briscoe
 8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	

Charles (Charlie) W. Shook	✓
Sue Cox	✓
John Briscoe	✓
Doug Rose	✓

G. In the Matter of the License of: Jeanne Clarkson
 2017 IREC 0034
 Re: Proposed Findings of Fact, Conclusion of Law and Order

A motion was made and seconded to **Approve the Settlement.**

Lunsford/Briscoe
 7/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Doug Rose	✓	

Sue Cox has recused herself as she was the liaison in this matter. The following members continued to take part in the hearing: Jack McCombs, John Briscoe, Charlie Shook, Doug Rose, Mike Lunsford, Paul Boyter and Pam Lumley.

H. In the Matter of the License of: Aaron Adams
 2016 IREC 0031
 Re: Proposed Findings of Fact, Conclusion of Law and Order

A motion was made and seconded to **Approve Proposed Findings of Fact, Conclusion of Law and Order.**

Briscoe/Lunsford
 7/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Doug Rose	✓	

Sue Cox has recused herself as she was the liaison in this matter. The following members continued to take part in the hearing: Jack McCombs, John Briscoe, Charlie Shook, Doug Rose, Mike Lunsford, Paul Boyter and Pam Lumley.

I. In the Matter of the License of: Donald Cook
2015 IREC 0055
Re: Proposed Findings of Fact

A motion was made and seconded to **Approve Proposed Findings of Fact.**

Lunsford/McCombs
7/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Doug Rose	✓	

Sue Cox has recused herself as she was the liaison in this matter. The following members continued to take part in the hearing: Jack McCombs, John Briscoe, Charlie Shook, Doug Rose, Mike Lunsford, Paul Boyter and Pam Lumley.

IX. OBJECTIONS TO ADMINISTRATIVE LAW JUDGE PANEL ORDERS

A. None

X. APPLICATION REVIEW

A. None

XI. OLD/NEW BUSINESS

A. Emergency USPAP Rule Readoption
Re: Recommendation from Real Estate Appraiser Board for adoption.

A motion was made and seconded to **Approve Emergency USPAP Rule Readoption.**

Boyter/ Cox
8/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Jack McCombs	✓	

Michael Lunsford	✓
Pam Lumley	✓
Charles (Charlie) W. Shook	✓
John Briscoe	✓
Sue Cox	✓
Doug Rose	✓

B. Discussion Regarding how other States are handling Zillow

Table till next meeting.

C. Angela Hawley
Re: Broker Exam

A motion was made and seconded to **Deny the request to a Waiver of the Exam.**

Briscoe/Boyter
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Sue Cox	✓	
Doug Rose	✓	

D. John Lewis
RE: Managing property in Indiana with Ohio License

A motion was made and seconded to Deny with the lack of information regarding the management of the property and his current license with Ohio.

Briscoe/Lunsford
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Sue Cox	✓	
Doug Rose	✓	

E. IREC Instructor Pre-licensing Course Questions

Re: Can an Instructor get CE credit from teaching a pre-licensing course (email)

No CE credit for a Pre-licensing instructor.

Motion was first and seconded to refer back REEAC for discussion regarding granting an instructor CE credit.

The following Board Members Voted "Aye" "Nay"

Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Sue Cox	✓	
Doug Rose	✓	

Cox/Boyter
8/0

F. Debbie Lane

Re: CE Reinstatement

Motion was made and seconded to refer this back to REEAC for discussion.

Shook/McCombs
8/0

The following Board Members Voted "Aye" "Nay"

Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Sue Cox	✓	
Doug Rose	✓	

G. Delois Taylor

RE: Sales Person to Real Estate Broker

Motion was made and seconded to **Deny** the Request and she must complete the 90 Hour Broker course and exam.

Cox/McCombs
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Sue Cox	✓	
Doug Rose	✓	

H. Brandon Haymaker
RE: Requesting an extension

Motion was made and seconded to **Deny** the Request for an extension for the exam.

McCombs/Cox
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Sue Cox	✓	
Doug Rose	✓	

I. Kristi Calkins
RE: Sales Person to Real Estate Broker

Motion was made and seconded to **Deny** the Request for an extension for the exam.

Rose/Lunsford
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Sue Cox	✓	
Doug Rose	✓	

J. Lori Ramirez
Re: Review of Denial of License

Motion was made and seconded to Renew license and to find the petition for review Moot.

Shook/Briscoe
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Sue Cox	✓	
Doug Rose	✓	

K. Jon Freeman
Re: Petitioner's Motion to Correct Error

Motion was made and seconded to set aside the January Affirm and make a new recommendation to correct the dollar amount from \$15, 780.00 to \$15,870.00.

Boyter/McCombs
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Jack McCombs	✓	
Michael Lunsford	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
John Briscoe	✓	
Sue Cox	✓	
Doug Rose	✓	

XII. ADJOURNMENT

Meeting adjourned @ 12:35 pm.

**Next Meeting:
April 18, 2018
W064**