

**Indiana Real Estate Commission  
January 16, 2019  
Minutes**

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**I. CALL TO ORDER & ESTABLISHMENT OF QUORUM**

Chair, Doug Rose called the meeting to order at 8:53 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**

Jack Mccombs, Vice Chairperson  
Sue Cox  
Paul Boyter  
Charles (Charlie) W. Shook  
James Litten  
John Briscoe  
Sahara Williams  
Doug Rose, Chairperson  
Pam Lumley

**Commission Members Absent:**

**State Officials Present:**

Deanna Alexander, Director, Indiana Professional Licensing Agency  
Toby Davis, Assistant 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 Court Repeating

**II. CALL TO ORDER & ESTABLISHMENT OF QUORUM**

8:53 a.m.

**III. APPROVAL OF MINUTES OF THE DECEMBER 19<sup>th</sup>, 2018 MEETING OF THE COMMISSION**

**A motion was made and seconded to approve the minutes from the December 19, 2018 meeting.**

Cox/Litten

9/0

The following Board Members Voted

"Aye" "Nay"

Paul Boyter  
Sue Cox  
Jack Mccombs  
Charles (Charlie) W. Shook  
James Litten  
John Briscoe  
Sahara Williams  
Doug Rose, Chairperson  
Pam Lumley

#### **IV. IN DIANA ATTORNEY GENERAL'S OFFICE REPORT**

Jennifer Barth, presented the Attorney General's report.

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

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

**A motion was made and seconded to approve the REEAC recomindations.**

Boyter/Litten

9/0

The following Board Members Voted

"Aye" "Nay"

Paul Boyter  
Sue Cox  
Jack Mccombs  
Charles (Charlie) W. Shook  
James Litten  
John Briscoe  
Sahara Williams  
Doug Rose, Chairperson  
Pam Lumley

#### **VI. PERSONAL APPEARANCES**

**9:00a.m.**

**A. IN THE MATTER OF THE APPLICATION OF: Jeffrey Tegethoff**  
Re: Positive Response

A motion was made and seconded to reschedule the Personal Appearance March.

**VII. ADMINISTRATIVE HEARINGS**

**9:00a.m.**

**A. IN THE MATTER OF THE LICENSE OF: Melissa McClendon**  
2018 IREC 0013  
Re: Extension of Summary Suspension

Leif Johnson, Office of the Attorney General  
Witness: Jaclyn Meza

Respondent: Not present  
Attorney: No attorney present to represent respondent

**A motion was made and seconded to grant the Extension of a 90 day Summary Suspension.**

Litten/Mccombs  
9/0

The following Board Members Voted                      "Aye"    "Nay"

Paul Boyter  
Sue Cox  
Jack Mccombs  
Charles (Charlie) W. Shook  
James Litten  
John Briscoe  
Sahara Williams  
Doug Rose, Chairperson  
Pam Lumley

**B. IN THE MATTER OF THE LICENSE OF: Charles Charleston**

2009 IREC 0018

Re: Probation Withdrawal

Leif Johnson, Office of the Attorney General

Respondent: Not present

Attorney: No attorney present to represent respondent

**A motion was made and seconded to reschedule till the March meeting and issue an Order to Show Cause.**

Litten/Williams

9/0

The following Board Members Voted "Aye" "Nay"

- Paul Boyter
- Sue Cox
- Jack McCombs
- Charles (Charlie) W. Shook
- James Litten
- John Briscoe
- Sahara Williams
- Doug Rose, Chairperson
- Pam Lumley

**VIII. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDERS**

**A. IN THE MATTER OF THE LICENSE OF: Gina Mehringer**

2018 IREC 0022

Re: Administrative Law Judge Panel Order

**A motion was made and seconded to Affirm the Proposed Findings of Fact, Conclusions of Law and Order.**

Cox/Litten

8/0

The following Board Members Voted "Aye"/ "Nay"

- Paul Boyter
- Sue Cox
- Jack McCombs

Charles (Charlie) W. Shook  
James Litten  
Sahara Williams  
Doug Rose, Chairperson  
Pam Lumley

John Briscoe has recused himself from the hearing. The following members continued to take part in the hearing: Paul Boyter, Jack Mccombs, Sahara Williams, Sue Cox, Charlie Shook, Doug Rose, Pam Lumley and Jim Litten.

**B. IN THE MATTER OF THE LICENSE OF: Lisa Furniss**

2018 IREC 0016

Re: Administrative Law Judge Panel Order

**A motion was made and seconded to Affirm the Proposed Findings of Fact, Conclusions of Law and Order.**

Litten/Cox

9/0

The following Board Members Voted

„Aye“11 **"Nay"**

Paul Boyter  
Sue Cox  
Jack Mccombs  
Charles (Charlie) W. Shook  
James Litten  
John Briscoe  
Sahara Williams  
Doug Rose, Chairperson  
Pam Lumley

**C. IN THE MATTER OF THE LICENSE OF: Rosalie Lamping & Lamping Real Estate**

2018 IREC 0029

Re: Proposed Findings of Fact

**A motion was made and seconded to Affirm the Proposed Findings of Fact, Conclusions of Law and Order.**

Boyter/Cox

8/0

The following Board Members Voted

"Aye" **"Nay"**



Mccombs/Williams

9/0

The following Board Members Voted

"Aye" "Nay"

Paul Boyter  
Sue Cox  
Jack McCombs  
Charles (Charlie) W. Shook  
James Litten  
John Briscoe  
Sahara Williams  
Doug Rose, Chairperson  
Pam Lumley

**Commission schedule Oral arguments limited to 30 minutes per side no additional evidence.**

Williams/Lumley

7/2

The following Board Members Voted

"Aye" "Nay"

Paul Boyter  
Sue Cox  
Jack Mccombs  
Charles (Charlie) W. Shook  
James Litten  
John Briscoe  
Sahara Williams  
Doug Rose, Chairperson  
Pam Lumley

## **X. APPLICATION REVIEW**

### **A. James Sexton**

Re: Wanting to apply by reciprocity from AZ

A motion was made and seconded to not take any action against the license and the Commission has requested that James Sexton to complete the 90 Hour Broker course and have it submitted by April 15, 2019.

Litten/Briscoe

8/1

The following Board Members Voted

"Aye" "Nay"

Paul Boyter  
Sue Cox  
Jack Mccombs  
Charles (Charlie) W. Shook  
James Litten  
John Briscoe  
Sahara Williams  
Doug Rose, Chairperson  
Pam Lumley

## XI. OLD/NEW BUSINESS

### A. Everett Powell

Re: Motion to Stay of Proceedings until Completion of Appellate Process,  
Petitioner's Motion to Strike Respondent's Exhibits 1 through 26 and Paragraphs 35  
through 60 of Respondent's Objection, Deadline to file briefs.

Everett Powell's Motioins were addressed above.

### 8. April Gartin

Re - CE Extension due to Illness and surgeries

A motion was made and seconded to Deny the Waiver.

Shook has now withdrawn his motion.

**A motion was made and seconded to Grant the Extention and give the license until  
June 30 to complete her CE deficiancies. April must also submit these certificates  
into the Commission for review.**

Shook/Briscoe

9/0

The following Board Members Voted

"Aye" "Nay"

Paul Boyter  
Sue Cox



Jack Mccombs  
Charles (Charlie) W. Shook  
James Litten  
John Briscoe  
Sahara Williams  
Doug Rose, Chairperson  
Pam Lumley

**C. Antwyn Ealy**  
Re - CE Waiver

**A motion was made and seconded to Deny the request**

Briscoe/Lumley  
9/0

The following Board Members Voted "Aye" "Nay"

Paul Boyter  
Sue Cox  
Jack Mccombs  
Charles (Charlie) W. Shook  
James Litten  
John Briscoe  
Sahara Williams  
Doug Rose, Chairperson  
Pam Lumley

**D. John D. Weldy**  
Re - CE Waiver due to Medical Issues

**A motion was made and seconded to grant and extention to complete his CE until  
June 30, 2019 and must submit his CE certificates.**

Lumley/Litten  
9/0

The following Board Members Voted "Aye" "Nay"

Paul Boyter  
Sue Cox  
Jack Mccombs  
Charles (Charlie) W. Shook  
James Litten

John Briscoe  
Sahara Williams  
Doug Rose, Chairperson  
Pam Lumley

**E. Indiana Association of Realtors**

- Rule Consideration

Indiana Association of Realtors are requesting a provision to the current Rule draft to notify their MB if a formal complaint is filed with the Attorney General. Jim is going to take a look at bring this back to the Commission.

**F. HB 1245 Emergency Rule Readoption**

**A motion was made and seconded to adopt HB 1245 additional 90 days.**

Litten/Mccombs

9/0

The following Board Members Voted

"Aye" "Nay"

Paul Boyter  
Sue Cox  
Jack Mccombs  
Charles (Charlie) W. Shook  
James Litten  
John Briscoe  
Sahara Williams  
Doug Rose, Chairperson  
Pam Lumley

**G. HB 1245 Emergency Rule Readoption Recommendation from the Appraiser Board**

**A motion was made and seconded to adopt HB 1245 additional 90 days.**

McComb/Boyter

9/0

The following Board Members Voted

"Aye" "Nay"

Paul Boyter

Sue Cox  
Jack McCombs  
Charles (Charlie) W. Shook  
James Litten  
John Briscoe  
Sahara Williams  
Doug Rose, Chairperson  
Pam Lumley

## **XII. ADJOURNMENT**

There being no further business, and having completed its duties, the meeting of the Indiana Real Estate Commission adjourned @ 11:43 am.

**Next Meeting:  
March 6, 2019  
W064**