

**MINUTES
INDIANA REAL ESTATE COMMISSION
WEDNESDAY, MAY 18, 2022
9:00 a.m.
402 WEST WASHINGTON STREET
INDIANAPOLIS, INDIANA 46204**

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Chairman, John DeSouza called the meeting to order at 9:08 a.m. and declared a quorum in accordance with Ind. Code § 25-34.1-2-3(b).

Commission Members Present

John De Souza, chairman
Pam Lumley
Brian Thompson
Charlie Shook
Molly Kitchell
Tracy Hutton
Troy Helman
Cheryl Stuckwish
Donna Spears, Vice chair

Commission Members Absent:

John Briscoe

State Officials Present:

Amy Hall, Commission Director, Indiana Professional Licensing Agency
Chris Shea-Russell, Commission Assistant Director, 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

Brian Thompson made a motion and was seconded by Tracy Hutton to adopt the agenda.

Thompson/Hutton

9/0/0

The following Commission Members Voted

“Aye” “Nay”

John DeSouza	✓
Charlie Shook	✓
Donna Spears	✓
Tracy Hutton	✓
Troy Helman	✓
Cheryl Stuckwish	✓
Brian Thompson	✓
Molly Kitchell	✓
Pam Lumley	✓

III. APPROVAL OF THE MINUTES OF THE WEDNESDAY, APRIL 13, 2022 MEETING

A motion was made by Tracy Hutton and was seconded by Donna Spears to approve the minutes for the April 13, 2022 meeting.

Hutton/Spears
9/0/0

The following Commission Members Voted	“Aye”	“Nay”
John DeSouza	✓	
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	
Molly Kitchell	✓	
Pam Lumley	✓	

John DeSouza announced that Beth Walker is a new Commissioner that was recently appointed. She will be in attendance at the July meeting for her first meeting.

John DeSouza also brought challenges thae the Commission has had with IPLA and customer Service. Improved guidance, handing direct processes along with concerns with INBIZ challenges. Progress is in the works and changes are occurring as we speak. A new hire has been added to the group to ease some of the challenges facing the group and the volume of real estate questions, applications, and correspondence.

IV. PERSONAL APPEARANCES

1. Tyler Carmichael

Tyler Carmichael appeared before the Commission to discuss the positive response on

his application. He was charged criminally in May of 2021. This was resolved in April of 2022, he accepted a plea agreement of a one year criminal probationary period. He was placed on probation in April of 2022 through April 2023. He was asked to surrender his teaching license within the plea agreement due to a misdemeanor charge from hugging a former student. There are concerns since a licensed broker is a position of trust, just as a teacher is in a position of trust.

A motion was made by Pam Lumley and was seconded by Tracy Hutton to approve his license on probation, to run concurrent with his criminal probation, if there are any other violations, it would be self reported by Tyler to the Commission.

Lumley/Hutton

6/3

The following Commission Members Voted	“Aye”	“Nay”
John DeSouza	✓	
Charlie Shook		✓
Donna Spears		✓
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson		✓
Molly Kitchell	✓	
Pam Lumley	✓	

2. Jaqueline Barnett

Jacqueline Barnett appeared before the commission to discuss her notice of self reporting. She entered into a plea agreement for criminal Felony 6 and placed on one year probation, after which she will be sentenced for misdemeanor charges. She was charged with criminal forgery. If she follows the probation, she may ask for a reduction in probation and a change from a felony 6 to a misdemeanor charge. She applied for a credit card under her niece’s name and information, received the card and used it. It is recommended that PLA to determine if any further action is warranted, since this is a self report.

V. ADMINISTRATIVE HEARINGS

**1. Holly Thomas - Cause No: 2019 IREC 0004
Petition to Withdraw from Probation**

Troy Helman - Recused

Holly Thomas appeared before the Commission on behalf of her petition to withdraw from probation. She has completed her criminal probation and has had no further criminal charges or violations.

A motion was made by Molly Kitchell and was seconded by Tracy Hutton to approve her petition to withdraw from probation.

Kitchell/Hutton

8/0

The following Commission Members Voted	“Aye”	“Nay”
John DeSouza	✓	
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman		
Cheryl Stuckwish	✓	
Brian Thompson	✓	
Molly Kitchell	✓	
Pam Lumley	✓	

**2. Angela Jimenez – Cause No: 2022 IREC 0008
Petition for Summary Suspension**

John DeSouza – Recused himself

The OAG is in works with a respondent’s counsel and requested that the summary suspension be vacated.

A motion was made by Charlie Shook and was seconded by Brian Thompson to extend the summary suspension and to deny the motion to vacate.

Shook/Hutton

8/0

The following Commission Members Voted	“Aye”	“Nay”
John DeSouza		
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	
Molly Kitchell	✓	

Pam Lumley

✓

**3. Ben Hauersperger- Cause No: 2022 IREC 0003
Summary Suspension Extension**

A motion was made by Troy Helman and was seconded by Cheryl Stuckwish to extend the summary suspension.

Helman/Stuckwish
9/0

The following Commission Members Voted	“Aye”	“Nay”
John DeSouza	✓	
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	
Molly Kitchell	✓	
Pam Lumley	✓	

**4. Brian Charles Nordan – Cause No: 2022 IREC 0006
Petition for Summary Suspension**

John DeSouza – Recused himself

Brian Charles Nordan did not appear as he is currently incarcerated in Florida. He was convicted on 13 Counts of Federal Wire Fraud. He did not disclose his conviction to the Commission.

A motion was made by Cheryl Stuckwish and was seconded by Pam Lumley to place his license on Summary Suspension.

Stuckwish/Lumley
8/0

The following Commission Members Voted	“Aye”	“Nay”
John DeSouza		
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	

Molly Kitchell	✓
Pam Lumley	✓

VI. ALJ DELIBERATIONS & SETTLEMENT AGREEMENTS

**1. Michael Reed- Cause No: 2021 IREC 006
Proposed Settlement**

Troy Helman – Recused himself

A motion was made by Molly Kitchell and was seconded by Brian Thompson to approve the Proposed Settlement.

**Kitchell/Thompson
8/0**

The following Commission Members Voted	“Aye”	“Nay”
John DeSouza	✓	
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman		
Cheryl Stuckwish	✓	
Brian Thompson	✓	
Molly Kitchell	✓	
Pam Lumley	✓	

**2. Lisa Reed- Cause No: 2021 IREC 0059
Proposed Settlement Agreement**

Troy Helman – Recused himself

A motion was made by Charlie Shook and was seconded by Molly Kitchell to approve the Proposed Settlement Agreement

**Shook/Kitchell
8/0**

The following Commission Members Voted	“Aye”	“Nay”
John DeSouza	✓	
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	

Troy Helman	
Cheryl Stuckwisch	✓
Brian Thompson	✓
Molly Kitchell	✓
Pam Lumley	✓

**3. Charles Bahner- Cause No: 2021 IREC 0050
Proposed Settlement Agreement**

A motion was made by Cheryl Stuckwisch and was seconded by Troy Helman to approve the Proposed Settlement Agreement.

Stuckwisch/Helman
9/0

The following Commission Members Voted	“Aye”	“Nay”
John DeSouza	✓	
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwisch	✓	
Brian Thompson	✓	
Molly Kitchell	✓	
Pam Lumley	✓	

**4. Busy Bee Realty- Cause No: 2021 IREC 0052
Proposed Settlement Agreement**

A motion was made by Tracy Helman and was seconded by Molly Kitchell to approve the Proposed Settlement Agreement.

Helman/Kitchell
9/0

The following Commission Members Voted	“Aye”	“Nay”
John DeSouza	✓	
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwisch	✓	
Brian Thompson	✓	
Molly Kitchell	✓	
Pam Lumley	✓	

VI. OLD / NEW BUSINESS

1. Kristin Trzoski Discussion

The Office of the Attorney General is objecting to the parties being involved in a non noticed hearing, though the discussion will be placed on the record. There are briefings to discuss and filings to be determined on.

Two briefs were submitted, on by the respondent and one by the State of Indiana. The first part of the discussion entertains whether the Office of the Attorney General is an agency as defined in statute, pertaining to attorney's fees as well as if the summary suspension, which was dismissed, was frivolous. A discussion of discovery must be had as well.

4-21.5-3-27.5 Reasonable attorney's fees is the statute in reference.

First question if they are an agency is the Commission is in acknowledgment that the Office of the Attorney General is an agency.

Second question if the agency action was in action was frivolous, an action was occurring, for the respondent to seek legal counsel. There was action by the agency.

Grant the hearing on the merits of whether attorney fees are appropriate. Motion made by Pam Lumley and seconded by Cheryl Stuckwish.

Lumley/Stuckwish

9/0

The following Commission Members Voted	“Aye”	“Nay”
John DeSouza	✓	
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	
Molly Kitchell	✓	
Pam Lumley	✓	

2. Report From The Office Of The Attorney General

Chase Haller provided a report from the Office of Attorney General. Most cases have roughly a one year life span currently. Some discussions occurred about the brokers and managing brokers and their responsibilities, how long files are open and closed. There have been quite a few of the files that have ben resolved. There have been no significant spikes in complaints this year,

in comparison to previous years. Chase is interested to know what information should be tracked that the Commission would like to know.

3. Real Estate Education Advisory Council Report

Kathy 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 Donna Spears and was seconded by Pam Lumley to approve the REEAC report as presented.

Spears/Lumley

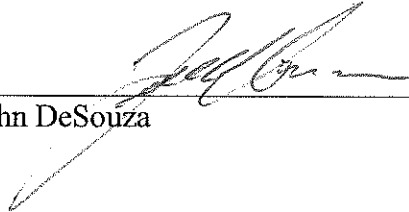
9/0

The following Commission Members Voted	"Aye"	"Nay"
John DeSouza	✓	
Charlie Shook	✓	
Donna Spears	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	
Molly Kitchell	✓	
Pam Lumley	✓	

4. Sole Proprietor Managing Broker

There is no real update. The estate has not been filed with probate at the current time. The estate has not been doing anything as of yet.

ADJOURNMENT 12:38 p.m.



John DeSouza

7/20/22

Date

