

## **IC 25-34.1-2**

### Chapter 2. Creation of Commission

#### **IC 25-34.1-2-1**

##### **Creation; qualification of members; appointment; term; vacancies**

Sec. 1. (a) The Indiana real estate commission is created.

(b) The commission consists of the following:

(1) Nine (9) district members. Each Indiana congressional district must be represented by one (1) individual appointed under this subdivision.

(2) One (1) real estate member at large.

(3) Two (2) citizen members at large.

A member described in subdivision (1) must be a resident of the represented district for not less than one (1) year. A member described in subdivision (1) or (2) must have engaged in business as a license broker for not less than five (5) years. Citizen members at large shall be appointed to represent the general public, must be residents of Indiana, and must have never been associated with the real estate business in any way other than as a consumer.

(c) Each member of the commission shall be appointed by the governor and shall serve a four (4) year term. If a successor has not been appointed, the current member shall serve until a successor is appointed and qualified. If a vacancy occurs on the commission, the governor shall appoint an individual to serve the unexpired term of the previous member and until a successor is appointed and qualified.

(d) A member of the commission may not hold a state or federal elective office.

*As added by Acts 1979, P.L.248, SEC.1. Amended by Acts 1981, P.L.222, SEC.259; P.L.170-2002, SEC.128.*

#### **IC 25-34.1-2-2**

##### **Officers; term; duties; executive director**

Sec. 2. (a) The commission shall elect from its membership a chairman and a vice chairman. The chairman and vice chairman shall serve in that capacity for one (1) year and until a successor is elected. The chairman and vice chairman may serve consecutively no more than two (2) terms in that capacity. The chairman shall preside at all meetings. The vice chairman shall preside at meetings in the absence of the chairman and shall perform other duties as the chairman may direct.

(b) The licensing agency shall provide to the commission an executive director. The executive director may not be a member of the commission. The executive director shall:

(1) provide reasonable notice to all commission members of the time and place of each meeting;

(2) keep a record of all meetings, of all votes taken by the commission, and of all other proceedings, transactions, communications, official acts, and records of the commission;

(3) keep a current file of all licenses and licensees; and

(4) perform any other duties which the commission may

prescribe.

*As added by Acts 1979, P.L.248, SEC.1. Amended by Acts 1982, P.L.113, SEC.80; P.L.132-1984, SEC.43.*

### **IC 25-34.1-2-3**

#### **Meetings; time and place; quorum; written consent to action**

Sec. 3. (a) The commission shall meet upon the call of the chairman or at the written request of any seven (7) members of the commission. The chairman shall establish the time and place of all meetings.

(b) A majority of the current members of the commission constitutes a quorum at a meeting for the purpose of transacting business. A majority vote of all members present at a meeting is necessary to bind the commission.

(c) Any action required or permitted to be taken at a meeting of the commission may be taken without a meeting if, prior to that action:

(1) a written consent to the action, either executed as a single document or in counterparts, is signed by all members of the commission; or

(2) all members orally consent to the action and subsequently confirm that consent in writing.

The written consent or confirmation shall set forth the action under consideration and shall be filed with the minutes of the meetings which are kept by the executive director. A written consent or a confirmed oral consent shall be treated for all purposes as a unanimous vote of the members and as though the vote had taken place at a regular meeting of the commission.

*As added by Acts 1979, P.L.248, SEC.1.*

### **IC 25-34.1-2-4**

#### **Compensation of members; expenses**

Sec. 4. (a) Each member is entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b).

(b) Each member is entitled to reimbursement for traveling and other expenses, as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

(c) The compensation and expenses of the commission members and the expenses of the commission shall be paid out of the general fund of the state.

*As added by Acts 1979, P.L.248, SEC.1.*

### **IC 25-34.1-2-5**

#### **Powers of commission**

Sec. 5. The commission may:

(1) administer and enforce the provisions of this article;

(2) adopt rules in accordance with IC 4-22-2 and prescribe forms for licenses, applications, principal broker certifications, and other documents which are necessary or appropriate for the

- administration and enforcement of this article;
- (3) issue, deny, suspend, and revoke licenses in accordance with this article, which licenses shall remain the property of the commission;
  - (4) subject to IC 25-1-7, investigate complaints concerning licensees or persons the commission has reason to believe should be licensees, including complaints respecting failure to comply with this article or the rules, and, when appropriate, take action pursuant to IC 25-34.1-6;
  - (5) bring actions, in the name of the state of Indiana, in an appropriate circuit court in order to enforce compliance with this article or the rules;
  - (6) inspect the records of a licensee in accordance with rules and standards prescribed by the commission;
  - (7) conduct, or designate a member or other representative to conduct, public hearings on any matter for which a hearing is required under this article and exercise all powers granted in IC 4-21.5;
  - (8) adopt a seal containing the words "Indiana Real Estate Commission" and, through its executive director, certify copies and authenticate all acts of the commission;
  - (9) utilize counsel, consultants, and other persons who are necessary or appropriate to administer and enforce this article and the rules;
  - (10) enter into contracts and authorize expenditures that are necessary or appropriate, subject to IC 25-1-6, to administer and enforce this article and the rules;
  - (11) maintain the commission's office, files, records, and property in the city of Indianapolis;
  - (12) grant, deny, suspend, and revoke approval of examinations and courses of study as provided in IC 25-34.1-5;
  - (13) provide for the filing and approval of surety bonds which are required by IC 25-34.1-5;
  - (14) adopt rules in accordance with IC 4-22-2 necessary for the administration of the investigative fund established under IC 25-34.1-8-7.5;
  - (15) annually adopt emergency rules under IC 4-22-2-37.1 to adopt any or all parts of Uniform Standards of Professional Appraisal Practice (USPAP), including the comments to the USPAP, as published by the Appraisal Standards Board of the Appraisal Foundation, under the authority of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (12 U.S.C. 3331-3351); and
  - (16) exercise other specific powers conferred upon the commission by this article.

*As added by Acts 1979, P.L.248, SEC.1. Amended by Acts 1981, P.L.222, SEC.260; P.L.7-1987, SEC.129; P.L.145-2003, SEC.8; P.L.177-2009, SEC.58.*

#### **IC 25-34.1-2-5.1**

**Standards for competent practice; rules**

Sec. 5.1. The commission shall adopt rules establishing standards for the competent practice of the various occupations regulated in this article.

*As added by Acts 1981, P.L.222, SEC.261.*

**IC 25-34.1-2-6**

**Repealed**

*(Repealed by P.L.57-2007, SEC.9.)*

**IC 25-34.1-2-7**

**Report of funds; deposit; payment of expenses; fee for investigative fund**

Sec. 7. (a) Except as provided in subsection (b), all funds collected under this article shall, at the end of each month, be reported to the auditor of state and deposited with the treasurer of state for deposit in the general fund. All expenses incurred in the administration of this article shall be paid from the general fund.

(b) The commission shall establish a fee of not more than twenty dollars (\$20) for real estate brokers and salespersons to provide funds for the purpose of administering and enforcing the provisions of this article, including investigating and taking enforcement action against real estate fraud and real estate appraisal fraud. All funds collected under this subsection shall be deposited in the investigative fund established by IC 25-34.1-8-7.5.

*As added by P.L.57-2007, SEC.2.*