

BEFORE THE INDIANA  
REAL ESTATE COMMISSION  
CAUSE NO.: IREC 12-26

IN THE MATTER OF THE LICENSE OF: )  
 )  
BRIAN JONES )  
 )  
LICENSE NO.: SP30401922 )



**FINAL ORDER AFFIRMING ADMINISTRATIVE LAW JUDGE PANEL'S ORDER**

Respondent, Brian Jones, is licensed by the Indiana Real Estate Commission (“Commission”) as a real estate salesperson, holding license number SP30401922. An Administrative Law Judge Panel held a hearing on January 23, 2013, after finding Respondent Brian Jones in default, and an Administrative Law Judge Panel’s Order (“ALJ Panel’s Order”) was subsequently issued on January 28, 2013. The Commission reviewed the matter, at its duly noticed public meeting on March 6, 2013, in Room W064 of Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204. By a vote of 7-0-0, the Commission affirmed the ALJ Panel’s Order, which is attached hereto as Exhibit A and incorporated by reference into this Final Order.

**WHEREFORE**, the Commission hereby affirms the ALJ Panel’s Order and Respondent is hereby ORDERED to abide by the terms of the ALJ Panel’s Order.

**ORDER**

IT IS HEREBY ORDERED, ADJUDGED, DECREED AND AFFIRMED that:

1. Respondent’s real estate salesperson license, SP30401922, shall be **PERMANENTLY REVOKED**.
2. Respondent shall, pursuant to Ind. Code § 4-6-14-10(b), pay a **FEE of FIVE DOLLARS (\$5.00)** to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be made payable to the State of Indiana and

can be made by personal check, cashier's check, or money order sent to the following within thirty (30) days of the issuance of this Order:

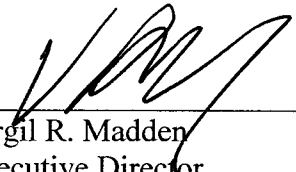
Indiana Office of the Attorney General  
Attn: Katherine Thorpe  
302 W. Washington St., IGCS 5<sup>th</sup> Floor  
Indianapolis, Indiana 46204

3. Respondent is ordered to pay the costs of this proceeding, as provided under Ind. Code § 25-1-11-18. The State of Indiana and the Indiana Professional Licensing Agency are hereby ordered to submit all appropriate costs in writing within twenty (20) days from the date of this order. Respondent shall then have forty (40) days from the date of this order to object to any specific amounts claimed. The Board shall then issue an order determining the exact amount of costs to be paid by Respondent.

SO ORDERED this 13 day of March, 2013.

**INDIANA REAL ESTATE COMMISSION**

By: \_\_\_\_\_

  
Virgil R. Madden  
Executive Director  
Indiana Professional Licensing Agency

**CERTIFICATE OF SERVICE**

I certify that a copy of the "Final Order Affirming Administrative Law Judge Panel's Order" has been duly served upon:

Brian Jones  
P.O. Box 245  
Moores Hill, Indiana 47032  
**Service by U.S. Mail**

Natalie R. Stidd, Deputy Attorney General  
Office of the Attorney General  
Indiana Government Center South  
302 West Washington Street, 5<sup>th</sup> Floor  
Indianapolis, Indiana 46204  
**Service by Email**

03/13/2013  
Date

  
Eric Felde

Indiana Real Estate Commission  
Indiana Government Center South  
402 West Washington St., Room W072  
Indianapolis, IN 46204  
Phone: 317-234-3009  
Fax: 317-233-4236  
Email: pla9@pla.in.gov

**Explanation of Service Methods**

Personal Service: by delivering a true copy of the aforesaid document(s) personally.

Service by U.S. Mail: by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.

Service by Email: by sending a true copy of the aforesaid document(s) to the individual's electronic mail address.

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ADMINISTRATIVE LAW JUDGE PANEL'S ORDER

The Administrative Law Judge Panel, consisting of Paul Boyter, Charles W. Shook, and Norman E. McClain ("ALJ Panel"), designated by the Indiana Real Estate Commission ("Commission"), pursuant to Ind. Code § 4-21-5-3-9, to act as the ALJ Panel in this proceeding, having held a hearing that concluded on the 23<sup>rd</sup> day of January 2013, and being otherwise duly advised, now issues and files its order.

An administrative hearing before the ALJ Panel was originally scheduled for October 3, 2012 at 1:00 p.m., local time, in Room W064 of Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204. Petitioner, the State of Indiana, was represented by Natalie Stidd, and Respondent failed to appear in person or by counsel. The ALJ Panel, by unanimous decision, issued a Notice of Proposed Default Order, which was filed on October 5, 2012. Respondent failed to timely object to the proposed default order. On January 23, 2013 the ALJ Panel, by unanimous decision, held Respondent in **DEFAULT**. The ALJ Panel then held further proceedings, took official notice of its file in this matter, and considered the evidence presented on January 23, 2013.

Notice is hereby given that any objection to the Administrative Law Judge Panel's Order must be filed with the Commission, identifying the basis of the objection with reasonable particularity, no later than eighteen (18) days from the date of the issuance of this order unless such date is a Saturday, a Sunday, a legal holiday under state statute, or a day that the Indiana

Professional Licensing Agency's offices are closed during regular business hours, in which case the deadline would be the first day thereafter that is not a Saturday, a Sunday, a legal holiday under state statute, or a day that the Indiana Professional Licensing Agency's offices are closed during regular business hours. This Administrative Law Judge Panel's Order is not the final order of the Commission in this proceeding. However, in the absence of any objection, the Commission will either affirm the Administrative Law Judge Panel's Order as its final order or will serve notice of its intent to review any issue related to the Administrative Law Judge Panel's Order.

#### FINDINGS OF FACT

1. The Petitioner is empowered to bring disciplinary complaints in the name of the State of Indiana, pursuant to Ind. Code § 25-1-7-7.
2. The Commission is charged with the duty and responsibility of regulating the practice of real estate in the State of Indiana pursuant to Ind. Code § 25-34.1-2-5.
3. The Commission is empowered to hold disciplinary hearings pursuant to the authority of Ind. Code § 25-1-11-5 and Ind. Code ch. 4-21.5-3 *et seq.*
4. Respondent's address on file with the Commission is P.O. Box 245, Moores Hill, Indiana 47032. Respondent holds a license as a real estate salesperson, license number SP30401922.
5. On or about July 1, 2008, Respondent pled guilty to one (1) count of Check Deception, a Class A Misdemeanor, in Ripley County, Indiana under cause number 69D01-0803-CM-00110.
6. Respondent's conviction for Check Deception is related to his activities in real estate in that the check involved was written by Respondent on the account of Last Chance

Properties, LLC, a property management operations of which Respondent was principal agent.

7. On or about November 24, 2009, Respondent pled guilty to one (1) count of Theft, a Class D Felony in Ripley County, Indiana under cause number 69D01-0903-FD-00018.

8. Respondent's theft conviction stems from a Respondent failing to return a \$14,000 check, which a client gave him to put toward the purchase of property. After the property transaction was not successful, through no fault of Respondent's client, Respondent failed to return the money to his client.

9. As a result of Respondent's Theft conviction under 69D01-0903-FD-00018, he was ordered to pay restitution to his former client.

#### **CONCLUSIONS OF LAW**

1. Respondent is subject to disciplinary sanctions pursuant to Ind. Code § 25-1-11-5(a)(2)(B) in that Respondent has been convicted of a crime that is harmful to the public. Specifically, on November 24, 2009, Respondent was convicted of Theft, a Class D Felony, in Ripley County, Indiana.

2. Respondent is subject to disciplinary sanctions pursuant to Ind. Code § 25-1-11-5(a)(2)(B) in that Respondent has been convicted of a crime that is harmful to the public. Specifically, on July 1, 2008, Respondent was convicted of Check Deception, a Class A Misdemeanor, in Ripley County, Indiana.

3. Respondent is subject to disciplinary sanctions pursuant to Ind. Code § 25-1-11-5(a)(3) in that Respondent knowingly violated a statute or rule regulating real estate professionals, as Respondent has been convicted of Theft, a Class D Felony, which has a direct bearing on Respondent's competency to be entrusted to serve the public as a licensee, as set forth by 876 IAC 1-1-40(16).

4. Respondent is subject to disciplinary sanctions pursuant to Ind. Code § 25-1-11-5(a)(3) in that Respondent knowingly violated a statute or rule regulating real estate professionals, as Respondent has been convicted of Check Deception, a Class A Misdemeanor, which has a direct bearing on Respondent's competency to be entrusted to serve the public as a licensee, as set forth by 876 IAC 1-1-40(16).

**ORDER**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Respondent's real estate salesperson license, SP30401922, shall be **PERMANENTLY REVOKED**.

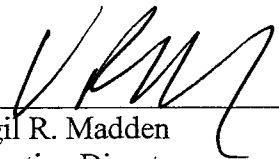
2. Respondent shall, pursuant to Ind. Code § 4-6-14-10(b), pay a **FEE of FIVE DOLLARS (\$5.00)** to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be made payable to the State of Indiana and can be made by personal check, cashier's check, or money order sent to the following within thirty (30) days of the issuance of the Final Order:

Indiana Office of the Attorney General  
Attn: Katherine Thorpe  
302 W. Washington St., IGCS 5<sup>th</sup> Floor  
Indianapolis, Indiana 46204

3. Respondent is ordered to pay the costs of this proceeding, as provided under Ind. Code § 25-1-11-18. The State of Indiana and the Indiana Professional Licensing Agency are hereby ordered to submit all appropriate costs in writing within twenty (20) days from the date of this order. Respondent shall then have forty (40) days from the date of this order to object to any specific amounts claimed. The Commission shall then issue an order determining the exact amount of costs to be paid by Respondent.

SO ORDERED, this 20<sup>th</sup> day of January, 2013.

**INDIANA REAL ESTATE COMMISSION**

By:   
Virgil R. Madden  
Executive Director  
Indiana Professional Licensing Agency


**CERTIFICATE OF SERVICE**

I certify that a copy of the "Administrative Law Judge Panel's Order" has been duly served upon:

Brian Jones  
P.O. Box 245  
Moore Hill, Indiana 47032  
**Service by U.S. Mail**

Natalie R. Stidd, Deputy Attorney General  
Office of the Attorney General  
Indiana Government Center South  
302 West Washington Street, 5<sup>th</sup> Floor  
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01/28/2013  
Date

  
Eric Felde

Indiana Real Estate Commission  
Indiana Government Center South  
402 West Washington St., Room W072  
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3. The Commission is empowered to hold disciplinary hearings pursuant to the authority of Ind. Code § 25-1-11-5 and Ind. Code ch. 4-21.5-3 *et seq.*

4. Respondent's address on file with the Commission is P.O. Box 245, Moores Hill, Indiana 47032. Respondent holds a license as a real estate salesperson, license number SP30401922.

5. On or about July 1, 2008, Respondent pled guilty to one (1) count of Check Deception, a Class A Misdemeanor, in Ripley County, Indiana under cause number 69D01-0803-CM-00110.

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3. Respondent is subject to disciplinary sanctions pursuant to Ind. Code § 25-1-11-5(a)(3) in that Respondent knowingly violated a statute or rule regulating real estate professionals, as Respondent has been convicted of Theft, a Class D Felony, which has a direct bearing on Respondent's competency to be entrusted to serve the public as a licensee, as set forth by 876 IAC 1-1-40(16).

4. Respondent is subject to disciplinary sanctions pursuant to Ind. Code § 25-1-11-5(a)(3) in that Respondent knowingly violated a statute or rule regulating real estate professionals, as Respondent has been convicted of Check Deception, a Class A Misdemeanor, which has a direct bearing on Respondent's competency to be entrusted to serve the public as a licensee, as set forth by 876 IAC 1-1-40(16).

**ORDER**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Respondent's real estate salesperson license, SP30401922, shall be **PERMANENTLY REVOKED**.

2. Respondent shall, pursuant to Ind. Code § 4-6-14-10(b), pay a **FEE of FIVE DOLLARS (\$5.00)** to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be made payable to the State of Indiana and can be made by personal check, cashier's check, or money order sent to the following within thirty (30) days of the issuance of the Final Order:

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SO ORDERED, this 28<sup>th</sup> day of January, 2013.

**INDIANA REAL ESTATE COMMISSION**

By:   
Virgil R. Madden  
Executive Director  
Indiana Professional Licensing Agency

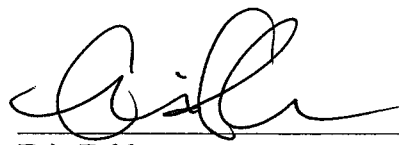
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