

BEFORE THE INDIANA REAL
ESTATE COMMISSION
CAUSE NO: 2015 IREC 0056

IN THE MATTER OF THE LICENSE OF)
)
BERT WHALEN)
)
LICENSE NO.: SP39500817 (Expired, Non-Renewable))

FILED

FEB 20 2017

Indiana Professional
Licensing Agency

NOTICE OF PROPOSED DEFAULT

An Administrative Hearing was scheduled to be held on December 14, 2016 in Room W064 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana 46204, concerning the State of Indiana's Complaint filed against the license of Bert Whalen ("Respondent").

The State of Indiana was represented by Colby M. Kus. Respondent was not present in person or by counsel.

Pursuant to Ind. Code § 4-21.5-3-24, the Administrative Law Judge Panel, by a vote of 3-0-0, issues a Notice of Proposed Default Order on the following grounds:

1. Respondent's address on file with the Indiana Real Estate Commission ("Commission") is 12634 Shorevista Drive, Indianapolis, IN 46236.
2. Respondent is a licensed real estate salesperson holding license number SP39500817 (Expired, Non-Renewable), which expired June 30, 2010.
3. On December 14, 2016, Respondent failed to appear for the disciplinary hearing in person or by counsel.
4. Pursuant to Ind. Code § 4-21.5-3-20, Respondent was provided adequate notice of the date and time of the Disciplinary Hearing date and failed to appear for said Hearing.

ORDER

For Respondent's failure to appear for the scheduled disciplinary hearing on December 14, 2016, the Administrative Law Judge Panel issues the following Notice of Proposed Default:

In accordance with Ind. Code § 4-21.5-3-24, Respondent must file a written motion within seven (7) days of service of this Order requesting that the Administrative Law Judge Panel not enter a default order in this case and stating the reasons relied upon for that request. Failure of Respondent to file such a written motion within seven (7) days shall result in the issuance of a default order. If Respondent timely files a motion, the Administrative Law Judge Panel shall consider said motion along with any relevant facts in determining whether a default order should be entered. Should a default order be entered against Respondent, the Administrative Law Judge Panel may hold further proceedings it deems appropriate to complete this case without the participation of Respondent.

SO ORDERED, this 20th day of February, 2017.

INDIANA REAL ESTATE COMMISSION
Administrative Law judge Panel

By: Maureen Bennett
for Paul Boyter,
Administrative Law Judge

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CERTIFICATE OF SERVICE

I certify that a copy of the "Notice of Proposed Default Order" has been duly served upon:

Bert Whalen
12634 Shorevista Drive
Indianapolis, IN 46236
Service by U.S. Mail

Colby M. Kus
Deputy Attorney General
Office of the Attorney General
302 West Washington Street
Indianapolis, IN 46204
Service by Email

2-20-2017
Date


Megan O'Neal, Assistant Director

Indiana Government Center South
302 W. Washington Street, 5th Floor
Indianapolis, Indiana 46204
Telephone: 317 234-4783
Facsimile: 317 233-4393
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.