

**Indiana Real Estate Commission
October 3, 2018
Minutes**

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Chair, Pam Lumley called the meeting to order at 8:57 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
Pam Lumley
Sue Cox
Paul Boyter
Doug Rose, Chairperson
Charles (Charlie) W. Shook
John Briscoe
Sahara Williams – arrived @ 9:13 a.m.

Commission Members Absent:

Justin Busch
James Litten

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 Reporting

II. CALL TO ORDER & ESTABLISHMENT OF QUORUM

8:45 a.m.

III. APPROVAL OF MINUTES OF THE AUGUST 29, 2018 MEETING OF THE COMMISSION

A motion was made and seconded to approve the minutes from the August 29, 2018 meeting.

Cox/Shook
7/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Pam Lumley	✓	

Charles (Charlie) W. Shook	✓
Doug Rose	✓
John Briscoe	✓

IV. INDIANA ATTORNEY GENERAL’S OFFICE REPORT

Sam Dayton, presented the Attorney General’s report.

V. REAL ESTATE EDUCATION ADVISORY COUNCIL REPORT

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

Boyer/Cox
7/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	

VI. PERSONAL APPEARANCES

9:00 a.m.

A. Nothing for review

VII. ADMINISTRATIVE HEARINGS

9:00 a.m.

A. In the Matter of the License of: Richard Sceifers
2014 IREC 0036
Re: Notice of Proposed Dismissal

Respondent: Not Present
Attorney: No Attorney Present for the Respondent

Motion was first and seconded to dismiss.

Cox/Shook
8/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	

Doug Rose ✓
John Briscoe ✓
Sahara Williams ✓

B. In the Matter of the License of: Melissa McClendon

2018 IREC 0013

Re: Extension of Summary Suspension

Sam Dayton, Office of the Attorney General

Witness: Jaclyn Meza

Respondent: Not Present

Attorney: No Attorney Present for the Respondent

Motion was first and seconded to renew the Summary Suspension for an addition 90 days.

Boyter/McCombs

8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
Sahara Williams	✓	

C. In the Matter of the License of: Jason King

2018 IREC 0021

Re: Summary Suspension Hearing

Sam Dayton, Office of the Attorney General

Witness: Jaclyn Meza

Respondent: Not Present

Attorney: No Attorney Present for the Respondent

Motion was first and seconded to Summary Suspend license for 90 days.

Boyter/Lumley

7/1

State Exhibits: A, B, C, D, E, F, N, G, H, I, J, K, L, M, O, P

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	

Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
Sahara Williams		✓

D. In the Matter of the License of: Phillip Anderson

2009 IREC 0028

Re: Probation Withdrawal

Sam Dayton, Office of the Attorney General
 Witness:

Respondent: Phillip Anderson
 Attorney: No Attorney Present for the Respondent

Motion was first and seconded to withdrawl from Probation.

McCombs/Williams
 8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
Sahara Williams	✓	

E. In the Matter of the License of: Anquanette Williams

2017 IREC 0028

Re: Probation Withdrawal

Respondent: Anquanette Williams
 Attorney: No Attorney Present for the Respondent

Motion was first and seconded to withdrawl from Probation.

Boyter/Lumley
 8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	

John Briscoe ✓
Sahara Williams ✓

F. In the Matter of the License of: Jennifer Morris

2017 IREC 0027

Re: Probation Withdrawal

Respondent: Jennifer Morris

Attorney: No Attorney Present for the Respondent

Motion was first and seconded to Withdrawl from Probation.

Boyster/Briscoe

8/0

The following Board Members Voted "Aye" "Nay"

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

G. In the Matter of the License of: Thomas Nickols

2017 IREC 0043

Re: Probation Withdrawal

Respondent: Not Present

Attorney:

Motion was first and seconded to Reschedule their hearing.

Briscoe/Cox

8/0

The following Board Members Voted "Aye" "Nay"

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

H. In the Matter of the License of: Teri Lemus

2014 IREC 0062

Re: Probation Withdrawal

Respondent: Not Present

Attorney:

Motion was first and seconded to Reschedule their hearing.

Briscoe/Cox

8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
Sahara Williams	✓	

VIII. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDERS

A. In the Matter of the License of: Kristina Kinney

Re: Proposed Findings of Fact, Conclusions of Law and Order

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

Boyter/Cox

8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
Sahara Williams	✓	

B. In the Matter of the License of: Donald Kohler

Re: Proposed Findings of Fact, Conclusions of Law and Order

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

Boyter/Shook
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
Sahara Williams	✓	

IX. OBJECTIONS TO ADMINISTRATIVE LAW JUDGE PANEL ORDERS

A. Nothing for review

X. APPLICATION REVIEW

A. Damian Thomas

Re: Positive Response

A motion was made and seconded to Approve and issue the license on Probation.

McCombs/Boyter
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
Sahara Williams	✓	

B. Rose Lowe

Re: Military Spouse wanting to waive exam - licensed in GA

A motion was made and seconded to Approve and issue a license.

Shook/Briscoe
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
Sahara Williams	✓	

C. Gary Marlin

Re: Reinstatement of Immediate Suspension

A motion was made and seconded to Reinststate his license from Suspention.

Shook/Briscoe
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
Sahara Williams	✓	

XI. OLD/NEW BUSINESS

A. Kathy Harbaugh

Re: Rule Change Recommendations

Kathy went over her recommendations and explained the changes and why they would be a good idea for the Commission to move forward with these changes. The Commission has requested that the following items be written into the rule draft "splitting Commissions" and "adding safty courses to CE courses". Jim will be double checking to see if this can be added.

B. Drafted Rule Changes

Re: Draft rule changes, discussion on whether to move forward.

The Commission reviewed their current Rule draft to see if anything needed to be changed. The Commission has requested to move forward with these changes as well as the new rule changes above to be added if they can be.

C. Real Estate Career Network Inc-Appeal of Denial of CE Course

Re: Successful Team Building for 2 hours

Motion was first and seconded to Denie their request for an appeal due to their request was filed incorrectly under IC 4-21.5-3-1 (c). Was filed by electronic means.

Shook/Briscoe
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
Sahara Williams	✓	

D. Real Estate Appraiser HB1245

Re: Consideration and adoption of Emergency Rule for the list of disqualifying crimes under HEA 1245

Motion was first and seconded to Adopt the Real Estate Appraiser Boards HB 1245 emergency Rule language.

Boyter/Briscoe
7/1

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
Sahara Williams		✓

E. Real Estate Commission HB1245

Re: Consideration and adoption of Emergency Rule for the list of disqualifying crimes under HEA 1245

Motion was first and seconded to consider the additional items to possibly be adopted at their 90 day renewal. Deanna will send out the additional 27 items that are currently not on the list to the Commission members for review and consideration.

Shook/Boyter
8/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	

Sue Cox	✓
Jack McCombs	✓
Pam Lumley	✓
Charles (Charlie) W. Shook	✓
Doug Rose	✓
John Briscoe	✓
Sahara Williams	✓

Motion was first and seconded to Adopt the Real Estate Commissions HB 1245 emergency Rule language.

Shook/Williams
8/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Sue Cox	✓	
Jack McCombs	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
Sahara Williams	✓	

XII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Real Estate Commission adjourned @ 1:15 p.m.

**Next Meeting:
November 14, 2018
W064**