

**Indiana Real Estate Commission
August 28, 2019
Minutes**

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Chairperson, Paul Boyter called the meeting to order at **8:53 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

Sue Cox
Paul Boyter
Charles (Charlie) W. Shook
Pam Lumley
James Litten
Sahara Williams in @ 8:55 am
John Briscoe - Phone

Commission Members Absent:

Jack McCombs, Vice Chairperson
Doug Rose, Chairperson

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
James Schmidt, Commission Advisory Council, Office of the Attorney General
Travis Lovett, Commission Advisory Council, Office of the Attorney General

Transcriptionist:

Lindy Meyer, Accurate Reporting

II. CALL TO ORDER & ESTABLISHMENT OF QUORUM

8:58 a.m.

III. APPROVAL OF MINUTES OF THE JULY 24th, 2019 MEETING OF THE COMMISSION

A motion was made and seconded to approve the minutes from the July 24, 2019

meeting.

Cox/Boyer
6/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Sue Cox	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Jim Litten	✓	
Sahara Williams	✓	

IV. INDIANA ATTORNEY GENERAL’S OFFICE REPORT

Jenifer Barth, presented the Attorney General’s report.

V. REAL ESTATE EDUCATION ADVISORY COUNCIL REPORT

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

A motion was made and seconded to Approve the REEAC recommendations.

Boyer/Cox
6/0

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

VI. PERSONAL APPEARANCES

9:00 a.m.

A. IN THE MATTER OF THE APPLICATION OF: Jeffrey Gream

Re: Positive Response

A motion was made and seconded to Issue a license on Probation.

Shook/Litten

7/0

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

B. IN THE MATTER OF THE APPLICATION OF: Andrew Swan

Re: Positive Response

A motion was made and seconded to Issue a license on Probation. Charlie has withdrawn his motion.

Shook/Williams

A motion was made and seconded to Issue a license on Probation.

Shook/Boyter

5/2

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

Jim Litten	✓	
Doug Rose	✓	
Sahara Williams		✓

C. IN THE MATTER OF THE APPLICATION OF: James Barnfield

Re: Positive Response

A motion was made and seconded to Issue a license on Probation.

Lumley/Williams

7/0

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

D. IN THE MATTER OF THE APPLICATION OF: Shaun Odom

Re: Positive Response

A motion was made and seconded to Issue a license.

Shook/Boyter

6/0

Jim Litten has recused himself. The following members continued to take part in the hearing: Paul Boyter, Sahara Williams, Sue Cox, Charlie Shook, Doug Rose and Pam Lumley.

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

Meeting called back to order after a 5 minute break.

E. IN THE MATTER OF THE APPLICATION OF: Ross Bemis
 Re: Positive Response

A motion was made and seconded to Issue a license on Probation.

Shook/Williams
 7/0

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

VII. ADMINISTRATIVE HEARINGS

9:00 a.m.

A. IN THE MATTER OF THE LICENSE OF: Mary Siders (Garrett) – Continued to the October 2nd meeting

2018 IREC 0033
 Re: Probation Withdrawal

B. IN THE MATTER OF THE LICENSE OF: Clark Rehme – Continued needs Reschedule for the October 2nd Respondent didn't show up to Commission meeting.

2017 IREC 0002
Re: Probation Withdrawal

VIII. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDERS

A. IN THE MATTER OF THE LICENSE OF: Garrett Pennington
2017 IREC 0029
Re: Administrative Law Judge Panel's Order

A motion was made and seconded to Affirming and acknowledging the Proposed Findings of Facts, Conclusions of Law and Order.

Cox/Litten
7/0

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

B. IN THE MATTER OF THE LICENSE OF: Evan Manship
2018 IREC 0035
Re: Proposed Findings of Fact

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

Boyter/Litten
6/0

The following Board Members Voted	"Aye"	"Nay"
Paul Boyter	✓	
Pam Lumley	✓	
Charles (Charlie) W. Shook	✓	
Jim Litten	✓	
Doug Rose	✓	
Sahara Williams	✓	

Sue Cox has recused herself as she was the liason in this case. The following members continued to take part in the hearing: Paul Boyter, Sahara Williams, Jim Litten, Charlie Shook, Doug Rose and Pam Lumley.

C. IN THE MATTER OF THE LICENSE OF: Jeffrey Kocel
 2015 IREC 0050
 Re: Proposed Findings of Fact

A motion was made and seconded to Dismiss the petition the Proposed Dismissal.

Cox/Litten
 7/0

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

IX. OBJECTIONS TO ADMINISTRATIVE LAW JUDGE PANEL ORDERS

X. APPLICATION REVIEW

XI. OLD/NEW BUSINESS

- A. InBiz
- B. Emergency Rule regarding Criminal Convictions

A motion was made and seconded to adopt the Emergency Rule for Convictions of Concer.

Boyster/Litten
7/0

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

C. Sellers Disclosure Form

This is being reviewed for changes and this will take a Rule change.

D. Can an Indiana Licensed Appraiser count attendance to one meeting for Real Estate CE credit?

Currently no, not until a Rule change. Jim and Travis will start working on the Rule language that could allow Licenced Broker CE credit for attending a Commission meeting.

E. Steve Rupp – CE Audit Review

F. Deborah Crowder – CE Audit Review

G. David Boeglin – CE Audit Review

H. Courtney Cross – CE Audit Review

A motion was made and seconded to recend the previous letter of Non-Compliance and issue an a revised notice on non-compliance to her making up 16 total of CE and paying a civil penalty of \$444.45.

Litten/Cox
6/0

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

Sahra Williams stepped out of the room during the vote.

I. Christine Teibel – CE Audit Review

J. Barry Rubin – CE Audit Review

A motion was made and seconded for Steve Rupp, Deborah Crowder, David Boeglin, Christine Teibel, and Barry Rubin the Commission rescends their previous motion the notice of Non – Compliance and find that they have meet the CE requirments.

Cox/ Boyer
6/0

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

Sahra Williams stepped out of the room during the vote.

XII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Real Estate Commission adjourned @ 11:27 am.

**Next Meeting:
August 28, 2019
W064**

Paul Boyter, acting Chairman