

**Indiana Real Estate Commission
AND CERTIFICATION BOARD
Wednesday October 7, 2020
8:00 a.m.**

TO BE HELD THROUGH WEBEX

TO JOIN, CALL: (240) 454-0887

MEETING CODE: 610915440 OR

<https://IndianaEnhanced.Webex.com/join/PLAWebex>

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Vice Chairperson, Sahra Williams called the meeting to order at 8:12 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

Paul Boyter
Charles (Charlie) W. Shook
Doug Rose, Chairperson
Sahara Williams, Vice Chair
John De Souza
Donna Spears
Pam Lumley
James Litten
Molly Kitchell
John Briscoe

Commission Members Absent:

State Officials Present:

Deanna Alexander, Director, Indiana Professional Licensing Agency
Erin Sutton, Compliance Officer, Indiana Professional Licensing Agency
James Harry, Commission Advisory Council, Office of the Attorney General
Nichole Shuster, Office of the Attorney General

Transcriptionist:

Margie Addington, Accurate Reporting of Indiana

II. CALL TO ORDER & ESTABLISHMENT OF QUORUM

8:00 a.m.

III. REAL ESTATE EDUCATION ADVISORY COUNCIL REPORT

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

A motion was made and seconded to amend the agenda to add to Old/New Busisenss Lee Lull and Dawn Williams.

Boyter/Briscoe
9/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
James Litten	✓	
Molly Kitchell	✓	
John Briscoe	✓	

IV. ATTORNEY GENERAL’S REPORT

Jennifer Barth, gave the AG report

V. APPROVAL OF MINUTES OF THE AUGUST 26, 2020 MEETING OF THE COMMISSION

**To amend the agenda to allow PSI to speak
Lumley/Shook**

**Change the chair to Jack McCombs
Change Holly to Molly**

Kitchell/Rose
10/0

The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
Pam Lumley	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
James Litten	✓	
Molly Kitchell	✓	
John Briscoe	✓	

VI. ADMINISTRATIVE HEARINGS

8:00 a.m.

**A. IN THE MATTER OF THE LICENSE OF: DONALD KOHLER
2018 IREC 0003
RE: Request to be removed from probation**

Hillary Egan, Attorney General Office

State Exhibits –

Respondent: Dondal Kohler
Wittness: Linda Harris
Attorney: No Attorney

Respondent Exhibits – A page 26, 1, 2 page 31, 3 page 32, 4, 5, 6 page 43, 7 page 46, 8 page 47, 9 page 52, 10 page 53,

A motion was made and seconded to Deny the request of probation removal.

Boyter/Lumley
9/1

Roll Call Vote - The following Commission Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	

Doug Rose	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Pam Lumley		✓
James Litten	✓	
Molly Kitchell	✓	

**B. IN THE MATTER OF THE LICENSE OF: EVAN MANSHIP
2018 IREC 0035
RE: Request to be removed from probation**

Hillary Eagan, Attorney General Office

State Exhibits –

Respondent: Evan Manship
Attorney: No Attorney

A motion was made and seconded to remove from Probation

Briscoe/Litten
10/0

Roll Call Vote - The following Board Members Voted “Aye” “Nay”

Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

**C. IN THE MATTER OF THE LICENSE OF: JASON G. KING
2018 IREC 0021
Re: Request to be removed from probation**

Leif Johnson, Attorney General Office

State Exhibits –

Respondent: Jason King
Attorney: Derek Peterson

A motion was made and seconded to removal from Probation

Ross/Briscoe
10/0

Roll Call Vote - The following Board Members Voted “Aye” “Nay”

Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

**D. IN THE MATTER OF THE LICENSE OF: MELISSA MCCLENDON
2018 IREC 0013
RE: Summary Suspension**

Leif Johnson, Attorney General Office

Respondent: Melissa McClendon Not Present
Attorney: No Attorney

A motion was made and seconded to renew the Summary Suspension for an addition 90 day.

Boyter/Litten
10/0

Roll Call Vote - The following Board Members Voted “Aye” “Nay”

Paul Boyter	✓	
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Charles (Charlie) W. Shook	✓
Doug Rose	✓
John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Pam Lumley	✓
James Litten	✓
Molly Kitchell	✓

VII. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDERS

- A.** Jennifer Johnson
2020 IREC 0014
Re: Proposed Findings of Fact, Conclusions of Law and Order

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

Boyter/Kitchell
10/0

Roll Call Vote - The following Board Members Voted	“Aye”	“Nay”
Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

VIII. POSITIVE RESPONSE RENEWAL REVIEWS

- A.** Joseph Novak

A motion was made and seconded to renew the license

Shook/Briscoe
10/0

Roll Call Vote - The following Board Members Voted “Aye” “Nay”

Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

B. Claudel Dickantone

A motion was made and seconded to renew license on Probation

Kitchell/Litten
10/0

Roll Call Vote - The following Board Members Voted “Aye” “Nay”

Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

C. Jessica Burke

A motion was made and seconded to renew the license on Probation

Shook/Briscoe
10/0

Roll Call Vote - The following Board Members Voted “Aye” “Nay”

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
Doug Rose	✓
John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Pam Lumley	✓
James Litten	✓
Molly Kitchell	✓

D. Kristopher Fredericks

A motion was made and seconded to Deny renewal

Kitchell/Shook
10/0

Roll Call Vote - The following Board Members Voted “Aye” “Nay”

Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

E. James White

A motion was made and seconded to renew the license on Probation

Briscoe/Lumley
10/0

Roll Call Vote - The following Board Members Voted “Aye” “Nay”

Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
John De Souza	✓	

Donna Spears	✓
Sahara Williams	✓
Pam Lumley	✓
James Litten	✓
Molly Kitchell	✓

F. Alex Reed

A motion was made and seconded to renew the license

Litten/Shook
10/0

Roll Call Vote - The following Board Members Voted “Aye” “Nay”

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
Doug Rose	✓
John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Pam Lumley	✓
James Litten	✓
Molly Kitchell	✓

G. Gabrielle Hull

A motion was made and seconded to Deny the renewal

Shook/De Souza
10/0

Roll Call Vote - The following Board Members Voted “Aye” “Nay”

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
Doug Rose	✓
John Briscoe	✓
John De Souza	✓
Donna Spears	✓
Sahara Williams	✓
Pam Lumley	✓
James Litten	✓
Molly Kitchell	✓

H. Kristen Bryant- did not mark yes, but has a pending complaint

A motion was made and seconded to renew the license

Shook/Kitchell

8/1

Roll Call Vote - The following Board Members Voted “Aye” “Nay”

Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams		✓
James Litten	✓	
Molly Kitchell	✓	

Pam Lumley has requested herself all other Commission members participated in the vote. Boyter, Shook, Rose, Briscoe, De Souza, Spears, Williams, Litten and Kitche.

I. Thomas Davis II

A motion was made and seconded to Deny renewal

KitchellLitten

10/0

Roll Call Vote - The following Board Members Voted “Aye” “Nay”

Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
John De Souza	✓	
Donna Spears	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

J. Charles Charleston

A motion was made and seconded to Deny renewal

Litten/Shook
9/0

Roll Call Vote - The following Board Members Voted “Aye” “Nay”

Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
John De Souza	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

K. Un Ye Bensman

A motion was made and seconded to Deny renewal

Litten/Lumley
9/0

Roll Call Vote - The following Board Members Voted “Aye” “Nay”

Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
John De Souza	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

IX. APPLICATION REVIEW

A. Tanya Cole- Application PR

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

Shook/Lumley
9/0

Roll Call Vote - The following Board Members Voted “Aye” “Nay”

Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
John De Souza	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

B. Zachary Soderlund- Application PR

A motion was made and seconded to issue license on Probation

Lumley/Litten
9/0

Roll Call Vote - The following Board Members Voted “Aye” “Nay”

Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	
Doug Rose	✓	
John Briscoe	✓	
John De Souza	✓	
Sahara Williams	✓	
Pam Lumley	✓	
James Litten	✓	
Molly Kitchell	✓	

C. Samuel Schwindt- PR

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

Briscoe/Lumley
9/0

Roll Call Vote - The following Board Members Voted “Aye” “Nay”

Paul Boyter	✓	
Charles (Charlie) W. Shook	✓	

Doug Rose	✓
John Briscoe	✓
John De Souza	✓
Sahara Williams	✓
Pam Lumley	✓
James Litten	✓
Molly Kitchell	✓

X. CE WAIVERS

A. Dawn Williams

A motion was made and seconded to grant an extension of 90 days to complete the 24 hours of CE or move license in Referral.

Shook/Rose
9/0

Roll Call Vote - The following Board Members Voted “Aye” “Nay”

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
Doug Rose	✓
John Briscoe	✓
John De Souza	✓
Sahara Williams	✓
Pam Lumley	✓
James Litten	✓
Molly Kitchell	✓

XI. OLD / NEW BUSINESS

A. Jose Valdovinos

Re: Returned check nonpayment

A motion was made and seconded to Deny application for non payment

Lumley/De Souza
9/0

Roll Call Vote - The following Board Members Voted “Aye” “Nay”

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
Doug Rose	✓

John Briscoe	✓
John De Souza	✓
Sahara Williams	✓
Pam Lumley	✓
James Litten	✓
Molly Kitchell	✓

B. PSI – PSI joined the meeting and presented charts and answers to the Commissions questions as well as their testing location and the plan moving forward. PSI is sending me data on a weekly bases. The Commission has invited PSI to the November meeting for an update. PSI would like an invite as they would be happy to join and give an update on the testing facilities, mobile testing and the remote tesking.

C. Ashley Linn- Testing Certification extension request

A motion was made and seconded to Grant to the end of October 31, 2020

Briscoe/Lumley
9/0

Roll Call Vote - The following Board Members Voted “Aye” “Nay”

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
Doug Rose	✓
John Briscoe	✓
John De Souza	✓
Sahara Williams	✓
Pam Lumley	✓
James Litten	✓
Molly Kitchell	✓

**D. Chairperson - Sahara William
Vice Chair – Jim Litten**

Motion was first and seconded to elect

Lumley/Shook

Roll Call Vote - The following Board Members Voted “Aye” “Nay”

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

John De Souza	✓
Sahara Williams	✓
Pam Lumley	✓
James Litten	✓
Molly Kitchell	✓

E. ALJ Member – John De Souza

Motion was first and seconded to elect

Kitchell / Williams

Roll Call Vote - The following Board Members Voted “Aye” “Nay”

Paul Boyter	✓
Charles (Charlie) W. Shook	✓
Doug Rose	✓
John Briscoe	✓
John De Souza	✓
Sahara Williams	✓
Pam Lumley	✓
James Litten	✓
Molly Kitchell	✓

XII. ADJOURNMENT @ 3:44 pm

**Next Meeting:
November 18th, 2020**

TO BE HELD THROUGH WEBEX

TO JOIN, CALL: (240) 454-0887

MEETING CODE: 610915440 OR

<https://IndianaEnhanced.Webex.com/join/PLAWebex>