

**INDIANA REAL ESTATE COMMISSION  
WEDNESDAY, NOVEMBER 18, 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>**

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**I. CALL TO ORDER & ESTABLISHMENT OF QUORUM**

Chairperson, Sahara Williams called the virtual meeting to order at **8:03 a.m.** 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

Sahara Williams, Chairperson

John De Souza

Donna Spears

James Litten, Vice Chair

Molly Kitchell

John Briscoe

Pam Lunley (joined at 8:10 a.m.)

**Commission Members Absent:**

None

**State Officials Present:**

Amy Hall, Director, Indiana Professional Licensing Agency

Chris Shea-Russell, Indiana Professional Licensing Agency

Erin Sutton, Compliance Officer, Indiana Professional Licensing Agency

James Harry, Commission Advisory Council, Office of the Attorney General

**Transcriptionist:**

Heather Orbough, Accurate Reporting of Indiana

**II. CALL TO ORDER & ESTABLISHMENT OF QUORUM**

**III. NEW REAL ESTATE COMMISSION DIRECTOR**

Amy Hall introduced herself as the new Executive Director and was welcomed by the Commissioners.

**IV. REAL ESTATE EDUCATION ADVISORY COUNCIL REPORT**

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

Boyter/Briscoe  
9/0

| The following Commission 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                           | ✓     |       |

Commissioner Pam Lumley joined the meeting.

#### **V. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL**

Jennifer Barth provided a report from the Office of the Attorney General. See Attached.

#### **VI. APPROVAL OF MINUTES OF THE OCTOBER 7, 2020 MEETING OF THE COMMISSION**

**Motion was made by Molly Kitchell and seconded by John De Souza to approve the minutes.**

**Molly Kitchell/John DeSousa**  
10/0

| The following Commission 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                           | ✓     |       |

#### **VII. ADMINISTRATIVE HEARINGS**

**8:15 a.m.**

**A. IN THE MATTER OF THE LICENSE OF: JEFFREY GREAM (8:15 a.m.)  
2019 IREC 0019  
RE: Request to be removed from probation**

Jeffrey Gream’s matter was called, but he was not present. The Commission set aside the matter for the moment.

**B. IN THE MATTER OF THE LICENSE OF: DERRICK STEWART (8:17 a.m.)  
2019 IREC 0029  
RE: Request to be removed from probation**

Derrick Stewart appeared before the Commission on his petition to withdraw from probation.

**A motion was made by Paul Boyter and seconded by Pam Lumley to remove Mr. Stewart’s license from Probation.**

Paul Boyter/Pam Lumley  
10/0

**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 ✓

**C. IN THE MATTER OF THE LICENSE OF: AUNDREA WILSON (8:29 a.m.)  
2019 IREC 0008  
Re: Request to be removed from probation**

Aundrea Wilson appeared before the Commission on her petition to withdraw from probation. Her license probation runs concurrent with her criminal probation, which is scheduled to end in 2025. Pam Lumley recused herself from the hearing.

**A motion was made by Doug Rose and seconded by Molly Kitchell to deny the removal of probation.** She may request to come off probation once her criminal probation has been completed.

Doug Rose/Molly Kitchell  
9/0

**Roll Call Vote - The following Commission Members Voted “Aye”“Nay” “Recused”**

- 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: VAUGHN SPIGHT  
2019 IREC 0036  
RE: Request to be remove from probation**

Vaughn Spight’s matter was called, but he was not present. The Commission set aside the matter for the moment.

**E. IN THE MATTER OF THE LICENSE OF: JEFFREY GREAM (8:54 a.m.)  
2019 IREC 0019  
RE: Request to be removed from probation**

Jeffrey Gream appeared before the Commission on his petition to withdraw from probation. He was present when the commission set aside his first hearing but was unable to be heard due to audio problems.

**A motion was made by Paul Boyter and seconded by Jim Litten to remove Mr. Gream’s license probation status.**

Paul Boyter/ JimLitten  
10/0

**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             | ✓ |

**F. IN THE MATTER OF THE LICENSE OF: EVERETT POWELL (9:32 a.m.)  
2018 IREC 0009  
RE: Request for Reinstatement**

Everett Powell appeared via telephone for his petition to be removed from suspension.

**A motion was made by Paul Boyter and seconded by John De Souza to deny the petition for reinstatement.**

Paul Boyer/John DeSouza  
8/0

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

Pam Lunley was unavailable to vote on this matter.  
Doug Rose recused himself from the vote at the end of the hearing, after participating in the Commission deliberation on the matter.

**G. IN THE MATTER OF THE LICENSE OF: VAUGHN SPIGHT (12:08 p.m.)  
2019 IREC 0036  
RE: Request to be remove from probation**

Vaughn Spight did not show for the hearing. The Commission noted that he requested to be removed from probation in May and was placed on the agenda in August. Mr. Spight did not appear in August and the hearing was continued to this, the November 18th, Commission meeting. This is the second time he did not appear for his petition.

**A motion was made by Jim Litten and seconded by Molly Kitchell to deny his petition.**

**Jim Litten/Molly Kitchell  
9/0**

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

Pam Lumley was unavailable for the vote.

**H. IREC Rule Readoption**

Commission Counsel indicated there was a technical error with the IREC Rule Readoption, which was voted on in August 2020. The Commission needs to

vote again to readopt the rules to correct the error.

Requires motion and second to add the rule readoption to the agenda.

**Motion made by Paul Boyter and seconded by John Briscoe to amend the agenda to add the rule readoption.**

**Paul Boyter/John Briscoe**

**10/0**

**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             | ✓ |

The hearing on the Rule Readoption was opened about 12:30 p.m. Commission Chair, Commission Counsel, and Commission Executive Director discussed whether there was a need for public comments prior to the rule readoption. At 1:15pm, the Chair suspended the hearing until the matter could be resolved.

The hearing resumed at 1:15 p.m. No public comment is required for a rule readoption.

**Readopted Final Rule**

LSA Document #20-513(F)

DIGEST

The Indiana Real Estate Commission readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

12:12/1:16

**Motion made by Paul Boyter and seconded Jim Litten by to approve the readoption of the following rules: 876 IAC 3-3-19; 876 IAC 3-5-1; 876 IAC 5; 876 IAC 6; 876 IAC 7; 876 IAC 8; 876 IAC 9.**

Motion passes

Paul Boyter/Jim Litten

10/0/0

**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  | ✓ |

**VIII. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDERS**

**NONE**

**IX. POSITIVE RESPONSE RENEWAL REVIEWS**

**NONE**

**X. APPLICATION REVIEW**

**NONE**

**XI. CE WAIVERS**

**NONE**

**XII. OLD / NEW BUSINESS (12:30 pm)**

**A. PSI –**

PSI joined the meeting, but left due to the length of a hearing. PSI Vice-President, Aone Schwartz, stated he would be sending a copy of a power point to the Commission for their review. Several Commissioners shared news on the lack of progress on the issue of testing availability in their respective regions. Commission Chair asked that Commissioner Doug Rose follow up on the email he previously sent to the Office of the Governor regarding the lack progress by PSI.

Commission Chair indicated she will request that PSI appear before the Commission at the December 16, 2020 meeting.

**B. Pamela Selman - Testing Certification Extension Request**

**A motion was made by John Briscoe and seconded by Charlie Shook to grant of an extension of time to pass the licensing test, for anyone whose course completion certificate expires in 2020, to the later of June 30, 2021 or the standard 1-year period from receiving the course completion certificate.**

John Briscoe/Charlie Shook  
10/0

**Roll Call Vote** - The following Commission 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             | ✓ |

**A motion was made by Jim Litten and seconded by Paul Boyter to refer Ms. Selman to the Commission’s 11/18/2020 approval of an extension of time to pass the licensing test, for anyone whose course completion certificate expires in 2020, to the later of June 30, 2021 or the standard 1-year period from receiving the course completion certificate.**

Jim Litten/Paul Boyter  
10/0

**Roll Call Vote - The following Commission 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. Michael Costa - Testing Certification Extension Request**

**A motion was made by Molly Kitchell and seconded by Pam Lumley to refer Mr. Costa to the Commission’s 11/18/2020 approval of an extension of time to pass the licensing test, for anyone whose course completion certificate expires in 2020, to the later of June 30, 2021 or the standard 1-year period from receiving the course completion certificate.**

Molly Kitchell/Pam Lundley  
10/0

**Roll Call Vote - The following Commission 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. Keenan Sanders – payment extension denied**

Indiana statute allows a potential licensee one year from the date of a passed licensing exam to pay for and obtain their license. Mr. Sanders missed this one-year deadline by four days and is requesting an extension of the deadline. Commission Counsel advised the Commissioner that this Commission does not have the authority to extend this deadline. Thus, the matter is dismissed.

**E. James Harry – Delegation of Duties**

Commission Chair explained that there was a technical issue with the Delegation of Authority approved by the Commission at the April 2020 Commission meeting requiring a new vote on the matter.

**A motion was made by Paul Boyter and seconded by John Briscoe to grant the New Delegation of Authority to replace the Delegation of Authority from April 2020.**

Paul Boyter/John Briscoe  
10/0

**Roll Call Vote - The following Commission 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             | ✓ |

The Delegation of Duties is attached and will be distributed to Commission members and placed on the Commission website.

**F. James Harry – Review of Commission Judicial Function**

**Commission Counsel with the commission the duties and responsibilities of the commission.**

**G. Commission Chair Request**

Commission Chair requested a sub committee to convene to work on developing a reciprocity agreement with Kentucky. Commissioners John Briscoe and Pam Lumley volunteered. Commission Chair asked Anne Johnson of IAR to coordinate with Commissioners Briscoe and Lumley. Amy Hall may help coordinate but it’s not required.

**XIII. ADJOURNMENT at 2:01 p.m.**