

MINUTES
INDIANA REAL ESTATE COMMISSION
WEDNESDAY, MARCH 2, 2022
9:00 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

Chairman, John De Souza called the virtual meeting to order at 9:01 a.m. and declared a quorum in accordance with Ind. Code § 25-34.1-2-3(b).

Commission Members Present: Roll Call

John De Souza, chairman
Charlie Shook
Molly Kitchell
Tracy Hutton
Pam Lumley
Troy Helman
Cheryl Stuckwish
Brian Thompson

Commission Members Absent:

Sahara Williams
Donna Spears
John Briscoe

State Officials Present:

Chris Shea-Russell, Indiana Professional Licensing Agency
Erin Sutton, Compliance Officer, Indiana Professional Licensing Agency
James Harry, Commission Advisory Counsel, Office of the Attorney General

Court Reporter:

Margie Addington, Accurate Reporting of Indiana

II. ADOPTION OF THE AGENDA

Brian Thompson made a motion and was seconded by Tracy Hutton to adopt the agenda.

Thompson/Hutton

8/0

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

Charlie Shook	✓
John De Souza	✓
Tracy Hutton	✓
Troy Helman	✓
Cheryl Stuckwish	✓
Brian Thompson	✓
Pam Lumley	✓
Molly Kitchell	✓

III. APPROVAL OF THE MINUTES OF THE WEDNESDAY, JANUARY 11, 2022 MEETING

A motion was made by Cheryl Stuckwish and was seconded by Brian Thompson to approve the minutes for the January 11, 2021 meeting.

Stuckwish/Thompson
8/0

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

Charlie Shook	✓
John De Souza	✓
Tracy Hutton	✓
Troy Helman	✓
Cheryl Stuckwish	✓
Brian Thompson	✓
Pam Lumley	✓
Molly Kitchell	✓

IV. PERSONAL APPEARANCES

1. Natalie Childers -

Natalie Childers appeared before the commission with her lawyer to petition to be permitted the managing broker status

A motion was made by Troy Helman and was seconded by Charlie Shook to approve Natalia after completion of the state exam to grant the managing broker status under the military spouse statute as a non resident of the state

Helman/Shook

5/3

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

Charlie Shook	✓	
John De Souza		✓
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish		✓
Brian Thompson	✓	
Pam Lumley		✓
Molly Kitchell	✓	

2. Sarah Jordan – Self Reported Positive Response

Sarah Jordan did not appeared before the commission.

The board requested a complaint be submitted to the OAG

V. ADMINISTRATIVE HEARINGS

**1. Nicholas Walters - Cause No: 2022 IREC 0002
Petition to Withdraw from Probation**

Tracy Hutton recuse

Nicholas Walters did appear. He has completed his pre trial diversion program and provided the Commission with the documentation stating as much.

A motion was made by Pam Lumley and was seconded by Molly Kitchell to approve his petition to withdraw from probation.

Lumley/Kitchell

7/0

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

Charlie Shook	✓	
John De Souza	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	
Pam Lumley	✓	
Molly Kitchell	✓	

Tracy Hutton rejoined the meeting

**2. Conrad Johnston - Cause No: 2021 IREC 0003
Petition to Withdraw from Probation**

Conrad Johnston did not appear before the Commission but his lawyer did.

A motion was made by Troy Helman and was seconded by Tracy Hutton to approve his petition to withdraw from probation.

Lumley/Spears

8/0

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

Charlie Shook	✓	
John De Souza	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	
Pam Lumley	✓	
Molly Kitchell	✓	

**3. Ben Hauersperger – Cause No: 2022 IREC 0003
Petition for Summary Suspension**

Nicholas Walters did not appear.

A motion was made by Pam Lumley and was seconded by Brian Thompson to approve the petition for the summary suspension.

Lumley/Thompson

8/0

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

Charlie Shook	✓	
John De Souza	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	
Pam Lumley	✓	
Molly Kitchell	✓	

VI. ALJ DELIBERATIONS & SETTLEMENT AGREEMENTS

**1. Casey Spivey- Cause No: 2021 IREC 0048
Motion to Dismiss**

A motion was made by Molly Kitchell and was seconded by Tracy Hutton to approve the Motion to Dismiss.

KitchellThompson

8/0

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

Charlie Shook	✓	
John De Souza	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	
Pam Lumley	✓	
Molly Kitchell	✓	

**2. Kyle Roemmich- Cause No: 2022 IREC 0001
Motion to Dismiss**

A motion was made by MollyKitchell and was seconded by Pam Lumley to approve the Motion to Dismiss.

Kitchell/Lumley

8/0

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

Charlie Shook	✓	
John De Souza	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	
Pam Lumley	✓	
Molly Kitchell	✓	

3. Tammie Jones- Cause No: 2021 IREC 0055

Motion to Dismiss

A motion was made by Brian Thompson and was seconded by Cheryl Stuckwish to approve the Motion to Dismiss.

Thompson/Stuckwish

8/0

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

Charlie Shook	✓	
John De Souza	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	
Pam Lumley	✓	
Molly Kitchell	✓	

**4. Open Door Rentals and Real Estate- Cause No: 2021 IREC 0056
Motion to Dismiss**

A motion was made by Tracy Hutton and was seconded by Brian Thompson to approve the Motion to Dismiss.

Hutton/Thompson

8/0

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

Charlie Shook	✓	
John De Souza	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	
Pam Lumley	✓	
Molly Kitchell	✓	

**5. ERS Management - Cause No: 2020 IREC 0056
Motion to Dismiss**

A motion was made by Molly Kitchell and was seconded by Tracy Hutton to

approve the Motion to Dismiss.

Kitchell/Hutton

8/0

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

Charlie Shook	✓	
John De Souza	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	
Pam Lumley	✓	
Molly Kitchell	✓	

**6. James Thomas- Cause No: 2021 IREC 0027
ALJ Recommended Order**

A motion was made by Brian Thompson and was seconded by Troy Helman to approve the ALJ Recommended Order.

Thompson/Helman

8/0

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

Charlie Shook	✓	
John De Souza	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	
Pam Lumley	✓	
Molly Kitchell	✓	

**7. Katherine Stirling- Cause No: 2021 IREC 0049
Proposed Settlement Agreement**

A motion was made by Tracy Hutton and was seconded by Brian Thompson to approve the Proposed Settlement Agreement.

Hutton/Thompson

8/0

Roll Call Vote - The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
John De Souza	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	
Pam Lumley	✓	
Molly Kitchell	✓	

VI. OLD / NEW BUSINESS

1. Report From The Office Of The Attorney General

Chase Haller provided a report from the Office of Attorney General. Most cases have roughly a one year life span currently.

2. Real Estate Education Advisory Council Report

Cathy Harbaugh reported to the Commission the REAC Report and provided information about the classes that were approved, denied or tabled.

A motion was made by Pam Lumley and seconded by Troy Helman to approve the recommendations from The Real Estate Education Advisory Council.

Lumley/Helman

8/0

Roll Call Vote - The following Commission Members Voted	“Aye”	“Nay”
Charlie Shook	✓	
John De Souza	✓	
Tracy Hutton	✓	
Troy Helman	✓	
Cheryl Stuckwish	✓	
Brian Thompson	✓	
Pam Lumley	✓	
Molly Kitchell	✓	

VII. ADJOURNMENT 12:49 p.m.

