

Minutes of the Indiana Real Estate Commission
Wednesday, March 25, 2009 at 9:00 a.m.

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Commissioner Shook called the meeting to order at 10:00 a.m. in Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204 and declared a quorum, in accordance with IC § 25-34.1-2-3(b).

Commission Members Present:

Charles (Charlie) W. Shook
H. James Litten
Susan Daniel
Mark Bock
Carolyn McClintock
Sue Cox
Paul Boyter
Norman E. McClain
Timothy M. Reed
DJ Hines

Commission Members Absent:

Michael Lunsford

State Officials Present:

Nicholas W. Rhoad, Commission Director, Indiana Professional Licensing Agency
Pat Price, Commission Assistant Director, Indiana Professional Licensing Agency
Stephanie Sims, Commission Litigation Specialist, Indiana Professional Licensing Agency
Jim Schmidt, Commission Advisory Counsel, Office of the Attorney General

II. REVIEW AND DISCUSSION OF CONTINUING EDUCATION AUDIT FILES

A. Review and Discussion

The Commission reviewed the continuing education certificates and made the determination that all those who responded to the audit were in compliance. The Commission decided to contact those who did not respond again before deciding what type of action to take against their license.

III. RENEWAL OF SUMMARY SUSPENSION HEARING

A. State of Indiana v. Donella Locke

IREC 08-08
Re: Renewal of summary suspension
A motion was made and seconded to grant the Renewal of summary suspension
Motion Carried
10-0-0

IV. WITHDRAWAL OF PROBATION HEARING

A. State of Indiana v. John Wampler

IREC 05-29
Re: Withdrawal of probation
A motion was made and seconded to grant the withdraw of probation effective 5.4.2009
Motion Carried
9-1-0

B. State of Indiana v. Cherie Kinder

IREC 07-31
Re: Withdrawal of probation
A motion was made and seconded to grant the Withdrawal of probation
Motion Carried
10-0-0

V. REINSTATEMENT FROM SUSPENSION HEARING

A. State of Indiana v. Carla Wims

IREC 06-12
Re: Reinstatement from Suspension
A motion was made and seconded to grant the petition for Reinstatement from Suspension
Motion Carried

10-0-0

VI. Action on Order from Child Support Bureau

Re: License of George F. Hemphill, III

An order was made and seconded to issue the license on Probation

Motion Carried

10-0-0

VII. CONSIDERATION OF THE MOTION TO DISMISS

A. State of Indiana v. Maria Del Carmen Cedano

IREC 08-07

Re: Motion for Voluntary Dismissal by Petitioner

A motion was made and seconded to grant the Motion for Voluntary Dismissal by Petitioner

Motion Carried

10-0-0

VIII. DELIBERATIONS AND POSSIBLE ISSUANCES OF FINAL ORDER

A. State of Indiana v. Valeria Hart

IREC 07-72

Re: Administrative Law Judge Order

A motion was made and seconded to approve the Administrative Law Judge Order

Motion Carried

10-0-0

B. State of Indiana v. Michael Turner

IREC 08-53

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

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

Motion Carried

10-0-0

C. State of Indiana v. Kathy L. Hall

IREC 08-54

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

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

Motion Carried

10-0-0

D. State of Indiana v. Jeffrey Davies

IREC 09-03

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

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

Motion Carried

10-0-0

E. State of Indiana v. Janis Bradley

IREC 08-62

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

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

Motion Carried

10-0-0

F. State of Indiana v. Terry C. Abernathy

IREC 08-60

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

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

Motion Carried

10-0-0

IX. NOTICE OF HEARING ON RESPONDENTS' MOTION FOR SUMMARY JUDGMENT

A. State of Indiana v. Mentor Listing Realty, Inc. and Brian Waters

IREC 08-26 and IREC 08-27

Re: Summary Judgment Hearing

Re: Response to Consolidated Motion for Summary Judgment

Re: Brief in Opposition to petitioner's response to respondents
motion for summary judgment

Re: Reply Brief in response to the brief in opposition to petitioner's response to
To respondents' motion for summary judgment

A motion was made and seconded to deny the motion for summary judgment and set the matter for a hearing before the Commission at their April meeting.

Motion Carried

10-0-0

X. MOTION TO WITHDRAW APPEARANCE

A. State of Indiana v. Gregory Knapp

IREC 08-56

Re: Motion by counsel to withdraw appearance

No action was needed on this matter

B. State of Indiana v. Randy Gerber

IREC 09-04

Re: Motion by counsel to withdraw appearance

No action was needed on this matter

XI. COST

A. State of Indiana v. Richard L. Tyson

IREC 08-33

Re: Approval of costs

A motion was made and seconded to approve costs in the above mentioned matter

Motion Carried

10-0-0

IX. OLD/NEW BUSINESS

A. Legislative Update

Mr. Rhoad provided an update to the Commission about the current legislative agenda

B. New York Reciprocal Agreement Request

The Commission entered into a reciprocal agreement with New York

C. Reciprocal Agreements in general

The Commission held a discussion about reciprocal agreements in general and is deciding to reach out to other jurisdictions who are interested in joining on with Indiana

D. Continuing education requirements for instructors – (Tim's item)

Mr. Reed lead a discussion about the amount of continuing education hours an instructor can claim from teaching a pre-licensing course

E. Discussion about creating rules to require reporting of continuing education by providers

The Commission discussed creating rules to require reporting of continuing education by providers

F. ARELLO

A motion was made and seconded to allow spending from the investigative fund to allow staff to attend the ARELLO conference in Louisville, KY.

G. Meeting Dates

The Board discussed making additional changes to their meeting schedule to reduce the number of meetings to meet budgetary constraints

H. Expired Renewal Ralph Frasier

The Commission denied the renewal of Mr. Frasier's license by a vote of 10-0-0

I. Presentation from MIBOR

Re: Licensee Continuing Education Ethics Requirements

MIBOR was unable to make their presentation due to a time conflict

J. Authorization of Payment from the Real Estate Recover Fund

Re: In the Matter of John Kelly
No action was necessary in this matter

X. Application Review Committees

A. Positive Responses

- | | | | |
|-----|--|-----------|----|
| 1. | Kevin Bennett ** | | A |
| 2. | Denise Elliott 3 rd review ** | | A |
| 3. | Gregory West ** | | A |
| 4. | Marshall Steven Griffith ** | | A |
| 5. | Deanna Gay Baird ** | A | |
| 6. | Heather Dawn Jenkins ** | | A |
| 7. | Christopher Marlow | | PA |
| 8. | Kyle Peckinpugh ** | PROBATION | |
| 9. | Michael Kirkman | | A |
| 10. | Ralph Evans ** | | A |
| 11. | Jason A. O'Neil ** | | A |
| 12. | John Mark Neuhauser | A | |
| 13. | Charles Brett Smith | | T |
| 14. | Ian Michael Smith | | A |
| 15. | Kevin Michael Handley | A | |
| 16. | Nicole L. Collins | | A |
| 17. | Eric Dunham | A | |
| 18. | Jeremy B. Tritch | | A |

B. Application for Acceptance of College Course Credits

- | | | | |
|----|-------------------------|---|---|
| 1. | Matthew E. Roesch ** | A | |
| 2. | Kathleen Ann Catlin ** | A | |
| 3. | Casey Michael Oldham ** | | A |
| 4. | Christopher Palladino | A | |
| 5. | Richard D. Davis | | A |

C. Application for Waiver of One Year Experience

- | | | | |
|----|-------------------------|---|---|
| 1. | Ronald W. Burgett ** | A | |
| 2. | Thomas Michael Rohr ** | | A |
| 3. | Casey Michael Oldham ** | | A |
| 4. | James Wray Grimes | A | |
| 5. | Donald J. Killingback | A | |

D. Continuing Education Instructors

- | | | | |
|-----|--------------------------|---|---|
| 1. | Anita K. Ewing ** | | A |
| 2. | Rose Cameron ** | | A |
| 3. | Jennifer Frank ** | | A |
| 4. | Geri Terry ** | A | |
| 5. | Jason P. Lueking ** | A | |
| 6. | Daniel Strayer ** | | A |
| 7. | Anita K. Overstreet ** | A | |
| 8. | Jack Hungelmann ** | A | |
| 9. | Sanford C. Botkin | | A |
| 10. | Jerome A. Eisner | | A |
| 11. | Timothy Robert Ramberger | | A |
| 12. | Jenny McNeil | A | |
| 13. | Donald J. DeShano | | A |
| 14. | Stacy R. Grove | | A |

E. Pre-Licensing Instructors

- | | | | |
|----|---------------------------|--|--|
| 1. | Barbara A. (Bobbi) Dominy | | |
|----|---------------------------|--|--|

F. Pre-Licensing Education Providers

- | | | | |
|----|--|--|---|
| 1. | Indiana Real Estate Academy SC00500077 ** | | A |
| | New Director: Patrick Maloblocki | | |
| 2. | IUPUI SC00000056 | | A |
| | New Director: Sherry Blackburn | | |
| 3. | Cressy & Everett's School of Real Estate Broker course | | A |

4. Michiana School of Real Estate sales and broker courses A
Director: Marlene Botka
5. Ivy Tech Community College Richmond sales and brokers A
Director: Michael Gibbs

G. Continuing Education Providers

1. **McKissock, LP CE10500067 sales/ CE10600460 brokers ** A**
 - a. Appraising in the Changing Market 7.0 elective hours
 - b. Current Issues in Appraising 7.0 elective hours
2. **Evansville Residential Services, LLC dba REMAX Services *A**
Sales CE10800901 Brokers CE10800900
Home Inspection for Indiana Realtors 2.0 elective hours
3. **Dearborn Financial Publishing A**
 - a. Real Estate and Taxes! What Every Agent Should Know 6.0E **
Online ARELLO approved certificate included
 - b. Foreclosures, Short Sales, REOs and Auctions 6.0E online
4. **Tucker School of Real Estate CE10500092 sales CE10600410 brokers A**
 1. Real Estate 10.0 6.0 elective hours **
 2. Change That House 2.0 elective hours **
 3. Agency Law online 2.0M
 4. Fair Housing online 2.0M
 5. Conquering Contract-Contract Law online 2.0M
 6. Mortgage Fraud: A Dangerous Business 6.0E online
 7. Making FHA Loans 4.0E online
 8. Property Law 2.0E online
 9. Real Estate at Auction 2.0E online
 10. Environmental Issues (2.0M/2.0E) online
 11. Foreclosures 2.0E online
5. **Continuing Ed Express LLC CE10700570 brokers CE10700571 sales**
 - a. Managing the Risks of Using Your Home or Car for Business 4.0 E A
Online course ARELLO approved certificate included
 - b. Originating a Mortgage Loan: The Basics amend from 4.0 elective to
2M and 2E hours for this class
 - c. International Real Estate 4.0E online A
6. **NBI, Inc. DBA National Business Institute A**
CE10500072 sales CE10600313 broker **
 1. Real Estate Closings A-Z: Navigate Your Closings with Confidence 7.0 E
 2. Attorney's Guide to Commercial Evictions 7.0 elective
7. **HMS Midwest CE10500010 sales A**
Risk Management Case Study 2.0 elective hours **
8. **RECP CE10600412 sales CE10600303 brokers A**
Customer Care- Creating Loyal Buyers and Sellers 20. elective **
9. **TRI Seminars, Inc. new application for provider A**
Director: Karen Vissari
Course: Tax Strategies for Business Professionals 7.0 elective
10. **The CE Shop CE10800853 Broker and CE10800854 Sales A**
 - a. Foreclosures Demystified 4.0E
 - b. Today's MLS: New Paradigms, Better Results 4.0E
11. **1st Choice Real Estate School CE10800886 broker/ CE10800887 sales A**
Property Hazards 2M/2E online class
12. **Education REsource CE10500032 broker CE10500099 sales A**
IN Rules for Appraisers and the Home Valuation Code of Conduct 4E
13. **Kaplan Real Estate Schools A**
New Director: Jacqueline Kreuzer

- 14. Best You Can Be Seminars CE10500025 sales CE10600418 brokers**
- a. Short Sales, Etc. 2.0E
 - b. Short Sales and More 3.0E
- A
A
- 15. Real Estate Educate CE10600529 broker and CE10600530 sales A**
- a. Real Estate Mortgage 4.0E
 - b. The Loan Process 3.0E
 - c. What It Takes to be a Commercial Agent 3.0 E
 - d. Risk Management 3.0 E
 - e. Ethics 3.0 M
 - f. Fair Housing 3.0 M
 - g. Real Estate Math 4.0 E
 - h. Appraisal- What Makes the Number 4.0E
 - i. Working with the New Construction Buyer 3.0E
 - j. Environment Concerns 3.0M
- 16. Cressy & Everett new provider sales and brokers A**
- a. Antitrust in Real Estate 2.0M
 - b. Fair Housing 2.0M
 - c. Social Networking 2.0E
 - d. Successful Negotiating in Real Estate 2.0E
 - e. Goal Setting and Business Planning for 2009 2.0E?
- 17. RE/MAX of Indiana CE10600386 brokers CE10500084 sales A**
- a. Short Sales, Real Results with buyers, Sellers, and Banks 3.0E
 - b. Increasing Your Business through Technology 2.0E

XIII. Adjournment

A motion was made and seconded to adjourn the meeting.
 Motion Carried
 10-0-0

 Charlie Shook, Chairman

 Date