

Minutes of the Indiana Real Estate Commission

Wednesday, July 15, 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 Conference Center Rooms 1 & 2 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 – excused absence after discussion regarding attendance at closings
Susan Daniel
Mark Bock
Sue Cox
Paul Boyter
Timothy M. Reed
DJ Hines
Michael Lunsford
Carolyn McClintock
Norman E. McClain

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
Stefanie Krevda, Governor's Fellow

II. ADVISORY COUNSEL'S REPORT

Mr. Schmidt provided an update on advisory requests to the Commission.

III. INDIANA ATTORNEY GENERAL'S OFFICE REPORT

Ms. Owens provided a report on the status of consumer and administrative cases currently under investigation and/or litigation.

IV. GOVERNOR'S FELLOW

Stefanie Krevda a Governor's Fellow provided an introduction and an explanation on a litigation management project she is coordinating for the IREC and REAB.

V. PETITION FOR SUMMARY SUSPENSION (10:00 a.m.)

A. State of Indiana v. Gregory Knapp

Re: Petition for Summary Suspension

A motion was made and seconded to deny the Petition for Summary Suspension
Boyter / Reed
7-4-0
Motion Carried

VI. RENEWAL OF SUMMARY SUSPENSION HEARING

A. State of Indiana v. Michelle Bailey Austin

IREC 09-23

Re: Renewal of summary suspension

A motion was made and seconded to renew the Petition for Summary Suspension
Motion Carried
McClintock / Hines

11-0-0

VII. WITHDRAWAL OF PROBATION HEARING

A. State of Indiana v. Wayne Kirsch

IREC 07-66

Re: Withdrawal of Probation

A motion was made and seconded to grant the withdraw of probation

Cox / Litten

Motion Carried

11-0-0

VIII. RENEWAL OF POSITIVE RESPONSE PERSONAL APPEARANCES

A. Brian Smallwood

License No.: IB20500183

A motion was made and seconded to renew the license of Mr. Smallwood XXXXX

Motion carried

11-0-0

B. Dan Wait

License No. IB29400397

A motion was made and seconded to renew the license of Mr. Wait

Motion Passed

10-1-0

IX. CONSIDERATION OF THE MOTION TO DISMISS

A. State of Indiana v. Randy Gerber

IREC 09-04

Re: Motion for Voluntary Dismissal by Petitioner

A motion was made and seconded to grant the motion for voluntary dismissal

Motion Carried

11-0-0

X. UPDATE OF LICENSEES ON PROBATION

A. PLA Report

Mr. Rhoad provided an update on PLA activities; including budget, legislative and license reports.

B. State of Indiana v. Milton Booth

IREC 08-32

Re: Deliberations and Possible Issuance of Show Cause Order

A motion was made and seconded to issue a Notice of Show Cause Order

Motion Carried

11-0-0

XI. DELIBERATIONS AND POSSIBLE ISSUANCES OF FINAL ORDER

A. State of Indiana v. Gregory Knapp

IREC 08-56

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. Krishna Lundgard

IREC 08-59

Re: Administrative Law Judge Order

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

Motion Carried

10-0-0

C. State of Indiana v. Donald M. Johnson

IREC 08-51

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

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

Motion Carried

10-0-0

D. State of Indiana v. Tetyana V. Crismore

IREC 09-02

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

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

Motion Carried

10-0-0

E. State of Indiana v. Andrew T. Barr

IREC 09-07

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

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

Motion Carried

10-0-0

F. State of Indiana v. Ben Li

IREC 09-11

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

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

Motion Carried

10-0-0

G. State of Indiana v. Dan A. Wait

IREC 09-14

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

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

Motion Carried

10-0-0

H. State of Indiana v. William J. Trail

IREC 08-52

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

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

Motion Carried

10-0-0

I. State of Indiana v. John Kelly

IREC 08-58

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

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

Motion Carried

10-0-0

J. State of Indiana v. Shirley Hash

IREC 09-30

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

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

Motion Carried

10-0-0

XII. MOTION TO WITHDRAW APPEARANCE

A. State of Indiana v. James Clayborn

IREC 09-37

Re: Motion by counsel to withdraw appearance

No action was necessary on this item

IX. OLD/NEW BUSINESS

A. Legislative Update

1. PLA Update

Mr. Rhoad provided an update on the PLA

2. Request from Commissioner Cox

Ms. Cox discussed the Cap and Trade bill and how it relates to the sale of real estate

- B. Continuing education providers – Commissioner Reed**
No discussion was held on this
- C. IREC Rule changes**
Mr. Rhoad provided an update on the various rule changes in progress
- D. Discussion regarding attendance at closings**
The Commission discussed attendance at closings. Public comment was also taken. The Commission decided to further explore this subject and appointed a special committee of Mr. Litten; Mr. Lunsford; Ms. Daniel; and Mr. Hines to further research the topic.
- E. CE audit**
The Commission decided to audit 1% of the total brokers who recently renewed their license.
- F. ARELLO**
 - BOD Update
 - Federal Update
 - Social Networking
 - Appointment of ARELLO 2012 Meeting and Finance Committee

Mr. Rhoad provided an update to the Commission on ARELLO, reported that Indiana is now a member of the Board of Directors; reported that Indiana successfully won the bid to host the 2012 ARELLO meeting – the Commission appointed Commissioner McClintock to chair the finance committee.

X. Application Review Committees

A. Positive Responses

1. Juan Cardenas A
2. Darrell Cummings T
3. Becky Dale A
4. Carlos Darden 2nd review T
5. Joshua Dauscher 2nd review Probation license
6. John Robert Kaag Probation license
7. Debra Kuhl A
8. Abby E. Miller A
9. Lindi Miller A
10. Larry Phillips A
11. Gina Ramirez Probation license
12. Kerri Slaton A
13. David Wright A
14. Lyndsey Crandall A
15. David Rupp A
16. Daniel Hertel A

B. Application for Acceptance of College Course Credits

1. Brian M. Giffin A
2. Terry D. Hughes III A
3. Donald L. Miller, Jr. A
4. Laurie A. Mitchener-Oncheck A
5. Michael J. Davis A
6. John A. Harris Denied

C. Application for Waiver of One Year Experience

1. Donald L. Miller, Jr. A
2. John A. Harris Denied

D. Continuing Education Instructors

1. Teri Kendrick A
2. Dave Beson A
3. James Rumell A

E. Pre-Licensing Education School Site

1. Home Services Real Estate Academy A
4967 U.S. Highway 42, Suite 140 Louisville, KY

F. Continuing Education Providers

1. **Partners Real Estate School**
Going Green in Real Estate 3.0E A
Instructor: William Schiller A
2. **Cressy & Everett Real Estate**
Social Networking 2.0E A
Social Networking (Updated) 3.0E A
3. **Coldwell Banker West Shell**
The Realtors Toolbox 2.0 E A
Generational Dynamics 3.0E A
4. **Educational Resources, LLC**
CE1078 Residential Case Studies III 4.0 E A

G. Continuing Education Waiver

Frank Pressel A

XIII. Adjournment

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

Charlie Shook, Chairman

Date