

Indiana Real Estate Commission

August 19, 2015

Minutes

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Chair John Briscoe called the meeting to order at 8:58 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

John Briscoe, Chair
Charles (Charlie) W. Shook
Michael Lunsford
Justin Busch
Norman McClain
Doug Rose
Pam Lumley
James Litten
Sue Cox

Commission Members Absent:

Paul Boyter
Mark Bock

State Officials Present:

Blake Weaver, Director, Indiana Professional Licensing Agency
Deanna Alexander, Assistant Director, Indiana Professional Licensing Agency
Jim Schmidt, Commission Advisory Council, Office of the Attorney General

Transcriptionist:

Sherri Rutledge

II. APPROVAL OF MINUTES OF THE July 8, 2015 MEETING OF THE COMMISSION

Motion was made and seconded to approve the minutes.
Lunsfor/Cox
9/0/0

III. INDIANA ATTORNEY GENERAL'S OFFICE REPORT

Derek Peterson gave the Attorney General report.

IV. REAL ESTATE EDUCATION ADVISORY COUNCIL REPORT

V. PERSONAL APPEARANCES

A. Nikole J. Smith

Re: Initial application still on probation

A motion was made and seconded to issue a broker's license on probation with no right to petition until the completion of criminal probation.

McClain/Cox
9/0/0

- B. Sara Stone**
Re: Initial application positive response

A motion was made and seconded to issue a broker's license on probation with no right to petition until the completion of criminal probation.

McClain/Lunsford
9/0/0

VI. ADMINISTRATIVE HEARINGS

- A. In the matter of the license of Roger Shoot**
Cause no.: IREC 13-39
Re: Renewal of Summary Suspension

A motion was made and seconded to deny motion for dismissal and grant extension of summary suspension for an additional 90 days.

McClain/Cox
8/0/1 Lunsford excused

- B. In the matter of the license of Brenda Stephens**
IREC 11-63
Re: Reinstatement from Suspension

Continued so petitioner can have council present.

- C. In the matter of the license of Keil A. Shallenberger**
IREC 14-49
Re: Withdraw Probation

Send licensee another hearing notice.

- D. In the matter of the license of Michael Hajek**
IREC 13-65
Re: Withdraw Probation

A motion was made and seconded to issue a notice of proposed dismissal

Cox/Lunsford
8/0/0

- E. Sharon Hughes**
IREC 15-23
Re: Petition for Review of Notice of Noncompliance CE Audit

A motion was made and seconded to find the petitioner has completed all CE from the audit and fine her \$83.34 for civil penalty.

Lunsford/Cox
8/0/0

- F. Neil Smith (CONTINUED)**
IREC 15-22
Re: Petition for Review of Notice of Noncompliance CE Audit

- G. James Leffel**
IREC 15-21

Re: Petition for Review of Notice of Noncompliance CE Audit

A motion was made and second to have Mr. Laffel make up 8 hours of CE and pay fine of \$333.34

McClain/Cox
8/0/0

VII. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDERS

**A. In the Matter of the License of: JoAnn McElfresh
IREC 14-11**

Re: Administrative Law Judge Panel Order

A motion was made and seconded to approve ALJ Panel Order

McClain/Lunsford
7/0/1 Cox excused

**B. In the Matter of the License of: Edward Neu
IREC 14-35**

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

A motion was made and seconded to approve the Order

Lunsford/Shook
8/0/0

VIII. PETITIONS FOR REVIEW ON NOTICE OF NON-COMPLIANCE

IX. INITIAL APPLICATION REVIEW

A. Jill R. Werlinger

Re: Positive Response on her application

Request for Ms. Werlinger to make a personal appearance next meeting.

B. Michael Ellis

Re: Positive response & requesting waiver of the 23 Hour Managing Broker Course.

Motion was made and seconded to deny waiver for 24 hr. managing broker course, and approve for broker's license.

Lumley/McClain
8/0/0

C. Dale Burden

Re: Positive response on his application

A motion was made and seconded to grant Mr. Burden a broker's license.

Cox/Lunsford
8/0/0

X. CE AUDIT REVIEW

A. Wanda Elkins

Re: Civil Penalty not paid by 6/30/2015

Motion was made and seconded to rescind the notice of non-compliance.

Cox/McClain
8/0/0

B. Robyn Spoon

Re: Civil Penalty not paid by 6/30/2015.

Commission would like the notice to be resent by regular mail and extend payment date 21 days from the mailing of the letter.

XI. OLD/NEW BUSINESS

A. Maureen Moynahan Kauffman

Re: Request to reinstate - SP license expired in 2010

A motion was made and seconded to grant reinstatement for broker's license

McClain/Shook
8/0/0

B. Alison Millins

Re: Activating License

A motion was made to deny application for reinstatement.

Shook/Cox
8/0/0

C. Instructor CE

Re: Doug Myer's email

Approval was granted for instructor CE to also count as Broker CE.

D. Lisa Hart

Question about license obtained status

Change status to obtained by Examination

E. Personal Funds in Trust Accounts

Re: Email Raising a concern

Request for informal opinion from AG's office

Shook/Cox
7/0/0

F. Glenn X Miller

Re: Cost Memo Approval

Continued

G. Rules Cleanup Discussion

Re: Continued from last meeting.

A motion was made and seconded to have Jim start drafting the rule changes.

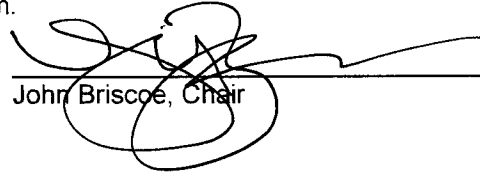
Cox/McClain
7/0/0

H. CE Broker

Blake provided an update to the board.

XI. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Real Estate Commission adjourned at 12:15 p.m.



John Briscoe, Chair