

**REAL ESTATE APPRAISER LICENSURE  
AND CERTIFICATION BOARD**

**October 14, 2010**

**Minutes**

Mr. Johnson called the meeting to order at 9:20 a.m. in Conference Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum, in accordance with Ind. Code § 25-34.1-8-4.

**Members Present:**

Wayne Johnson, Chairman  
Joe Traynor, Appraiser Member  
John Newlin, Vice Chairman  
Lowell K. Griffin, Appraiser Member (by telephone)  
Liz Stoll, Lender Member  
Terry Watson, Appraiser Member  
Ron Kohart, Consumer Member

**Members Absent:**

None.

**State Officials Present:**

Jeanette Roberts, Director  
Patricia Price, Assistant Director  
Eric Felde, Litigation Specialist  
Jim Schmidt, Deputy Attorney General

Reporter: Sheri Rutledge, Rutledge Reporters

**I. CHAIRMAN'S REPORT**

The Chairman asked member Joe Traynor to report on his attendance at the National Association of Realtors meeting. Mr. Traynor explained that they are looking at appraisers, specifically the Dodd-Frank bill regarding the obligation by appraisal services to report suspected violations of appraisers. It also talked about creating a hotline for complaints.

**II. REPORT FROM THE INDIANA ATTORNEY GENERAL'S OFFICE**

Gabrielle Owens gave her report and announced that she is now over all sections of the Consumer Protection Division in the AG's office. Gabrielle requests the Board's direction on how the board feels about record keeping violations.

**III. ADOPTION OF THE MINUTES FROM THE JULY 8, 2010 MEETING OF THE BOARD**

A motion was made and seconded to adopt the minutes.

Traynor/Griffin  
7/0/0 Motion carried.

**IV. STATUS OF LICENSEES ON PROBATION**

**A. Report from Staff regarding licensees on probation**

Eric Felde, Litigation Specialist gave a report on the status of licensees on probation.

**V. DELIBERATIONS AND POSSIBLE ISSUANCES OF FINAL ORDER**

**A. State of Indiana v. Dennis Harlen**

REAB 09-52

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

A motion was made and seconded to accept the Proposed Findings of Fact Conclusions of Law and Order.

Newlin/Stoll

6/0/1 (Traynor recused) Motion carried.

**B. State of Indiana v. Jacob D. Kirkpatrick**

REAB 10-13

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

A motion was made and seconded to accept the Proposed Findings of Fact Conclusions of Law and Order.

Stoll/Kohart

6/0/1 (Newlin recused) Motion carried.

**C. State of Indiana v. Karen Gregory**

REAB 09-47

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

A motion was made and seconded to accept the Proposed Findings of Fact Conclusions of Law and Order.

Newlin/Watson

6/0/1 (Traynor recused) Motion carried.

**D. In the matter of the license of Aaron D. Magner**

REAB 02-15, REAB 09-08

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

A motion was made and seconded to accept the Proposed Findings of Fact Conclusions of Law and Order.

Stoll/Newlin

5/0/2 (Traynor and Johnson recused) Motion carried.

**E. In the matter of the license of Robert Zachidny**

REAB 10-04

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

A motion was made and seconded to accept the Proposed Findings of Fact Conclusions of Law and Order.

Newlin/Stoll

6/0/1 (Griffin recused) Motion carried.

**F. In the matter of the license of Matthew McWhorter**

REAB 10-08

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

A motion was made and seconded to accept the Proposed Findings of Fact Conclusions of Law and Order.

Traynor/Newlin  
6/0/1 (Watson recused) Motion carried.

**G. State of Indiana v. Lori Hargis**

REAB 10-12  
Re: Motion for Voluntary Dismissal

A motion was made and seconded to dismiss the matter.

Traynor/Stoll  
6/0/1 (Johnson recused) Motion carried.

**H. State of Indiana v. Adam James Arnold**

REAB 09-19  
Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to accept the Proposed Findings of Fact Conclusions of Law and Order.

Traynor/Newlin  
6/0/1 (Watson recused) Motion carried.

**VI. DEFAULT HEARINGS**

**A. State of Indiana v. Stephen Sanders**

REAB 09-39  
Re: Notice of Proposed Default

A motion was made and seconded to hold the Respondent in default.

Stoll/Kohart  
7/0/0 Motion carried.

After consideration of the evidence submitted, a motion was made and seconded to revoke the license and impose a \$10,000 fine (\$1000 per count) to paid to the Board within 6 months and a \$5 fine to be paid to the Attorney General's Office within 6 months.

Newlin/Stoll  
7/0/0 Motion carried.

**B. State of Indiana v. Benjamin J. Parks**

REAB 08-30  
Re: Notice of Proposed Default

A motion was made and seconded to hold the Respondent in default.

Traynor/Griffin  
7/0/0 Motion carried.

After consideration of the evidence submitted, a motion was made and seconded to suspend the license indefinitely and impose costs to be determined and \$5 fine to be paid to the Attorney General's Office.

Griffin/Watson  
7/0/0 Motion carried.

**C. State of Indiana v. Paul Watkins**

REAB 10-20  
Re: Notice of Proposed Default

A motion was made and seconded to hold the Respondent in default.

Traynor/Griffin  
7/0/0 Motion carried.

A motion was made and seconded to suspend the license indefinitely and charge costs for both IPLA and the AG's office and impose \$5 records fee to be paid to the AG's office.

Traynor/Griffin  
7-0-0 Motion carried.

**VII. ADMINISTRATIVE HEARINGS**

**A. State of Indiana v. Robert Knecht**

REAB 10-14  
Re: Disciplinary Hearing

This matter was continued.

**B. State of Indiana v. Forrest Rowland**

REAB 10-09  
Re: Disciplinary Hearing

This matter was continued.

**C. State of Indiana v. Paul Beery**

REAB 10-19  
Re: Disciplinary Hearing

This matter was continued.

**D. State of Indiana v. Darlene Amstutz**

REAB 05-09  
Re: Order to Show Cause

The Respondent is not present. A motion was made and seconded to issue a notice of proposed default.

Traynor/Griffin  
7/0/0 Motion carried.

**E. State of Indiana v. Jeffrey N. Heller**

REAB 10-11  
Re: Disciplinary Hearing

This matter was continued.

**F. State of Indiana v. Christine Wenger**

REAB 10-05  
Re: Disciplinary Hearing

This matter was continued.

**G. State of Indiana v. Tracy Dawn Meier**

REAB 09-32  
Re: Disciplinary Hearing

This matter was continued.

**H. State of Indiana v. Daniel J. Shanahan**

REAB 10-15  
Re: Disciplinary Hearing

This matter was continued.

**I. State of Indiana v. Elbert C. Cotton**

REAB 10-10  
Re: Disciplinary Hearing

This matter was continued.

**VIII. APPLICATION REVIEW**

**A. Trainee**

1. Charles A. Wallace

A motion was made and seconded to approve the application.

Newlin/Traynor  
7/0/0 Motion carried.

2. Edwin Roach, temporary permit

A motion was made and seconded to approve the application.

Newlin/Traynor  
7/0/0 Motion carried.

**B. Certified Residential Applications**

1. Kenyon Kopp

This application was approved by a Board designee.

**C. Certified General Applications**

1. Brett Salyers
2. Joshua Richards

These applications were approved by the Board designee.

**D. Continuing Education**

1. Dennis Badger & Associates, Inc.

A motion was made and seconded to approve the application.

Newlin/Traynor  
7/0/0 Motion carried.

## **IX. CE AUDIT REVIEW**

### **A. Gary Gumbert**

Lic. No. CR69100374

A motion was made and seconded to issue a Notice of Noncompliance and impose a civil penalty of \$245. The late CE submitted is acceptable.

Traynor/Newlin  
7/0/0 Motion carried.

### **B. Robert Dorsam**

Lic. No. CG49400038

This licensee was found to be in compliance.

### **C. Phillip Herthel**

Lic. No. CR49400167

A motion was made and seconded to issue a Notice of Noncompliance and require the completion of 21 hours of CE but to impose no civil penalty.

Traynor/Newlin  
7/0/0 Motion carried.

### **D. David Wagner**

Lic. No. CG69201374

This licensee was found to be in compliance.

### **E. Phillip Morgan**

Lic. No. CG69100391

This licensee was found to be in compliance.

### **F. Michael Drew**

Lic. No. LR603005556

A motion was made and seconded to issue a Notice of Noncompliance and impose a civil penalty of \$245. The late CE submitted is acceptable.

Traynor/Newlin  
7/0/0 Motion carried.

### **G. Eric Copsey**

Lic. No. TR40300063

A motion was made and seconded to issue a Notice of Noncompliance and impose a civil penalty of \$490. The late CE submitted is acceptable.

Traynor/Newlin  
7/0/0 Motion carried.

**H. Nathan Delling**

Lic. No. CR49600089

This licensee was found to be in compliance.

**I. David Glauber**

Lic. No. CG40300051

A motion was made and seconded to issue a Notice of Noncompliance and impose a civil penalty of \$455. 13 hours, 7 of which must be USPAP, must be completed to become compliant.

Traynor/Newlin  
7/0/0 Motion carried.

**J. Jerrald Titus**

Lic. No. CR69201512

This license was found to be in compliance in that the Board believes that he meant to go into inactive status.

**X. OLD/NEW BUSINESS**

**A. Supervisor Course**

The Director will start working on a rule change draft to address the course requirement for supervisors. We can also address other rule clean up issues such as accepting out of state CE.

Newlin/Watson  
7/0/0 Motion carried.

**B. AMC Fee rule update**

The Director explained that the fee rule hearing for AMC's will be held at the December meeting.

**XVI. ADJOURNMENT**

There being no further business, and having completed its duties, the meeting of the Indiana Real Estate Appraiser Licensure and Certification Board adjourned at 3:30 pm.

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Wayne Johnson, Chairman