

Minutes
Indiana Real Estate Commission
Will meet on Wednesday, November 18, 2009 at 9:30 a.m.
Indiana Government Center-South
Conference Room 1 & 2
302 West Washington Street
Indianapolis, Indiana 46204

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
Susan Daniel
Mark Bock
Sue Cox
Paul Boyter
Timothy M. Reed
Michael Lunsford
Carolyn McClintock
Norman E. McClain
DJ Hines

Commission Members Absent

H. James Litten

State Officials Present:

Nicholas W. Rhoad, Commission 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. EXECUTIVE SESSION

An Executive Session meeting was held at 9:00 am.

III. COMMITTEE MEETINGS

9:30 a.m.

IV. CALL TO ORDER & ESTABLISHMENT OF QUORUM

10:00 a.m.

V. ADOPTION OF JUNE 3, 2009 MINUTES

A motion was made and seconded to approve the June 3, 2009 minutes.
Motion Carried

VI. ADOPTION OF JULY 15, 2009 MINUTES

A motion was made and seconded to approve the June 3, 2009 minutes.
Motion Carried

VII. ADVISORY COUNSEL'S REPORT

Mr. Schmidt indicated that a claim against the recovery fund is in progress.

VIII. INDIANA ATTORNEY GENERAL'S OFFICE REPORT

The OAG provided updated consumer complaint numbers and indicated that the numbers of unlicensed practice are increasing.

IX. WITHDRAWAL OF PROBATION HEARING

A. State of Indiana v. Raymond D. Modglin

IREC 08-17

Re: Withdrawal of probation

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

McClain / Lunsford

Motion Carried

10-0-0

B. State of Indiana v. Jeffrey Davies

IREC 09-03

Re: Withdrawal of probation

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

Lunsford / Hines

Motion Carried

10-0-0

C. State of Indiana v. Mabel M. Winger

IREC 07-13

Re: Withdrawal of probation

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

Boyer / McClain

Motion Carried

10-0-0

X. 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

Hines / Litten

Motion Carried

10-0-0

XI. UPDATE OF LICENSEES ON PROBATION

A. PLA Report

Mr. Rhoad provided an updated report on PLA to the IREC.

B. Licensee in non-compliance with final order

1. State of Indiana v. Barbara Buffington

Re: IREC 07-56

15 CE Hrs. – 12 months

Final Order dated 9/3/09

A motion was made and seconded to issue a Notice of Show Cause
McClain / McClintock
Motion Carried
10-0-0

2. State of Indiana v. Linda Watson

Re: IREC 08-10

6 CE Hrs. – 12 months

Final Order dated 9/3/08

A motion was made and seconded to issue a Notice of Show Cause
Hines / McClain
Motion Carried
10-0-0

XII. DELIBERATIONS AND POSSIBLE ISSUANCES OF FINAL ORDER

A. State of Indiana v. Diane E. Lee

IREC 09-39

Re: Administrative Law Judge Order

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

Motion Carried

10-0-0

XIII. CONSIDERATION OF THE MOTION TO DISMISS

A. State of Indiana v. Kathy L. Puckett

IREC 09-62

Re: Motion for Voluntary Dismissal by Petitioner

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

Motion Carried

10-0-0

XIV. MOTION TO WITHDRAW APPEARANCE

A. State of Indiana v. Michelle Bailey Austin

IREC 09-23

Re: Motion by counsel to withdraw appearance

No action on this item was necessary

B. State of Indiana v. Patricia Hammer

IREC 07-58

Re: Motion by counsel to withdraw appearance

No action on this item was necessary

XV. COST

A. State of Indiana v. Charles K. Charleston

IREC 09-18

Re: Approval of cost\

A motion was made and seconded to approve the costs

McClain / Boyter

Motion Carried

10-0-0

XV. OLD/NEW BUSINESS

A. The IREC adopted the following dates for January – June 30, 2010

1. Feb
2. March
3. May
4. June

B. Committees

A motion was made and seconded to allow items needing IREC or IREC committee approval at meetings to go to committees between meetings to diminish the time applicants must wait for approval.

Cox / McClain

Motion Carried

10-0-0

C. Legislative Update

Mr. Rhoad provided a legislative update

D. Waiver of Reinstatement Exam Harold Hopper

A motion was made and seconded to deny the waiver of reinstatement exam.

XVI. LSA Document #09-785, Readoption of Rules

A. Readopts rules in anticipation of [IC 4-22-2.5-2](#), providing that an administrative rule adopted under [IC 4-22-2](#) expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher. **OVERVIEW:** Rules to be readopted without changes are as follows: 876 IAC 1-4-1: Residential real estate sales disclosure; 876 IAC 2-16-1: Broker license; experience requirement and waiver.

A motion was made and seconded to approve the LSA #09-785

McClain / Hines

Motion Carried

10-0-0

XVII. Application Review Committees

A. Positive Responses

1. Marion Peterman personal appearance
2. Marna Boles
3. Michael Boston
4. Jennifer Simmonds

5. Margaret Smith
6. Todd Scott Taylor
7. Derek C. Johnson
8. Paul J. Hayden
9. Nasir A. Bajwa (reciprocal)
10. Vonita Longbrake
11. Edward Fokken
12. Jay Allardt
13. Matthew A. Manzano
14. James Theodore Pike
15. Blake Miller

B. Approval of Real Estate School Site

1. Real Estate Career Institute
6098 Fall Creek Road Indianapolis, IN 46220

C. Application for Acceptance of College Course Credits

1. Kayla M. White
2. Russell Walker
3. Timothy Cunningham Jr.

D. Application for Waiver of One Year Experience

1. Kelly D. Ulbstead
2. Thomas A. Lazzara

E. Application for Continuing Education Instructors

1. Ken Steury
2. Jack Hungelman

F. Application for Pre-Licensing Instructors

1. Virginia Teske

G. Continuing Education Providers

1. Provider Southeastern Indiana Board of Realtors Inc.

Director: Michael C. Page

2. Provider NBI, National Business Institute

Course and hours: Handling Real Estate Transactions with Confidence 8.0E

3. Provider Indovider Indiana Real Estate Academy

Course: Understanding Market Conditions and the Real Estate Market Index
2.0 E

Estate Academy

Course: Understanding Market Conditions and the Real Estate Market Index
2.0 E

Market Index

2.0 E

2.0 E

2.0 E

XVII. Adjournment

I. **Adjournment**

XVI. . **Adjournment**