
**MINUTES
INDIANA REAL ESTATE COMMISSION
March 26, 2008**

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Commissioner Reed called the meeting to order at 10:14 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:

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

Commission Members Absent:

Sue Cox
Michael Lunsford

State Officials Present:

Nicholas W. Rhoad, Commission Director, Indiana Professional Licensing Agency
Jim Schmidt, Commission Advisory Counsel, Office of the Attorney General

II. ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda
Motion Carried
9-0-0

III. ADOPTION OF MINUTES FROM December 6, 2007

A motion was made and seconded to adopt the agenda
Motion Carried
9-0-0

IV. ADVISORY COUNSEL'S REPORT

No report was offered

V. INDIANA ATTORNEY GENERAL'S OFFICE REPORT

The Indiana Attorney General's office provided a report to the Commission

VI. COMMITTEE ASSIGNMENT AND ELECTION OF COMMITTEE CHAIRS

- A. Rules
- B. Positive Responses
- C. Application waivers
- D. Other

The Commission did not make changes to the committee assignments.

VII. PETITION FOR SUMMARY SUSPENSION

A. State of Indiana v. Donella Locke

IREC 08-08

Re: Petition for Summary Suspension

A motion was made and seconded to grant the petition for Summary Suspension

Litten / Boyter

Motion Carried

9-0-0

B. State of Indiana v. William Trail

IREC 08-09

Re: Petition for Summary Suspension

A motion was made and seconded to deny the petition for Summary Suspension

McClain / Litten

Motion Carried

5-3-1

VIII. DELIBERATIONS AND POSSIBLE ISSUANCES OF FINAL ORDER

A. State of Indiana v. Richard Temple

IREC 07-60

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

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

McClintock / McClain

Motion Carried

9-0-0

B. State of Indiana v. Shirley Kiel

IREC 07-62

Re: Administrative Law Judge Panel Order

A motion was made to accept the Administrative Law Judge Panel Order

McClintock / Stoll

Motion Carried

9-0-0

C. State of Indiana v. Michael Radabaugh

IREC 07-52

Re: Administrative Law Judge Panel

A motion was made to accept the Administrative Law Judge Panel Order

McClintock / Daniel

Motion Carried

9-0-0

D. State of Indiana v. Douglas Laughlin

IREC 07-45

Re: Motion for Voluntary Dismissal

A motion was made to accept the Motion for Voluntary Dismissal

Litten / McClain

Motion Carried

9-0-0

E. State of Indiana v. Sharla Hackney

IREC 07-70

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

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

Litten / Bock

Motion Carried

9-0-0

F. State of Indiana v. Casey Kimerly

IREC 07-74

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

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

McClain / McClintock

Motion Carried

9-0-0

G. State of Indiana v. Curtis Rainey

IREC 07-48

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

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

McClain / McClintock

Motion Carried

9-0-0

H. State of Indiana v. Timothy Ware

IREC 07-50

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

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

McClain / McClintock

Motion Carried

9-0-0

I. State of Indiana v. John Clegg

IREC 07-46

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

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

McClain / McClintock

Motion Carried

9-0-0

J. State of Indiana v. Arthur Carmichael

IREC 07-47

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

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

McClain / Litten

Motion Carried

9-0-0

K. State of Indiana v. Sherry Quinn

IREC 07-42

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

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

McClain / Litten

Motion Carried

9-0-0

L. State of Indiana v. Mary Sherer

IREC 07-74

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

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

McClain / Litten

Motion Carried

9-0-0

IX. OLD/NEW BUSINESS

A. Promissor / Pearson VUE

Commissioners Lunsford, Reed, and Shook volunteered to participate in the exam review

B. ARELLO

Mr. Rhoad provided an update regarding ARELLO

C. Providing lists of employees to Brokers

The Commission discussed providing lists of employees to brokers

D. Advertising by Home Inspectors

The Commission discussed how home inspectors advertise in real estate publications

E. Discussion of possible rule changes

The Commission had a brief discussion of possible rule changes

F. Telephone based settlement conferences

The Commission discussed the use of telephone based settlement conferences and agreed they believe they are acceptable

G. Legislative Update

Mr. Rhoad provided a legislative update

H. National Association of Independent Fee Appraisers

Upon request for NAIFA the commission discussed Brokers who preform appraisals. The Commission determined that this provision is legislative and falls outside their purview.

X. Administrative Rules Hearings

A. LSA 07-881

The Commission held an administrative rule hearing on LSA #07-881. A motion was made and seconded to approve LSA #07-881.

Bock / Litten

Motion Carried

9-0-0

XI. Application Review Committees

A motion was made and scented to approve the recommendations of the application review committee

Bock / Litten
Motion Carried
9-0-0

A. Positive Responses

1. Sarah Barnes
2. Michael Blankley
3. Richard Burge
4. Michael Carr
5. Timothy Cole
6. Marcia Coulson
7. Matthew Dills
8. Scott Genung
9. Christopher Hinkle
10. Kyle Jancovech
11. Andrew Kershner
12. Eric Laughner
13. Erick Macias
14. Jonathan Nieves
15. Ryan Shields
16. Brian Spencer
17. Jan Marie Van Dyck
18. Darrell Watson
19. Eric Alan Jancovech
20. Jayme Lynn Neal
21. Katherine E. Denton
22. Doug Wayne Keown
23. John Seeber
24. Corie Robert Burse
25. Craig N. Kilgore
26. Megan Gilbride Fisher
27. Troy Allen

B. Waiver of One Year Experience Requirement

1. Amy J. Redman
2. Tricia R. Flicker Miller
3. Michael J. Johnson
4. Mark Snyder
5. Gary Vestermark
6. Vincent Guido Casalini
7. Jerry J. Kulik

C. Application for Acceptance of College Course Credits

1. Matthew E. Conrad

A motion was made and scented to approve the recommendations of the education application review committee

Hines / Litten
Motion Carried
9-0-0

D. Continuing Education Instructor Applications

1. Bryan Cardwell
2. Louis J. Kasmer
3. Trisha K. Murphy
4. James C. DeBender
5. Shannon Longmore
6. Jeannie Berger
7. Jennie Norris
8. Brian Richardson
9. Michael Chabes
10. Mary Jo Huffman
11. Steve Woodruff
12. Paul J. Carroll
13. Adam S. Mears
14. Tammy L. Ortman
15. Andrea Hermer
16. Donald J. Smith
17. Todd A. Leeth
18. Brandi A. Foster
19. Stephen Cashdollar
20. Susan Davis
21. Mark Luers
22. Linda Quick
23. David Amick
24. Linda K. Modlinski
25. R. Timothy Fletcher
26. John W. Van Laere
27. Carrie N. Crider
28. Joanne Figge
29. Donna Fritts
30. Molly McGovern Rawdon

E. Pre-Licensing Provider

New Director for Ivy Tech Indianapolis: D. Scott Horvath

F. Pre-Licensing Instructors

1. Fred Stratton
2. Marlene M. Botka
3. Joe Hecko
4. Robin K. Moistica
5. Gary Decker
6. Lisa R. Meyers

G. Continuing Education Providers

1. Academy of Continuing Education

- a. Win-Win Negotiations 2.0 E Sales and Brokers (significant change)

- b. Economics of Real Estate 2.0 E Sales and Brokers (significant change)
- c. Real Estate Investment 2.0 E Sales and Brokers (significant change)

2. National Business Institute (NBI)

- a. Practical Guide to Zoning and Land Use Law 7.0 E Sales and Brokers
- b. Drafting Commercial Real Estate Leases: the Ins and Outs of Protecting Your Interests 7.0 E Sales and Brokers
- c. How to Obtain Good Title in Real Estate Transactions 7.0 E Sales & Brokers
- d. Real Estate Transactions Made Painless and Efficient 7.0 E Sales & Brokers

3. ATI Professional Inc (online provider) Sales only

Director: Troy Bandy

- Course(s):
- a. Fair Housing and Civil Rights in America 2.0M/1.0E
 - b. Foreclosure and Short Sales 2.0M/1.0E

4. Coldwell Banker West Shell

- a. Senior Real Estate Specialist 8.0 E Sales
- b. Reducing Risk in Fair Housing Compliance 2.0M/1.0E Sales

5. Impact Training Group, Inc.

- a. Code of Ethics- Professional Standards 2.0M Sales and Brokers

6. Americas Best (distance education, internet and CD) Sales and Brokers

Director: Susan Davis

Course(s):

- a. ADA Fair Housing 3.0
- b. A Day in the life of an Appraiser 3.0
- c. Advanced Home Inspection 6.0
- d. Agency- The Big Picture 3.0
- e. Bad Loans- Predatory and Fraud 3.0
- f. Basics of Real Estate Finance 8.0
- g. Client Focused Communications 3.0
- h. Community Ethics 3.5
- i. Contracts 3.0
- j. Energy Resources 3.0
- k. Environmental Basics 6.0
- l. Home Inspection 6.0
- m. Human Land Use 4.0
- n. Managing- All Types of Rental Units 4.0
- o. Meth Madness 3.0
- p. NARPM Ethics 3.0
- q. NARPM Tenancy 6.0
- r. Pricing Property 4.0
- s. Property Management- Taking Care of Business 8.0
- t. Qualifying-Buyer and Property 3.0
- u. Real Estate Ethics 3.0
- v. Real Estate Math 6.0
- w. Tax Strategies for the Independent Contractor 6.0
- x. The Loan- An Overview 6.0
- y. Water Resources 3.0

- z. Ethics of Sustainability 4.0
- aa. Work Smarter, Not Harder 6.0

7. Real Estate Certification Program (RECP)

- a. Consulting Sellers Successfully 2.0E Sales and Brokers

8. BOMA Indianapolis

- a. The Art of the Deal 3.0 E Brokers only

9. Premier Capital Corporation Sales and Brokers

Director: David Amick

Course: Financing Commercial Real Estate with SBA 504 Loan Program
2.0E

10. Real Estate Education Network (REEN)

- a. You're the Judge!!! 2.0 E
- b. Basics of Investment Real Estate 2.0E
- c. Working with Bank Owned Properties (REO's) 2.0 E
- d. Working with Distressed Sellers 2.0 E
- e. Indiana Agency Law 2.0M online course
- f. Antitrust Issues for Real Estate Practice 2.0 M online course
- g. Indiana License and Escrow Law 2.0 M online course

11. Continuing Ed Express LLC online course

Code of Ethics Case Studies 2.0M/1.0E Sales and Brokers

12. Sterling Education Services, Inc.

Landlord Tenant Law 8.0 E Sales and Brokers

13. Financial Strategies approval is for classroom delivery

- a. Lifecycle of a Loan 2.0E
- b. ECOA for Real Estate Professionals 2.0E
- c. FCRA for Real Estate Professionals 2.0E
- d. TILA for Real Estate Professionals
- e. Indiana Agency 2.0M
- f. Indiana Fair Housing 2.0M
- g. Indiana Antitrust 2.0M

13. McKissock, LP

Indiana Appraisal Laws and Regulation 4.0E Sales and Brokers
classroom setting

14. Education Resource, LLC

- 1. CE 1030 Residential Lot Valuation 4.0 E Sales and Brokers
- 2. CE 1074 A Reexamination of Appraisal Procedures 7.0E Sales & Brokers\
- 3. CE 1076 A Reexamination of Basic Income Capitalization for Non-Residential Properties 7.0 E Sales and Brokers
- 4. CE 1072 A Reexamination of Appraisal Principles 7.0 E Sales & Brokers
- 5. CE 1046 Residential Relocation Appraisals 4.0 E Sales and Brokers

H. Real Estate School Sites

- 1. Real Estate Institute 202 Lincolnway East, Suite 300 Mishawaka
- 2. McLain Education Institute 1400 West Washington Center Road
Fort Wayne (First Assembly of God Church)

XV. Adjournment

A motion was made and seconded to adjourn the meeting at 1:00 p.m.

Boyter / Bock

Motion Carried

9-0-0