

BEFORE THE INDIANA  
REAL ESTATE COMMISSION  
CAUSE NO: IREC: 11-34

IN THE MATTER OF THE )  
UNLICENCED PRACTICE OF: )  
 )  
JAMES E. CHAMPER, JR., )  
RESPONDENT. )



FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The Indiana Real Estate Commission (“Commission”) held an administrative hearing at 9:00 a.m. on July 13, 2011, in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204 concerning a motion for an order to cease and desist the unlicensed practice of real estate, filed against James E. Champer, Jr. (“Respondent”).

The State of Indiana (“Petitioner”) was represented by Kelsie E. Moore, Deputy Attorney General. Respondent was present and was not represented by counsel.

Petitioner filed its motion against Respondent on May 25, 2011, alleging that Respondent violated Ind. Code § 25-34.1-3-2 when Respondent engaged in the practice of real estate without the required license.

On June 29, 2011, the Indiana Professional Licensing Agency sent Respondent notice of the date and time of the Order to Show Cause hearing, set for July 13, 2011.

On or about July 13, 2011, the Commission considered the evidence presented and took official notice of its file in this matter. By a vote of 9-0-0, the Commission ordered the Respondent to **CEASE AND DESIST** any and all activity that leads the public to believe that Respondent is representing anyone other than Respondent’s own personal real estate or himself, including all operation of Respondent’s website (“[www.indybuysell.com](http://www.indybuysell.com)”) in its current form.

The Commission then held further proceedings and now issues the following:

### **FINDINGS OF FACT**

1. Respondent's last known mailing address is 3819 Village Drive, Noblesville, Indiana 46163.
2. Respondent does not currently, nor has he ever, held a license to practice as a real estate professional in the State of Indiana.
3. Respondent acted in the capacity of a real estate licensee when Respondent provided the following services to consumers without the appropriate real estate license:
  - a. Advertised services at his website [www.indybuysell.com](http://www.indybuysell.com);
  - b. Advertised "We buy, sell and rent homes, houses, and properties in Indianapolis as well as the surrounding counties of Central Indiana;" and
  - c. Listed properties for sale on his website that he did not personally own.

### **CONCLUSIONS OF LAW**

1. Pursuant to Ind. Code § 25-1-7-14, the Commission has the authority to issue an order for Respondent to cease and desist the unlicensed practice of real estate if the Commission finds that the Respondent has engaged in such activity.
2. Respondent's conduct as described above constitutes a violation of Ind. Code § 25-34.1-3-2, which prohibits any person from acting in the capacity of a real estate licensee without first obtaining the necessary real estate license.
3. Respondent's conduct as described above constitutes a violation of Ind. Code § 25-34.1-3-2, which prohibits any person from offering to sell, buy, and rent real estate for others without a real estate license.


**ORDER**

1. Respondent shall immediately cease and desist from any further activity that can be considered the practice of real estate pursuant to Ind. Code § 25-34.1-3-2.

2. Respondent shall be punished for contempt of court in either circuit or superior court should Respondent violate the terms of this order to cease and desist the unlicensed practice of real estate.

SO ORDERED this 8<sup>th</sup> day of August, 2011.

**INDIANA REAL ESTATE COMMISSION**

By:   
Frances L. Kelly, Executive Director  
Indiana Professional Licensing Agency

**Copies To:**

Mr. James E. Champer  
3819 Village Drive  
Noblesville, Indiana 46163

**CERTIFIED MAIL NO.: 91 7190 0005 2720 0009 5753**  
**RETURN RECEIPT REQUESTED**

Kelsie E. Moore  
Deputy Attorney General  
Indiana Government Center South  
302 W. Washington St., 5<sup>th</sup> Floor  
Indianapolis, IN 46204

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RESPONDENT )



ORDER TO SHOW CAUSE

Comes now the Indiana Real Estate Commission (“Commission”) pursuant to Ind. Code § 4-21.5 and Ind. Code § 25-1-7-14 issues the following Order to Show Cause:

The Commission hereby notifies James E. Champer, Jr. (“Respondent”), 3819 Village Drive, Noblesville, Indiana 46163, to appear before the Commission on **July 13, 2011 at 9:00 a.m.**, Local Time, in Room W064 of Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204 to show cause why Respondent should not cease and desist his alleged practice of real estate without the required license.

1. This order is being provided to counsel for Petitioner, State of Indiana, Kelsie E. Moore, Deputy Attorney General, Office of the Attorney General, Indiana Government Center South, 302 West Washington Street, 5th Floor, Indianapolis, Indiana 46204, telephone number (317) 234-7108.

2. The official cause number of this action is: IREC 11-34.

3. This action is an Order to Show Cause issued by the Commission based on the allegations raised in the Motion for Order to Cease and Desist.

4. Any party may be advised and represented by counsel at the party's own expense.

The Commission is empowered to hold this hearing pursuant to the authority of Ind. Code § 25-

1-11, Ind. Code § 25-1-7-14 and Ind. Code § 4-21.5 *et seq.* The Commission will be presiding as administrative law judge in this matter.

5. The hearing will address the issues contained in the Motion for Order to Cease and Desist filed May 25, 2011 which is attached hereto and incorporated by reference as Exhibit A.

6. Eric Felde, Compliance Director, may be contacted to obtain information concerning hearing schedules and procedures by mail in care of the Indiana Professional Licensing Agency, 402 West Washington Street, Room W072, Indianapolis, Indiana 46204, by e-mail at [efelde@pla.in.gov](mailto:efelde@pla.in.gov), by facsimile at (317) 233-4326, or by telephone at (317) 234-3015.

7. A party who fails to attend or participate in a pre-hearing conference, hearing, or other later stage of this proceeding may be held in default or have the proceeding dismissed under Ind. Code § 4-21.5-3-24.

SO ORDERED this 29 day of June, 2011.

**INDIANA REAL ESTATE COMMISSION**

By:   
\_\_\_\_\_  
Frances L. Kelly  
Executive Director  
Indiana Professional Licensing Agency

Copies to:

James E. Champer, Jr.  
3819 Village Drive  
Noblesville, Indiana 46163  
**CERTIFIED MAIL NO.: 91 7190 0005 2720 0009 1588**  
**RETURN RECEIPT REQUESTED**

Kelsie E. Moore  
Deputy Attorney General  
Office of the Attorney General  
Indiana Government Center South  
302 West Washington Street, 5<sup>th</sup> Floor  
Indianapolis, Indiana 46204

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**MOTION FOR ORDER TO CEASE AND DESIST**

The State of Indiana, by Kelsie E. Moore, Deputy Attorney General, pursuant to Ind. Code § 25-1-7-14 files this motion requesting the Indiana Real Estate Commission (“Commission”) to order James E. Champer, Jr. (“Respondent”) to Cease and Desist his practice of real estate without the required license. In support of this motion, the Office of the Attorney General (“Petitioner”) alleges and states as follows:

1. Petitioner is empowered to bring complaints in the name of the State of Indiana before the Commission pursuant to Ind. Code § 25-1-7-2.
2. The Commission is charged with the responsibility of regulating the practice of real estate in the State of Indiana pursuant to Ind. Code § 25-34.1-2-5.
3. Respondent’s mailing address is 3819 Village Drive, Noblesville, Indiana 46163.
4. Ind. Code § 25-34.1-3-2 states, “no person shall, for consideration, sell, buy, trade, exchange, option, lease, rent, manage, list, or appraise real estate or negotiate or offer to perform any of those acts in Indiana or with respect to real estate situated in Indiana, without a license.”

5. Respondent has engaged and continues to engage in activities for which a license is required under Ind. Code § 25-34.1-3-2. These activities include, but are not limited to offering to sell, buy, and rent real estate.

6. Respondent's website, [www.indybuysell.com](http://www.indybuysell.com), advertises that Respondent helps "those that need to sell their home/house/real estate fast and deserve the piece [sic] of mind we can provide," and that "In many cases we can have a written offer to you in less than 48 hours."

7. Respondent's website states, "We buy, sell and rent homes, houses, and properties in Indianapolis as well as the surrounding counties of Central Indiana."

8. Respondent's website links to an application page for potential clients. The link asks, "Need to sell a property? To avoid bank foreclosure?"

9. Respondent claims that he buys properties from "Anyone that needs a fast solution to their real estate problems."

10. On his website, Respondent offers "many programs for those that need to find an easy way into home ownership including: Rent to own; Lease with the option to buy; Sweat equity."

11. Respondent is listed as a Real Estate Agent in the following directories:

- a. Indiana Real Estate Directory;
- b. [www.State-Real-Estate.com](http://www.State-Real-Estate.com);
- c. Indy Links;
- d. Facilinmobiliaria; and
- e. Real Estate Exclusive.

12. Respondent is not currently, and has never been, licensed by the Indiana Real Estate Commission as a real estate licensee.




13. By engaging in activities for which a license is required under Ind. Code § 25-34.1-3-2, Respondent is subject to a show cause hearing and the issuance of a cease and desist order pursuant to Ind. Code § 25-1-7-14, which states that the Commission may issue an order requiring the affected person to show cause why Respondent should not be ordered to cease and desist from activities for which a license, certification, or registration is required.

**WHEREFORE**, Petitioner respectfully requests an order against Respondent that:

1. Directs Respondent to immediately cease and desist any activity that is considered the practice of real estate pursuant to Ind. Code § 25-34.1-3-2 without the appropriate licenses; and
2. Provides any other relief that the Commission deems just and proper.

Respectfully submitted,

Gregory F. Zoeller,  
Attorney General of Indiana  
Attorney No. 1958-98


By:   
Kelsie E. Moore  
Deputy Attorney General  
Attorney No.: 26505-49

Office of the Attorney General  
Indiana Government Center South  
302 W. Washington Street, 5<sup>th</sup> Floor  
Indianapolis, IN 46204  
Telephone: (317) 234-2598  
Facsimile: (317) 233-4393  
kelsie.moore@atg.in.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on the 25<sup>th</sup> day of May, 2011, a true and correct copy of this Complaint was served upon the below-listed party via First Class U.S. Mail, postage prepaid.

Mr. James E. Champer  
3819 Village Dr.  
Noblesville, IN, 46163

  
\_\_\_\_\_  
Kelsie E. Moore  
Deputy Attorney General  
Attorney No.: 26505-49