

**BEFORE THE INDIANA  
REAL ESTATE COMMISSION  
CAUSE NO.: IREC 12-05**

**IN THE MATTER OF THE )  
UNLICENSED PRACTICE OF: )  
 )  
PROPERTY MANAGEMENT SERVICES )  
OF SOUTH BEND, LLC, )  
RESPONDENT. )**



**FINAL ORDER AFFIRMING ADMINISTRATIVE LAW JUDGE PANEL'S ORDER**

The Administrative Law Judge Panel consisting of Paul Boyter, Charles W. Shook and Norm McClain ("Panel"), appointed by the Indiana Real Estate Commission ("Commission"), held a hearing on April 25, 2012, and an Administrative Law Judge Panel Order ("ALJ Panel's Order) was subsequently issued, regarding a Motion for an Order to Cease and Desist the Unlicensed Practice of Real Estate, filed against Property Management Services of South Bend, LLC ("Respondent"). The Commission reviewed the matter at its duly noticed public meeting on June 6, 2012, in Room W064 of Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204. The ALJ Panel's Order is attached hereto as Exhibit A and incorporated by reference into this Final Order.

**WHEREFORE**, the Commission hereby accepts and affirms the ALJ Panel's Order and Respondent is hereby ORDERED to abide by the terms of the ALJ Panel's Order.

**ORDER**

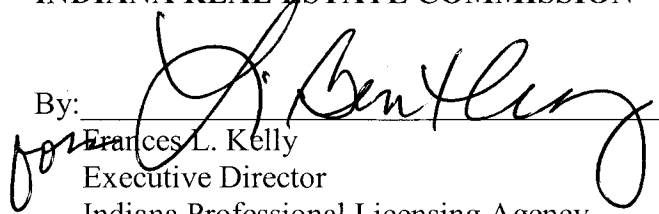
IT IS HEREBY ORDERED, ADJUDGED, DECREED AND AFFIRMED that:

1. Respondent shall immediately **CEASE AND DESIST** from any further property management activity that constitutes the unlicensed practice of real estate under 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 20<sup>th</sup> day of June, 2012.

**INDIANA REAL ESTATE COMMISSION**

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

**Copies To:**

Property Management Services of South Bend, LLC  
2043 South Bend Avenue #124  
South Bend, Indiana 46337

**CERTIFIED MAIL NO.: 91 7190 0005 2720 0020 2717**  
**RETURN RECEIPT REQUESTED**

Stephanie L. Nemeth  
Wruble & Associates  
315 North Main Street  
South Bend, Indiana 46601

Lisa S. Wolf, Deputy Attorney General  
Office of the Indiana Attorney General  
Indiana Government Center South, 5<sup>th</sup> Floor  
302 W. Washington Street  
Indianapolis, Indiana 46204

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PROPERTY MANAGEMENT SERVICES )  
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RESPONDENT. )



ADMINISTRATIVE LAW JUDGE PANEL'S ORDER

The Administrative Law Judge Panel, consisting of Paul Boyter, Charles W. Shook, and Norm McClain, designated by the Indiana Real Estate Commission ("Commission") in this proceeding, having held a hearing on the 25<sup>th</sup> day of April 2012 in Room W064 of Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, and being otherwise duly advised, by a vote of 3-0-0, now issues and files its order.

Notice is hereby given that any objection to the Administrative Law Judge Panel's Order must be filed with the Commission, identifying the basis of the objection with reasonable particularity, no later than eighteen (18) days from the date of issuance of this order unless such date is a Saturday, a Sunday, a legal holiday under state statute or a day that the Indiana Professional Licensing Agency's offices are closed during regular business hours in which case the deadline would be the first day thereafter that is not a Saturday, a Sunday, a legal holiday under state statute or a day that the Indiana Professional Licensing Agency's offices are closed during regular business hours. This Administrative Law Judge Panel's Order is not the final order of the Commission in this proceeding. However, in the absence of any objection, the Commission either will affirm the Administrative Law Judge Panel's Order as its final order or will serve notice of its intent to review any issue related to the Administrative Law Judge Panel's Order.

## FINDINGS OF FACT

1. Respondent's mailing address is 2043 South Bend Avenue #124, South Bend, Indiana 46637.
2. Respondent also operates under the name "Property Management Services of South Bend Indiana, LLC."
3. Respondent does not hold a professional license issued under Ind. Code art. 25-34.
4. Respondent has engaged in and continues to engage in activities for which a real estate license is required under Ind. Code § 25-34.1-3-2.
5. Respondent's activities include, but are not limited to, offering real property for lease, entering into property management contract(s) with owners of real property, and collecting rent and fees due on real estate owned by others.
6. At no point does Respondent own the real property for which it provides the services described in paragraph 5.
7. On or about January 12, 2009, Respondent entered into a contract with Zeb and Abdul Manjee ("the Manjees"), employing Respondent "to rent, lease and manage" real property owned by the Manjees.
8. The contract granted Respondent "full management and control" of the real property, including the ability to prepare and negotiate leases and the ability to pursue eviction proceedings in the Manjees' name.
9. Respondent advertised its property management services on a page at [www.facebook.com](http://www.facebook.com).

10. Respondent's Facebook page stated, in part, "[W]e are prepared to assist you in all aspects of the management of your investment," and, "We provide a viable alternative to selling your home by complete management services designed to provide you with a great experience and income."

11. Respondent has taken steps to become licensed under Ind. Code art. 25-34 but has not yet fully complied with statutory licensing requirements.

12. Respondent did not intend to evade the law; rather, Respondent was unaware of the statutory licensing requirement.

#### **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.

2. Respondent's property management activity 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 license.

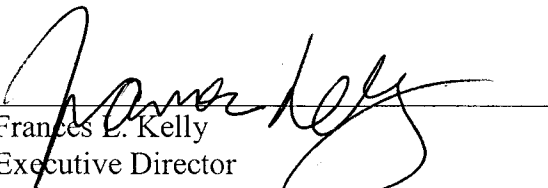
#### **ORDER**

1. Respondent shall immediately cease and desist from any further property management activity that constitutes the unlicensed practice of real estate under 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 07 day of May, 2012.

**INDIANA REAL ESTATE COMMISSION**

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

**Copies To:**

Property Management Services of South Bend, LLC  
2043 South Bend Avenue #124  
South Bend, IN 46337

**CERTIFIED MAIL NO.: 91 7190 0005 2720 0019 0298**  
**RETURN RECEIPT REQUESTED**

Stephanie L. Nemeth  
Wruble & Associates  
315 North Main Street  
South Bend, IN 46601

Lisa S. Wolf  
Office of the Indiana Attorney General  
Indiana Government Center South, 5<sup>th</sup> Floor  
302 W. Washington Street  
Indianapolis, IN 46204

**BEFORE THE INDIANA  
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UNLICENSED PRACTICE OF:            )  
  )  
**PROPERTY MANAGEMENT SERVICES    )  
OF SOUTH BEND, LLC,                    )  
RESPONDENT.                            )****

**FILED**  
MAY 07 2012  
Indiana Professional  
Licensing Agency

**ADMINISTRATIVE LAW JUDGE PANEL'S ORDER**

The Administrative Law Judge Panel, consisting of Paul Boyter, Charles W. Shook, and Norm McClain, designated by the Indiana Real Estate Commission (“Commission”) in this proceeding, having held a hearing on the 25<sup>th</sup> day of April 2012 in Room W064 of Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, and being otherwise duly advised, by a vote of 3-0-0, now issues and files its order.

Notice is hereby given that any objection to the Administrative Law Judge Panel's Order must be filed with the Commission, identifying the basis of the objection with reasonable particularity, no later than eighteen (18) days from the date of issuance of this order unless such date is a Saturday, a Sunday, a legal holiday under state statute or a day that the Indiana Professional Licensing Agency's offices are closed during regular business hours in which case the deadline would be the first day thereafter that is not a Saturday, a Sunday, a legal holiday under state statute or a day that the Indiana Professional Licensing Agency's offices are closed during regular business hours. This Administrative Law Judge Panel's Order is not the final order of the Commission in this proceeding. However, in the absence of any objection, the Commission either will affirm the Administrative Law Judge Panel's Order as its final order or will serve notice of its intent to review any issue related to the Administrative Law Judge Panel's Order.

## FINDINGS OF FACT

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2. Respondent also operates under the name "Property Management Services of South Bend Indiana, LLC."
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4. Respondent has engaged in and continues to engage in activities for which a real estate license is required under Ind. Code § 25-34.1-3-2.
5. Respondent's activities include, but are not limited to, offering real property for lease, entering into property management contract(s) with owners of real property, and collecting rent and fees due on real estate owned by others.
6. At no point does Respondent own the real property for which it provides the services described in paragraph 5.
7. On or about January 12, 2009, Respondent entered into a contract with Zeb and Abdul Manjee ("the Manjees"), employing Respondent "to rent, lease and manage" real property owned by the Manjees.
8. The contract granted Respondent "full management and control" of the real property, including the ability to prepare and negotiate leases and the ability to pursue eviction proceedings in the Manjees' name.
9. Respondent advertised its property management services on a page at [www.facebook.com](http://www.facebook.com).



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11. Respondent has taken steps to become licensed under Ind. Code art. 25-34 but has not yet fully complied with statutory licensing requirements.

12. Respondent did not intend to evade the law; rather, Respondent was unaware of the statutory licensing requirement.

### **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.

2. Respondent's property management activity 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 license.

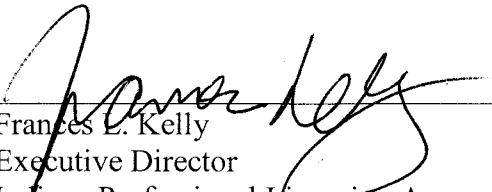
### **ORDER**

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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 07 day of May, 2012.

**INDIANA REAL ESTATE COMMISSION**

By:   
Frances E. Kelly  
Executive Director  
Indiana Professional Licensing Agency

**Copies To:**

Property Management Services of South Bend, LLC  
2043 South Bend Avenue #124  
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**CERTIFIED MAIL NO.: 91 7190 0005 2720 0019 0298**  
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PROPERTY MANAGEMENT SERVICES )  
OF SOUTH BEND, LLC, )  
RESPONDENT. )



**ORDER TO SHOW CAUSE**

Comes now the Indiana Real Estate Commission (“Commission”), by the authority of Chairman Michael Lunsford under Ind. Code § 25-1-7-14(a)(2), and 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 Property Management Services of South Bend, LLC (“Respondent”), 2043 South Bend Avenue #124, South Bend, Indiana 46637, to appear before the Administrative Law Judge Panel appointed by the Commission consisting of Paul Boyter, Charles Shook and Norman McClain, on **April 25, 2012 at 1:00 p.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 be subject to licensing, certification, or registration under Ind. Code art. 25-1, and cease and desist its alleged practice of real estate without the required license.

1. This order is being provided to counsel for Petitioner, State of Indiana, Lisa S. Wolf, Deputy Attorney General, Office of the Attorney General, Indiana Government Center South, 302 West Washington Street, 5th Floor, Indianapolis, Indiana 46204, telephone number (317) 234-1479.

2. The official cause number of this action is: IREC 12-05.

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 February 1, 2012, 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 March, 2012.

**INDIANA REAL ESTATE COMMISSION**

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

**Copies To:**

Property Management Services of South Bend, LLC  
2043 South Bend Avenue #124  
South Bend, Indiana 46637

**CERTIFIED MAIL NO.: 91 7190 0005 2720 0018 0589**  
**RETURN RECEIPT REQUESTED**

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

**Copies To:**

Property Management Services of South Bend, LLC  
2043 South Bend Avenue #124  
South Bend, Indiana 46637

**CERTIFIED MAIL NO.: 91 7190 0005 2720 0017 7992**  
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Lisa S. Wolf  
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Office of the Attorney General  
Indiana Government Center South  
302 West Washington Street, 5<sup>th</sup> Floor  
Indianapolis, Indiana 46204

IN THE MATTER OF THE  
UNLICENSED PRACTICE OF:

PROPERTY MANAGEMENT SERVICES OF  
SOUTH BEND, LLC,

Respondent.

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**MOTION FOR ORDER TO CEASE AND DESIST**

The State of Indiana, by Deputy Attorney General Lisa S. Wolf, pursuant to Ind. Code § 25-1-7-14, files this motion requesting the Indiana Real Estate Commission (“Commission”) to order Property Management Services of South Bend, LLC (“Respondent”) to Cease and Desist the 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 before the Commission in the name of the State of Indiana 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 2043 South Bend Avenue #124, South Bend, Indiana 46637.
4. Respondent also operates under the name “Property Management Services of South Bend Indiana, LLC.”

5. Respondent does not currently employ, nor has Respondent ever employed, an individual holding a professional license issued under Ind. Code art. 25-34, Real Estate Brokers and Salespersons.

6. Pursuant to Ind. Code § 25-34.1-3-2, “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.”

7. Respondent has engaged in and continues to engage in activities for which a license is required under Ind. Code § 25-34.1-3-2. Respondent’s activities include, but are not limited to, offering real property for lease, entering into property management contract(s) with owners of real property, and collecting rent and fees due on real estate owned by others.

8. At no point does Respondent own the real properties for which it provides the services described in paragraph 7.

9. On or about January 12, 2009, Respondent entered into a contract with Zeb and Abdul Manjee (“the Manjees”), employing Respondent “to rent, lease and manage” real property owned by the Manjees. (A true and correct copy of Respondent’s contract is attached and incorporated herein as State’s Exhibit 1.)

10. The contract granted Respondent “full management and control” of the real property, including the ability to prepare and negotiate leases and the ability to pursue eviction proceedings in the Manjees’ name.

11. Under the contract, Respondent was entitled to a \$125 “initial management fee” and ten (10) percent of rent collected.



12. Respondent advertises its property management services on a page at www.facebook.com. (A true and correct copy of Respondent's Facebook page is attached and incorporated herein as State's Exhibit 2.)

13. Respondent's Facebook page states, in part, "[W]e are prepared to assist you in all aspects of the management of your investment," and, "We provide a viable alternative to selling your home by complete management services designed to provide you with a great experience and income."

14. 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 Respondent to show cause why the 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 license; and
2. Provide any other relief that the Commission deems just and proper.

Respectfully submitted,

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

By:



Lisa S. Wolf  
Deputy Attorney General  
Atty. No.: 28843-71

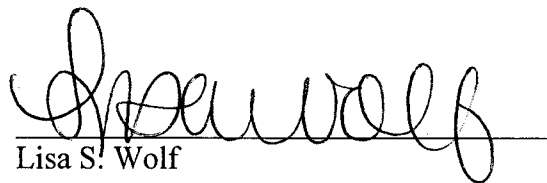
Office of the Attorney General  
Indiana Government Center South  
302 West Washington Street, 5<sup>th</sup> Floor  
Indianapolis, Indiana 46204  
Telephone: (317) 234-1479  
Facsimile: (317) 233-4393  
Lisa.Wolf@atg.in.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on the 1<sup>st</sup> day of February, 2012, a true and correct copy of this Motion was served upon the below-listed party via First Class U.S. Mail, postage prepaid.

Property Management Services of South Bend, LLC  
2043 South Bend Avenue #124  
South Bend, IN 46337

Jon Freeman, Registered Agent  
Property Management Services of South Bend, LLC  
1414 E. LaSalle Ave.  
South Bend, IN 46617



Lisa S. Wolf  
Deputy Attorney General  
Office of the Attorney General  
Indiana Government Center South  
302 West Washington Street, 5<sup>th</sup> Floor  
Indianapolis, Indiana 46204  
Lisa.Wolf@atg.in.gov