

**INDIANA REAL ESTATE COMMISSION
Indiana Government Center South
402 West Washington St., Room W064
Indianapolis IN 46204**

MINUTES OF AUGUST 21, 2024

Tracy Hutton, R.B., Vice Chair, called the meeting to order at 9:05 a.m. and declared a quorum in accordance with IC § 25-34.1-2-3(b), pursuant to public notice posted at the principal office for the Board, online at the board's website and on the state calendar at least forty-eight (48) hours before the time of the meeting.

Members Present:	Tracy Hutton, Vice Chair Donna Spears, Member Charlie Shook, Member Pamela Lumley, Member Beth Walker, Member John Briscoe, Member Brian Thompson, Member(left early) Grace Nossett, Consumer Member
Member(s) Absent:	Troy Helman, Chair John De Souza, Member Cheryl Stuckwich, Member
Staff Present:	Jody Edens, Board Director Professional Licensing Agency James Green, Assistant Board Director Professional Licensing Agency Bradley Repass, Litigation Specialist Professional Licensing Agency James Harry, J.D., Deputy Attorney General, Office of the Attorney General

The Board voted to adopt the amended agenda.

Thompson/Lumley, 8/0/0
Motion carries

The following board members voted aye:
Charlie Shook, Donna Spears, Beth Walker, Brian Thompson
Tracy Hutton, Pam Lumley, Grace Nossett, John Briscoe
The following board members objected: none
The following board members abstained: none

The Board voted to adopt the minutes for June 26, 2024, as written.

Thompson/Walker 8/0/0
Motion carries

The following board members voted aye:
Charlie Shook, Donna Spears, Beth Walker, Brian Thompson
Tracy Hutton, Pam Lumley, Grace Nossett, John Briscoe
The following board members objected: none
The following board members abstained: none

ADMINISTRATIVE HEARINGS

The following administrative hearing(s) were continued:

- **Availed Realty & Property Management, LLC & Madison L. Simpson, License Nos. RC52000022 & RB20000450 Cause No. 202405 REC 0006, Administrative Hearing**

Cynthia Reyes, License No. RB14050430, Cause No. 2020 IREC 0072

Respondent did not appear in person and was not represented by counsel regarding a Petition to Withdraw Probation scheduled before the Commission. The State of Indiana was not represented in this matter, and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services.

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter, the Commission moved to issue a NOTICE OF PROPOSED DISMISSAL since it was the Respondent's request and they did not appear.

Shook/Briscoe, 8/0/0
Motion carries

The following board members voted aye:
Charlie Shook, Donna Spears, Beth Walker, Brian Thompson
Tracy Hutton, Pam Lumley, Grace Nossett, John Briscoe
The following board members objected: none
The following board members abstained: none

Miguel Guzman, License No. RB23001470, Cause No. 2023 IREC 0012

Respondent appeared in person and was not represented by counsel regarding a Petition to Withdraw Probation scheduled before the Commission. The State of Indiana was not represented in this matter, and the court reporter sworn in for this matter was Margie

Addington, with Accurate Reporting Services.

Mr. Guzman indicated that he still attends AA meetings and sees his sponsor.

He has not had any further issues with law enforcement. He has completed his court probation.

Respondent Exhibit:

1 – Court documents

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter, the Commission moved to WITHDRAW the Order of Probation from the Respondent's license.

Briscoe/Shook, 8/0/0

Motion carries

The following board members voted aye:

Charlie Shook, Donna Spears, Beth Walker, Brian Thompson

Tracy Hutton, Pam Lumley, Grace Nossett, John Briscoe

The following board members objected: none

The following board members abstained: none

Joseph Rider, License No. RB14048369, Cause No. 2023 IREC 0032

Respondent appeared in person and was not represented by counsel regarding a Petition to Withdraw Probation scheduled before the Commission. The State of Indiana was not represented in this matter, and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services.

Mr. Rider indicated that he has completed his court probation and has not had any further issues with the law.

Respondent Exhibit:

1 – Court Document

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter, the Commission moved to WITHDRAW the Order of Probation from the Respondent's license.

Briscoe/Lumley, 8/0/0

Motion carries

The following board members voted aye:

Charlie Shook, Donna Spears, Beth Walker, Brian Thompson

Tracy Hutton, Pam Lumley, Grace Nossett, John Briscoe

The following board members objected: none

The following board members abstained: none

Brittany Green, License No. RB19000188, Cause No. 2023 IREC 0033

Respondent appeared in person and was not represented by counsel regarding a Petition to Withdraw Probation scheduled before the Commission. The State of Indiana was not represented in this matter, and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services.

Ms. Green informed the Commission that she has completed all terms of her court probation.

Respondent Exhibit:
1 – Court Document

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter, the Commission moved to WITHDRAW the Order of Probation from the Respondent's license.

Briscoe/Spears, 8/0/0
Motion carries

The following board members voted aye:
Charlie Shook, Donna Spears, Beth Walker, Brian Thompson
Tracy Hutton, Pam Lumley, Grace Nossett, John Briscoe
The following board members objected: none
The following board members abstained: none

Kevin Harcourt, License No. RB19002216, Cause No. 2023 IREC 0053

Respondent appeared in person and was not represented by counsel regarding a Petition to Withdraw Probation scheduled before the Commission. The State of Indiana was not represented in this matter, and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services.

He indicated that his probation was terminated early on July 18, 2024. He has paid all court fees.

Respondent Exhibit:
1 – Court Document

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter, the Commission moved to WITHDRAW the Order of Probation from the Respondent's license.

Walker/Thompson, 8/0/0
Motion carries

The following board members voted aye:
Charlie Shook, Donna Spears, Beth Walker, Brian Thompson
Tracy Hutton, Pam Lumley, Grace Nossett, John Briscoe

The following board members objected: none
The following board members abstained: none

PERSONAL APPEARANCES

Dimitri Kondrateko, Initial Application – Positive Response

Mr. Kondrateko appeared virtually with camera and was not represented by counsel regarding his positive response on his Initial Application.

On March 15, 2022, he was arrested for a DUI, Felony 6. He has had prior DUI's about seven (7) years ago.

He was sentenced to Eighteen (18) month probation. If all goes well, the probation will be completed on September 5, 2026.

After discussion, the Commission moved to APPROVE the issuance of Mr. Kondrateko's Initial Application on INDEFINITE PROBATION until the completion of court probation.

Briscoe/Lumley, 7/0/0
Motion carries

The following board members voted aye by roll call:
Charlie Shook, Donna Spears, Beth Walker,
Tracy Hutton, Pam Lumley, Grace Nossett, John Briscoe
The following board members objected by roll call: none
The following board members abstained by roll call: none

Catherine Hampton, Renewal Application – Positive Response

Ms. Hampton appeared virtually with camera on and was not represented by counsel regarding the positive response on her initial application. Ms. Hampton's license renewal was denied by the Commission back in December 2023 for non-appearance.

She explained that she didn't get the information regarding the appearance. She has been a Broker for thirty (30) years and is going to go to Referral status.

After discussion, the Commission APPROVED her Reinstatement Renewal Application.

Briscoe/Spears, 7/0/0
Motion carries

The following board members voted aye by roll call:
Charlie Shook, Donna Spears, Beth Walker,
Tracy Hutton, Pam Lumley, Grace Nossett, John Briscoe
The following board members objected by roll call: none
The following board members abstained by roll call: none

REAL ESTATE EDUCATION ADVISORY COUNCIL REPORT

CONTINUING EDUCATION

The REEAC met on August 19, 2024, and issued the following recommendations to the Commission:

In attendance from 3:00 p.m.to 3:32 p.m.: Kathy Harbaugh, Rick Ogden, Cheryl Butcher, Tim Reed and Jim Bittner.

1. RealEstateU – New School Application

The Committee recommended to APPROVE Ogden/Butcher, 5/0/0 motion carries

2. Beer School of Real Estate, SC41400004 & CE21600020

a. New Owner

The Committee recommended to APPROVE Reed/Bitner, 5/0/0 motion carries

3. Cora Henderson – Instructor Application

a. CE Instructor Application

The Committee recommended to APPROVE Ogden/Reed, 5/0/0 motion carries

4. Richard Stumbo – Instructor Application

a. Pre-licensing Application

The Committee recommended to APPROVE Reed/Butcher, 5/0/0 motion carries

5. Sonia Glenn – Instructor Application

a. CE Instructor Application

b. Pre-licensing Application

The Committee recommended to APPROVE a & b Reed/Butcher, 5/0/0 motion carries

6. Amy Adams – Instructor Application

a. CE Instructor Application

b. Pre-licensing Application

The Committee recommended to APPROVE a & b Reed/Bittner, 5/0/0 motion carries

7. Lauren Dunbar – Instructor Application

a. CE Instructor Application

**The Committee recommended to APPROVE Butcher/Reed, 4/0/0 motion carries
Let the record reflect that Jim Bittner was offline due to computer problems.**

8. Jeffrey Glenn – Instructor Application

- a. CE Instructor Application
- b. Pre-licensing Instructor Application

The Committee recommended to APPROVE a & B Reed/Butcher, 4/0/0 motion carries

Let the record reflect that Rick Ogden was offline due to computer problems.

9. Janet Haigh – Instructor Application

- a. Pre-licensing Instructor Application **The Committee recommended to APPROVE Reed/Cheryl, 3/0/0 motion carries**

Let the record reflect that Rick Ogden was offline due to computer problems and Kathy Harbaugh abstained from this matter.

10. Marjorie Jameson – Instructor Application

- a. Pre-licensing Instructor Application **The Committee recommended to APPROVE Reed/Cheryl, 3/0/0 motion carries**

Let the record reflect that Rick Ogden was offline due to computer problems and Kathy Harbaugh abstained from this matter.

11. Benjamin Paker – Instructor Application

- a. CE Instructor Application

The Committee recommended to APPROVE Reed/Butcher, 4/0/0 motion carries

Let the record reflect that Rick Ogden was offline due to computer problems.

12. Jay Swearington – Instructor Application

- a. CE Instructor Application

The Committee recommended to APPROVE Reed/Bitner, 4/0/0 motion carries

Let the record reflect that Rick Ogden was offline due to computer problems and Kathy Harbaugh abstained from this matter.

13. Lighthouse School of Real Estate, CE22200018, Significant Change Form

- a. An Overview of Public and Private Water Utilities for the Real Estate Broker in Northwest – 2 hours Broker & Managing Broker
- b. The Ins and Outs of Effective BPOs – 2 hours Broker & Managing Broker

The Committee recommended to APPROVE a & b with Broker only for both. Butcher/Bitner, 4/0/0 motion carries

Let the record reflect that Rick Ogden was offline due to computer problems.

14. Indiana Commercial Board of Realtors, CE10600375, Significant Change Form

- a. Best Practices and Considerations for Land Use – 2 hours Broker & Managing Broker
- b. Master Forecasting for Managing Receivership and Distressed Assets – 2 hours Broker & Managing Broker
- c. Best Practices for Property Management and Shopping Center Management – 2 hours Broker & Managing Broker

The Committee recommended to APPROVE a, b & c with Broker only for all.

Bittner/Reed, 4/0/0 motion carries

Let the record reflect that Rick Ogden was offline due to computer problems.

15. Tucker School of Real Estate, CE10600410, Significant Change Form

- a. Intentional Inclusion Workshop – 3 hours
- b. Fostering Consumer Confidence – 3 hours

The Committee recommended to APPROVE a & b with Broker only for all.

Reed/Butcher, 4/0/0 motion carries

Let the record reflect that Rick Ogden was offline due to computer problems.

16. Reed School of Real Estate, CE21100017, Significant Change Form

- a. IAR Contracts – 4 hours Broker & Managing Broker

The Committee recommended to APPROVE a with name change to Indiana Contracts. Butcher/Bittner, 4/0/0 motion carries

Let the record reflect that Rick Ogden was back online and Tim Reed abstained from this matter.

17. American Society of Farm Managers and Rural Appraisers

- a. Property Rights Why Haven't I Heard This Before – 8 hours

The Committee recommended to APPROVE a Reed/Ogden, 5/0/0 motion carries

18. Carpenter Realtors, CE21200006, Significant Change Form

- a. Mastering Negotiations In Person and Online – 2 hours

The Committee recommended to APPROVE a Reed/Bittner, 5/0/0 motion carries

- b. Mastering Being a Small Business Owner in Person and Online – 2 hours

The Committee recommended to DENY b as they have denied similar courses in the past on building a business.

Reed/Bittner, 5/0/0 motion carries

19. Darcy Marlett – Instructor Application

- a. CE Instructor Application

The Committee recommended to APPROVE a

Butcher/Ogden, 5/0/0 motion carries

After reviewing all the recommendations, the Commission moved to APPROVE all recommendations.

Walker/Thompson, 8/0/0

Motion carries

The following board members voted aye:

Charlie Shook, Donna Spears, Beth Walker, Brian Thompson

Tracy Hutton, Pam Lumley, Grace Nossett, John Briscoe

The following board members objected: none

The following board members abstained: none

DISCUSSION

CE Audit:

Ms. Edens gave an update on the CE Audit. A second notice will go out by email. They will have two (2) weeks to reply to it, then the notices of non-compliance will be completed.

Application Review:

The following equivalency application for Jude Rasmus was submitted for review. Brian Thompson reviewed the application and has indicated that he feels it is equivalent to our application. He recommended the Commission APPROVE the application.

The Commission discussed Mr. Rasmus' application with Mr. Thompson and moved to APPROVE the initial application for issuance after the State Examination has been passed.

Shook/Spears, 8/0/0
Motion carries

The following board members voted aye:
Charlie Shook, Donna Spears, Beth Walker, Brian Thompson
Tracy Hutton, Pam Lumley, Grace Nossett, John Briscoe
The following board members objected: none
The following board members abstained: none

The following equivalency application for David Bolos was submitted for review. Brian Thompson reviewed the application and has indicated that he feels it is equivalent to our application. He recommended the Commission APPROVE the application.

The Commission discussed Mr. Bolos' application with Mr. Thompson and moved to APPROVE the initial application for issuance after the State Examination has been passed.

Briscoe/Spears, 8/0/0
Motion carries

The following board members voted aye:
Charlie Shook, Donna Spears, Beth Walker, Brian Thompson
Tracy Hutton, Pam Lumley, Grace Nossett, John Briscoe
The following board members objected: none
The following board members abstained: none

The following equivalency application for Joseph Takacs was submitted for review. Brian Thompson reviewed the application and has indicated that he feels it is equivalent to our application. He recommended the Commission APPROVE the application.

The Commission discussed Mr. Takacs' application with Mr. Thompson and moved to APPROVE the initial application for issuance after the State Examination has been passed.

Briscoe/Shook, 8/0/0
Motion carries

The following board members voted aye:
Charlie Shook, Donna Spears, Beth Walker, Brian Thompson
Tracy Hutton, Pam Lumley, Grace Nossett, John Briscoe
The following board members objected: none
The following board members abstained: none

The following equivalency application for Staci Sabato was submitted for review. Brian Thompson reviewed the application and has indicated that he feels it is equivalent to our application. He recommended the Commission APPROVE the application.

The Commission discussed Ms. Sabato's application with Mr. Thompson and moved to APPROVE the initial application for issuance after the State Examination has been passed.

Briscoe/Shook, 8/0/0
Motion carries

The following board members voted aye:
Charlie Shook, Donna Spears, Beth Walker, Brian Thompson
Tracy Hutton, Pam Lumley, Grace Nossett, John Briscoe
The following board members objected: none
The following board members abstained: none

The following equivalency application for Isabella Frazier was submitted for review. Brian Thompson reviewed the application and has indicated that he feels it is equivalent to our application. He recommended the Commission APPROVE the application.

The Commission discussed Ms. Frazier's application with Mr. Thompson and moved to APPROVE the initial application for issuance after the State Examination has been passed.

Briscoe/Walker, 8/0/0
Motion carries

The following board members voted aye:

Charlie Shook, Donna Spears, Beth Walker, Brian Thompson
Tracy Hutton, Pam Lumley, Grace Nossett, John Briscoe
The following board members objected: none
The following board members abstained: none

Electronic Meeting Policy:

The Commission member reviewed the electronic meeting policy and indicated they think it was appropriate.

Dorether Wallace – CE Waiver Request:

The Commission reviewed Ms. Wallace's email regarding her waiver request.

After discussion, the Commission moved to DENY her waiver request indicating it could have all been done online.

Lumley/Briscoe, 7/0/0
Motion carries

The following board members voted aye:
Charlie Shook, Donna Spears, Beth Walker,
Tracy Hutton, Pam Lumley, Grace Nossett, John Briscoe
The following board members objected: none
The following board members abstained: none

Patricia Rallings – change of status:

Ms. Rallings sent documentation from her and her employer that indicates she was put into Referral status in error by their staff. She was requesting to go into Active status without having to have the 30-hour post immediately.

After discussion, the Commission approved the delay the 30-hour post for its normal 2-year period.

Briscoe/Lumley, 7/0/0
Motion carries

The following board members voted aye:
Charlie Shook, Donna Spears, Beth Walker,
Tracy Hutton, Pam Lumley, Grace Nossett, John Briscoe
The following board members objected: none
The following board members abstained: none

There being no further business, the Board ADJOURNED at 11:57 a. m.

Troy Helman, Chair