

**MINUTES
INDIANA REAL ESTATE COMMISSION
WEDNESDAY, JANUARY 18, 2022
9:00 a.m.
402 WEST WASHINGTON STREET
INDIANAPOLIS, INDIANA 46204**

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Chair, Donna Spears called the meeting to order at 9:01 a.m. and declared a quorum in accordance with Ind. Code § 25-34.1-2-3(b).

Commission Members Present

Donna Spears, Chairwoman
Beth Walker
Pam Lumley – 1:31 left
John De Souza
Brian Thompson
Molly Kitchell
Troly Helman
Tracy Hutton

Commission Members Absent:

Charlie Shook
Cheryl Stuckwish
John Briscoe

State Officials Present:

Amy Hall, Commission Director, Indiana Professional Licensing Agency
Chris Shea-Russell, Commission Assistant Director, Indiana Professional Licensing Agency
Brad Reprass, Commission Litigation Specialist
James Harry, Commission Advisory Counsel, Office of the Attorney General

Court Reporter: Margie Addington

II. ADOPTION OF THE AMENDED AGENDA

Brian Thompson made a motion and was seconded by Tracy Hutton to adopt the amended agenda.

**Motion Passes
8/0/0**

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	
Troy Helman	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Tracy Hutton	✓	
Pam Lumley	✓	
Beth Walker	✓	
Brian Thompson	✓	

III. APPROVAL OF THE MINUTES OF THE WEDNESDAY, JANUARY 18, 2023 MEETING

Molly Kitchell made a motion and was seconded by Troy Helman to approve the minutes as presented.

Motion Passes
8/0/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	
Troy Helman	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Tracy Hutton	✓	
Pam Lumley	✓	
Beth Walker	✓	
Brian Thompson	✓	

IV. PERSONAL APPEARANCES

1. Amy Glancy – Application Positive Response

Amy Glancy appeared to discuss her positive response on her application on probation. She was convicted with a felony of aiding with forgery. This occurred in 2006. She has completed all requirements associated in 2013. She owes over 23,000.00 in court according to mycase. She has had no legal issues since.

A motion was made by Pam Lumley and was seconded by Tracy Hutton to approve for licensure pending submission of proof of payment restitution.

Motion Passes
8/0/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	
Troy Helman	✓	

Donna Spears	✓
Molly Kitchell	✓
Tracy Hutton	✓
Pam Lumley	✓
Beth Walker	✓
Brian Thompson	✓

2. Melissa Alstott – LPN License on Probation – Application Review – Positive Response

Melissa Alstott appeared to discuss her positive response on her application. She is in front of the Commission due to an OWI she got in 2019. She is no longer on criminal probation and just needs to submit documentation to show she is no longer on criminal probation.

A motion was made by Molly Kitchell and was seconded by Troy Helman to approve for licensure.

Motion Passes

8/0/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	
Troy Helman	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Tracy Hutton	✓	
Pam Lumley	✓	
Beth Walker	✓	
Brian Thompson	✓	

3. Shaquan Meeks – Application Review

Shaquan Meeks appeared to discuss her application. She has reported two positive responses. She was charged with Obstruction of Justice, deleting evidence out of a phone for crimes her boyfriend of 3 years who was convicted of sex trafficking a 14 year old girl. She deleted his icloud and all pictures on his phone. She has completed all the required probation and all criminal items associated with this crime. This occurred in 2019. She is currently working as a secretary. There is her concern with her lack of judgement.

A motion was made by Brian Thompson and was seconded by Molly Kitchell to deny for licensure.

Motion Passes

8/0/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	

Troy Helman	✓
Donna Spears	✓
Molly Kitchell	✓
Tracy Hutton	✓
Pam Lumley	✓
Beth Walker	✓
Brian Thompson	✓

4. Tyler Kuntz – Application Positive Response

Tyler Kuntz appeared to discuss the positive response on his application. In 2015 for battery due to domestic issues and drug usage by his wife. There was an altercation in which he was charged with choking his now ex wife. He has custody of his older daughter, whose mother was involved in the 2015 charges. He has bounced around jobs. He is currently working for a brokerage company in an unlicensed manner. He has a more than sufficient support group. He has since remarried, active in church.

A motion was made by Tracy Hutton and was seconded by Pam Lumley to approve for licensure.

Motion Passes
7/0/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	
Troy Helman	✓	
Donna Spears	✓	
Molly Kitchell - stepped out		
Tracy Hutton	✓	
Pam Lumley	✓	
Beth Walker	✓	
Brian Thompson	✓	

5. Daniel Annee – Application Positive Response

Daniel Annee appeared to discuss the positive response on his application. In 2010 he was convicted of solicitation. His previous license was revoked in 2013. It has been over 7 years since the license was revoked. He was found in default at the revocation hearing.

A motion was made by Molly Kitchell and was seconded by Tracy Hutton to approve for licensure.

Motion Fails
3/5/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza		✓
Troy Helman		✓
Donna Spears		✓
Molly Kitchell	✓	
Tracy Hutton	✓	
Pam Lumley	✓	
Beth Walker		✓
Brian Thompson		✓

V. ADMINISTRATIVE HEARINGS

1. Maria Ruiz – Cause No: 2023IREC0002
Administrative Complaint

Maria Ruiz appeared before the board in response to the complaint.

A motion was made by Tracy Hutton and was seconded by Pam Lumley that there was a violation on Count 1.

Motion Passes
8/0/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	
Troy Helman	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Tracy Hutton	✓	
Pam Lumley	✓	
Beth Walker	✓	
Brian Thompson	✓	

A motion was made by Tracy Hutton and was seconded by Pam Lumley to issue a Letter of Reprimand, 500.00 penalty, hearing costs and the 5.00 health records fee.

Motion Passes
8/0/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	
Troy Helman	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Tracy Hutton	✓	

Pam Lumley	✓
Beth Walker	✓
Brian Thompson	✓

2. David Church – Cause No: 2020IREC0067

Petition to be removed from Probation

David Church appeared before the Commission about his Petition to be removed from Probation.

A motion was made by Molly Kitchell and was seconded by Brian Thompson to approve Petition to Withdraw from Probation.

Motion Passes

8/0/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	
Troy Helman	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Tracy Hutton	✓	
Pam Lumley	✓	
Beth Walker	✓	
Brian Thompson	✓	

3. Kline Properties, Inc. & Stephan Kline – Cause Nos: 2021IREC0025 & 2021IREC0026

Petition to be removed from Probation

Stephan Kline appeared before the Commission about his Petition to be removed from Probation.

A motion was made by Brian Thompson and was seconded by Molly Kitchell to approve the Petition to be removed from probation.

Motion Passes

8/0/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	
Troy Helman	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Tracy Hutton	✓	

Pam Lumley	✓
Beth Walker	✓
Brian Thompson	✓

VI. ALJ DELIBERATIONS & SETTLEMENT AGREEMENTS

VII. OLD/NEW BUSINESS

1. Report From The Office Of The Attorney General

Chase Holler provided a report from the Office of Attorney General. Most cases have roughly a one year life span currently. He did discuss property management and the ‘ownership’ loophole. Either a statutory or rule change should be implemented to correct this. Create a standard number of units or createan ownership percent. Some inquiries are going to start being sent to the Managing Brokers for review.

2. Real Estate Education Advisory Council Report

The Commission reviewed the REEAC Report and the information provided about the classes that were approved, denied or tabled. Kathy Harbaugh let the board know that Rick Ogden is willing to sit on the Education Committee and to fill the empty seat. Donna read his bio in the Commission meeting.

A motion was made by John DeSouza and was seconded by Troy Hellman to approve the Courses that Kathy Harbaugh had to recuse herself from.

A motion was made by Molly Kitchell and was seconded by Brian Thompson to approve the REEAC report as submitted.

Motion Passes
8/0/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	
Troy Helman	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Tracy Hutton	✓	
Pam Lumley	✓	
Beth Walker	✓	
Brian Thompson	✓	

A motion was made by Molly Kitchell and was seconded by Brian Thompson to apppoint Rick Ogden to the Real Estate Committee.

Motion Passes

8/0/0

The following Commission Members Voted	“Aye”	“Nay”
John De Souza	✓	
Troy Helman	✓	
Donna Spears	✓	
Molly Kitchell	✓	
Tracy Hutton	✓	
Pam Lumley	✓	
Beth Walker	✓	
Brian Thompson	✓	

3. Rules

Anne Johnson appeared to discuss rule changes that she and James Harry have been working on. She provided recommendations for the Seller’s Disclosure Form and the new verbiage that was added to the rule changes. Discuss about escrow, title companies, earnest money. Much discussion about how things should be reviewed with managing brokers and holding people accountable. There are many lose cannons out there.

James will reach out to Chase about having the OAG reach out to Managing Brokers when an Administrative Complaint has been filed.

James and Anne will take the provided feedback and rework the verbiage on the modifications they presented to the Commission today.

4. CE Sponsors/Audit

CE Sponsors are to upload all education it provides to the licensees files.

There are many who are not doing that. The renewal questions were discussed and reviewed to eliminate phone calls and repeat questions.

ADJOURNMENT 2:40 p.m.