



OFFICE OF THE INDIANA ATTORNEY GENERAL Gregory Zoeller

Derek R. Peterson,
Deputy Attorney General
Licensing Enforcement &
Homeowner Protection Unit



Homeowner Protection Unit

- Established by Ind. Code § 4-6-12-1 *et seq.*
- Primary Purposes:
 - Investigate;
 - “Deceptive Acts;”
 - Violations of Home Loan Practices Act, IC 24-9, *et seq.*;
 - Violations of Deceptive Consumer Sales Act, IC 24-5-0.5, *et seq.*
 - Cooperate;
 - Federal, State, and Local Law Enforcement
 - Federal, State, and Local Agencies
 - Enforce;
 - Home Loan Practices Act
 - DCSA
 - “Real Estate Violations”
 - “Mortgage Violations”

Tax Sales & Tax Sale Surplus Funds

- Question:
 - *If I offered you \$400.00, and in return, you give me \$40,000.00, would you accept my offer?*
- The “Traditional” Scheme
 - Some of the “Wrinkles”
- State’s Civil Complaint
 - *State v. FLRC, LLC., et al.*



Tax Sales & Tax Sale Surplus Funds

- Legislative Efforts
 - SEA 355
 - Limits who can collect surplus funds
 - (IC 6-1.1-24-7(c))
 - Firmly regulates “finders” by restricting the issuance of surplus only upon compliance of IC 6-1.1-24-7.5
 - (IC 6-1.1-24-7(e))
 - Authorizes the Office of the Indiana Attorney General to enforce Section 7.5
 - (IC 6-1.1-24-7.5(c))
 - Provides penalties and sanctions for violations of Section 7.5
 - (IC 6-1.1-24-7.5(d))
 - Changes the manner and mechanisms of redemption
 - (IC 6-1.1-25-1) & (IC 32-21-8-7)
 - Additional administrative checks
 - (IC 32-21-2-14)
 - Additional procedural safeguards in the forms
 - (IC 32-21-8-3)



Tax Sales & Tax Sale Surplus Funds

- Future Preventative Measures
 - Local Elected Offices
 - Auditor, Recorder, Assessor, Treasurer, and Clerk
 - Other Law Enforcement Entities
 - County Attorneys
 - County Prosecutors
 - Legal Aid
 - State Law Enforcement
 - Federal Law Enforcement
 - Education and Awareness





Questions and Answers...*maybe*

- Three Caveats:
 - Cannot reveal or discuss investigations
 - Cannot provide definitive answers to hypothetical situations.
 - i.e. “What if...”
 - Cannot provide independent legal advice.
 - i.e. “Is it legal for me to do . . .”

