

# INDIANA BUILDER NEWS

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## In This Issue



### IBA to host Leadership Conference

IBA will host its annual leadership conference on Dec. 3 in conjunction with the Board of Directors and committee meetings.

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### IBA members swing big at Topgolf

IBA members traveled to Indianapolis in October to golf for BUILD-PAC

Page 6

## Home builders find election night success in the midterms

Indiana Builders Association members on the ballot on November 6 held serve for the most part across the state of Indiana as they ran for election or re-election to the Indiana Senate and Indiana House of Representatives.

First time candidate, Linda Rogers (R-Granger) was successful in her bid to become a State Senator as she defeated



her Democrat challenger in an open-seat by a 61%-39% margin. Rogers knocked off long-time State Senator Joe Zakas in the Republican primary setting up an open seat race for Senate District 11. Rogers, a home builder, served the IBA as State President in 2015.

Staying on the Senate side, IBA Board Member, Chris Garten (R-Scottsburg) won election to the Indiana Senate in his first race for public office by a 63%-34%

margin over his Democrat opponent in Senate District 45. Senate District 45 covers several counties in southern Indiana, where Chris operates a granite countertop company.



State Representative Dale DeVon (R), Granger, held off a spirited challenge from his Democrat opponent by a 51%-49% margin. This was one of the most competitive and expensive races in the state this election cycle and DeVon was able to hold off his opponent by executing a strong campaign. DeVon, a home builder and Life Director of the IBA, has served in the Indiana General Assembly since 2012.

"For the most part, IBA enjoyed strong success this election cycle," commented Rick Wajda, IBA's CEO. "Of our members running for the Indiana General Assembly, all but one was elected or re-elected to serve the citizens of the State of



Indiana." We also had several members running for local positions and they found success locally as well."

IBA Builder Members and Associate Members elected to serve in the Indiana General Assembly:

- Linda Rogers, Indiana Senate District 11
- Chris Garten, Indiana Senate District 45
- Mark Messmer, Indiana Senate District 48
- Dale DeVon, Indiana House District 5
- Jim Pressel, Indiana House District 20
- Chuck Goodrich, Indiana House District 29
- Heath VanNatter, Indiana House District 38
- Alan Morrison, Indiana House District 42
- Doug Miller, Indiana House District 48

## One-day membership drive brings in nearly 300 members

During the last week of August 2018, Indiana Builders Association (IBA) leadership, with the encouragement of the National Association of Home Builders (NAHB), decided to host a one-day fall membership drive in the month of October.

Planning began quickly as advisors from NAHB were called in to support the drive and conduct training for participating local associations to be held on Sept.

12, 2018. From the training, locals would have three weeks to promote and secure a recruitment team and local membership incentives.

With no time to waste, IBA staff and leadership worked quickly to get as many local associations on board. Senior officers promoted the event in their region of the state. IBA President

Pat Richard made a point to contact every local association to ask for their participation.

He said "October is a very busy time in our industry, making it difficult to call on our members. However, we knew that growing our membership was essential to energizing our members, inspiring our partners, and continuing to make an impact in our communities."

Pat and Vice President Don Thieneman

made it their personal priority to communicate the need for membership growth to each and every local association as they conducted over 24 conference calls with local presidents and executive officers in less than one week.

With the support of the state and local leadership, 15 local home builders associations agreed to participate in the one-day membership drive.

Promotion began of the fall-themed membership drive under the tagline: "As the leaves begin to fall, membership does not!" Local associations from across the state sent representatives to the recruitment training where they were taught how to secure leads and incentives for the drive. Upon completion, each local association was given a fall tree to track their progress for the drive.

(Continued on pg 5...)



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## Indiana Builders Association Leadership

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pat.richard@spire-grp.com

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### Indiana's National Leadership

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NAHB State Representative  
gregfurnish@yahoo.com

**State Representative Heath VanNatter**  
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**Frank Rhoades**  
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laswank@sterlinggrp.com

**State Representative Heath VanNatter**  
vannatterv@aol.com

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## Esteem

Thank you for allowing me to serve you as President of the IBA this past year. Thank you for entrusting the office and the duties and responsibilities of the office to me. Thank you for helping me become a better



**President's Message**  
By Pat Richard  
Spire Group  
  
President  
Indiana Builders Association

version of myself by getting to know all of you. I am, for sure, a better person because of the relationships I have built this past year with all of you. Closing thoughts...

Being a leader means being a servant, and serving is an action. Our actions and the fruits of our service to others will not only shape others, but ourselves; and the futures of both. Do we want to serve others thru our leadership, solve problems and make decisions that communicate our desire to be unified? Do we want to unify a diverse group that demonstrates that we have strength within our ranks? Leading by serving others communicates that people are important to us. A unified strength will come thru bringing others with us as we make the ascent up a mountain to catch the view. Remembering that the trip up is where we grow both individually and together, building our endurance. I truly believe a lot can be done by bringing others up alongside you. I truly believe in not giving up on people. I truly believe the view at the top, while sometimes difficult getting there, is much better seen with another. I truly believe that you can accomplish much by esteeming others higher than yourself.

A trusted friend once told me that you can quit, but don't ever give up; and that you always have to go thru the process. Thank you for a great year and your friendship!

Philippians 2:3-4



Members of the Builders Association of LaPorte County celebrating their 50th anniversary.

### 2018 IBA Sustaining Members

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### Indiana Builders Association Staff

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Indiana Builders Association, Inc.



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### Indiana Builder News

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## Residential code review nears completion; rule promulgation begins

The state's 11-member review committee was established by the Indiana Fire Prevention and Building Safety Commission in May and has met monthly to complete its review of the 2018 International Residential Code by December 31, 2018. The review



### Advocacy Angle

By Carlie Hopper

Governmental Affairs Director  
Indiana Builders Association

committee will meet on November 20 to review proposed code changes for chapters 39-appendices and on December 19. The proposed rule will begin the year-long rule adoption process in 2019 and be in effect on January 1, 2020 as is statutorily required by SEA 393.

#### Highlights from action taken on the proposed code changes submitted for chapters 1-38 include:

- Deleted the requirement to install a fire sprinkler system (statutorily prohibited by SEA 393, therefore, the code cannot require it), but left language referencing the installation standard should someone choose to install a fire sprinkler system
- Deleted requirement to protect floor/ceiling assemblies with 1/2" gypsum

- board
- Maintained requirement for an egress window in every basement
- Amended stair geometry to 7 3/4" for riser height and 10" for tread depth 3 years after the code goes into effect (Indiana's current stair geometry is 8 1/4" for riser height and 9" for tread depth)
- Amended seismic design category to "C" for those areas of the state that would be "D" and result in more stringent, costly construction requirements
- Expanded requirement for all roof installations to include ice and water shield (Indiana's current code limits installation of the product to certain counties )
- Eliminated requirement for doors that separate garages from living areas to be self-closing
- Defeated a proposal to strengthen the concrete mixture used in all basement walls, foundations, porches, steps, driveways, sidewalks, garage floors
- Defeated a proposal to require all concrete to be sealed
- Maintained cost-effective improvements to energy efficiency requirements that have a reasonable payback for homeowners
- Maintained requirement to install carbon monoxide alarms, though IBA has asked for the Attorney General's office to weigh in on a proposal to shield installers from liability
- Amended requirement to allow attic access from the garage

#### A few items of importance that require committee action include:

- Requirement for protection from accidental impact for appliances located in the garage
- Requirement to install arc -fault circuit interrupters
- Requirement to install tamper-resistant



Don Thieneman (right), IBA's Vice President, discusses housing with Governor Holcomb at a recent event in central Indiana.



Indiana's NAHB BUILD-PAC Trustee, Heath VanNatter (right), catches up with Congressman Jim Banks (IN-3) during a recess back in Indiana.

### Top New Member Recruiters for 2018

(as of 10/31/18)

- |                                     |                                    |
|-------------------------------------|------------------------------------|
| 1. Don Thieneman, Floyds Knobs, 25  | 6. Jamie Lancia, Fort Wayne, 10    |
| 2. Greg Furnish, Memphis, 12        | 7. Barclay Allen, Fort Wayne, 9    |
| 3. Paul Schwinghammer, Anderson, 12 | 8. Randy Hall, Merrillville, 9     |
| 4. Jeff Thomas, Fort Wayne, 11      | 9. Scott Thompson, Indianapolis, 9 |
| 5. Herb Delegrange, Fort Wayne, 11  | 10. Scott Bowman, Newburgh, 8      |

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Southwestern Indiana BA members visited with Senator Jim Tomes (R-Wadesville) at the October membership meeting. Sen. Tomes was recently appointed Chairman of the Senate Committee on Veterans Affairs and the Military. Pictured left to right are SIBA Director Bill Pedtke; Sen. Jim Tomes; SIBA Past President Ron Dauby, Dauby Construction; and SIBA Board member Gary Hartig, Vectren.



State Representative Holli Sullivan (R-Evansville) gathered at the SIBA office for a brief meeting with SIBA members. Members discussed the importance of work-force, unnecessary costs of land development, and streamlining of any permitting for residential developers. Rep. Sullivan serves on the House Ways and Means Committee, and she has been helpful to affordable home building. Pictured left to right are Scott Buedel, Cash Waggner and Associates; Jeff Happe, Happe & Sons Construction; Rep. Holli Sullivan; and SIBA Director Bill Pedtke.



**Indiana Builders Association  
Leadership Conference &  
Board of Directors & Committee Meetings**  
Monday, December 3 & Tuesday, December 4, 2018



**Board Meeting Keynote Speaker**  
Matt Kinghorn is a Senior Demographic Analyst at the Indiana Business Research Center. Matt conducts a variety of demographic and economic research projects that focus on population and the community, including housing.

**Meeting Location & Hotel Accommodations**  
Embassy Suites Noblesville Indianapolis Conference Center  
13700 Conference Center Dr. S, Noblesville, IN 46060

Reserve your hotel room by visiting <http://group.embassysuites.com/indianabuildersassociation> or calling 317-674-1900 and asking for the Indiana Builders Association rate.

Group rate ends: **November 19, 2018**

**Cost**  
Board of Directors Lunch: \$35 if registered by Nov. 30  
An additional fee of \$5 will be applied for on-site registration.

**Registration**  
Please register by **November 30, 2018** for catering purposes. Registration can be done online on our "events" tab at [www.buildindiana.org](http://www.buildindiana.org).

**Schedule of Events**

**Monday, December 3**

10 a.m. - 3 p.m.  
Leadership Conference

3 p.m. - 5 p.m.  
Executive Committee Meeting

5 p.m. - 6 p.m.  
Reception

6 p.m. - 9 p.m.  
Nominating Committee & Past Presidents' Dinner

**Tuesday, December 4**

7:30 a.m. - 8:15 a.m.  
Registration

8:30 a.m. - 10:00 a.m.  
Association Issues Committee Meeting  
Codes and Safety Committee Meeting  
Housing Protection Fund Meeting  
IBA Charitable Foundation/Scholarship Advisory Council Meeting

10:15 a.m. - 11:45 a.m.  
Remodelers' Council Meeting  
Land Use Committee Meeting  
Investment Policy/Finance Committee Meeting  
Local Executive Officers' Council Meeting

11:45 a.m. to Noon  
Executive Committee Meeting

Noon-2:30 p.m.  
Board of Directors Lunch Meeting

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## Leadership Conference

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## Membership Drive (continued)

Close communication was kept between the state and local chapters to ensure that planning for the drive was running smoothly. Calls between staff and drive coordinators were held every week before the event.

“What we needed most was to garner enthusiasm from local leadership,” said Director of Communication Reagan Van Cleave who was the staff person assigned to the drive. “Our senior officers became our catalyst, creating competition, encouraging excitement and piloting a mission that members truly felt called to support.”

The state association did their part to ensure hard work would be rewarded with recruitment incentives. Prizes ranged from prime Colts tickets to high-dollar gift cards from the state’s sponsors, Timberland Lumber and The Thieneman Group.

With the backing of leadership and increased excitement, Oct. 3rd came quickly and recruitment made its way throughout the state. Teams spent the day making phone calls and visiting local businesses, creating relationships with the stakeholders in their communities. Progress was charted on the event’s Facebook page where members could post new member counts along with photos

from drive locations.

The energy across the state that day was incredible. Herb Delegrange out of Fort Wayne recruited two new members before 7AM. Muncie Home Builders doubled their membership in less than four hours.



*Fort Wayne members on drive day.*

Paul Schwinghammer out of Madison County became a one-man think tank that recruited 15 new members for his 20 member local association. And for a competition that is just unheard of, builder member captains out of southern Indiana were competing so fiercely, they brought in 85 new members before the close of a regular business day!

In total, the state saw a ten percent increase in membership in just one day. Listed below are the 290 members recruited in October.

While recruitment efforts were carried out through the month of October, what took place on Oct. 3rd, 2018 was nothing short of outstanding. This accomplishment would not have been possible without the support of our leadership and our dedicated members. While it might have been a fun, spirited competition to grow our membership, it reminds us why the builders association was founded in the first place. It’s a place of knowing that our voices are stronger when they are together and that there is no hardship we cannot overcome when we call upon each other.

We’re more than homes. We build communities.



*SIBA member Scott Bowman taking calls on drive day.*



*BAGI member Andrew Brindley holding up the membership drive tree on drive day.*



*HBA of Northwest Indiana Executive Officer Eddie Castellanos with his new member applications.*

## IBA welcomes 290 new members to the federation

Josh Abdour, Brownsburg  
Galen Acra, Leo  
James Adams, Charlestown  
Wesley Addington, Westfield  
Matt Akers, Pine Village  
Chip Altstadt, Evansville  
Hector Alvarado, Warsaw  
Wes Anderson, New Haven  
Timothy Anderson, Plymouth  
Christopher Ashby, Anderson  
Matt Ax, Orland  
Jason Bair, Fort Wayne  
Chuck Baker, Goshen  
Steve Banet, Henryville  
Sam Beachy, Nappanee  
Phillip Beaman, New Albany  
Matt Bearden, New Albany  
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Matt Bingamon, Fort Wayne  
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Phil Bloyd, Louisville  
Bill Blumenherst, Fort Wayne  
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Daryl Bodkin, Anderson  
Aaron Bohn, Louisville  
Bryan Bohnke, Fort Wayne  
Dale Borntreger, Cromwell  
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Josh Clark, Spencer  
Lance Cleland, Whitestown  
Marshall Clevenger, Plymouth

Chad Coffman, Corydon  
Sara Conley, Mount Summit  
Scott Coots, Charlestown  
Kevin Copley, Austin  
Jason Copperwaite, Corydon  
Mitch Craig, Henryville  
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Nick Jones, Jeffersonville  
John Jordan, Crown Point  
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Julie Keb, Kokomo  
Brian Keefe, Muncie  
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Shawn King, Hebron  
Mike King, Muncie  
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# 2018 Bill Carson Memorial Golf Outing



BA of Dubois County member Tom Schroering (left) with NAHB Field Rep Matt Milroy



Members from the Building and Development Association of Southern Indiana



IBA CEO Rick Wajda (left) with members of the HBA of Fort Wayne



Members from the Builders Association of Kosciusko Fulton Counties

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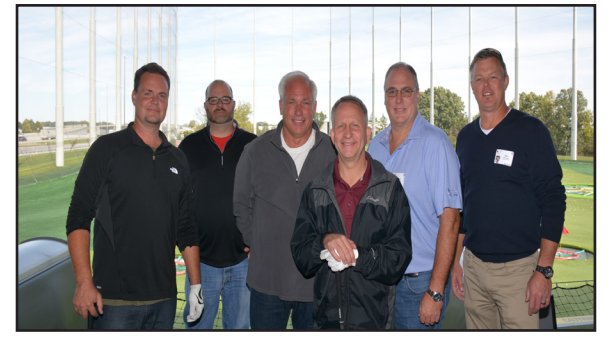
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Paul Schwinghammer (left) and IBA Past President Mike Hannigan (right) golf with new member Ryan Geltz



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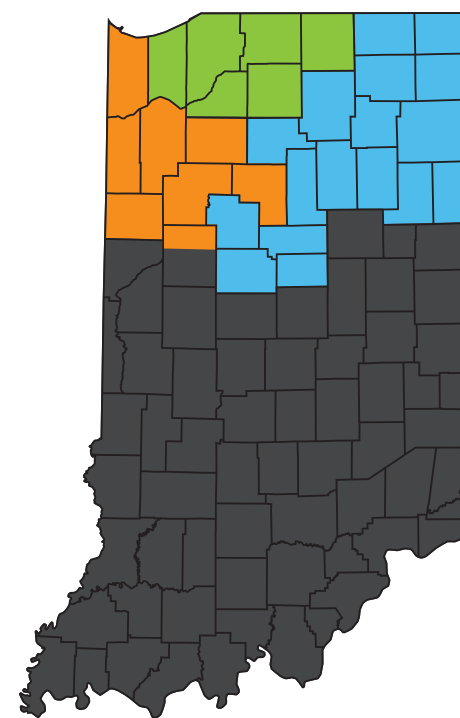
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## IBA recognizes Spike Club members

Recruiting new members to your local association is an activity recognized and rewarded through the Spike Club. Those who participate are called Spikes, and they are among the most valued members of the association.

Member-to-member recruitment and retention efforts are the largest source of growth for the federation. Spikes bring grassroots growth and stability. These efforts lead to the development of the general membership and our leadership pipeline. Spikes are the membership leaders of our federation, building the voice, power and influence on every level, in every state.

Below is a list of Indiana's Spikes according to total credits earned as of September 30, 2018. For more information on Spike Club, including the benefits of becoming a Spike, how to become a Spike, and the Spike Club levels, please click [www.nahb.org/spikeclub](http://www.nahb.org/spikeclub). Spikes can check their current credit total by going to the "Your Membership" section of [nahb.org](http://nahb.org) and clicking on "My Profile."

### **Statesman (500-999 Credits)**

Paul Shoopman, Zionsville, 770.5  
Richard Jenkins, Terre Haute, 665.5  
David Kovich, Lafayette, 583.5  
Mark Schneider, Jasper, 518.5  
Herb Delagrang, Fort Wayne, 512.5

### **Super Spike (250-499 credits)**

Rob Wacker, Fort Wayne, 479  
Pat Harrison, New Albany, 442.5  
Larry Coplen, Warsaw, 432.5  
Mike Sievers, Vincennes, 426  
Robert Buescher, Fort Wayne, 419  
Ben Houser, Valparaiso, 387.5  
Jeff Thomas, Fort Wayne, 376.5  
Gloria Anderson, Terre Haute, 373  
Tim Miller, Goshen, 360  
Michael Bell, Westville, 359.5  
Todd Newman, Riley, 359.5  
Skip Egolf, Valparaiso, 356.5  
Greg Furnish, Memphis, 332  
Terry Stultz, Bloomington, 316  
Guy East, Carmel, 315.5  
Ron Dauby, Evansville, 300.75  
Pete Gray, Carmel, 296.5  
Chris Erb, Goshen, 291  
Orrin Sessions, Fort Wayne, 284.5  
Will Wright, Carmel, 274  
Greg Longest, Sellersburg, 263.5  
Trent Hunt, New Albany, 263  
Phil Myers, Indianapolis, 260.5  
Steven Heidorn, Chandler, 259.75  
Beverly Jacques, Chesterton, 256.5

### **Royal Spike (150-249 credits)**

Donald Thieneman, Floyds Knobs, 248.5  
Ron Smith, Santa Claus, 246.5  
Joe Shipley, Fort Wayne, 246  
Thomas Fuller, Bloomington, 239.5  
Roger Delagrang, Fort Wayne, 238  
Brad Sterchi, Evansville, 237  
Jay Crapo, Terre Haute, 237  
Tim Eckert, Zionsville, 234  
Adlai Schrock, Goshen, 228.5  
Joe Zehr, Fort Wayne, 227  
Jay Shipley, Fort Wayne, 225.5  
David Hizer, Aurora, 221.5  
Brian Adams, Indianapolis, 219.5  
Carl McIntyre, Mc Cordsville, 219  
Matt Momper, Fort Wayne, 217

Mark Zimmerly, Terre Haute, 214.5  
Duane Kees, Fort Wayne, 213  
Ronald McGillem, Newburgh, 207.75  
Andrew Place, South Bend, 207  
Douglas Miller, Elkhart, 204.5  
Dan Wolf, Noblesville, 204  
Roger Harbison, Georgetown, 203  
Jeff Loucks, Goshen, 202.5  
John Jones, Vincennes, 201  
Mary Ellis, Lafayette, 194.5  
Steve Schreckengast, Lafayette, 193  
Edward Kelly, Crown Point, 192.25  
Jeff Martin, Goshen, 191  
William Badger, Evansville, 190  
Larry Swank, Mishawaka, 188.5  
James Pressel, La Porte, 186.5  
Mark Werncke, Greenville, 186  
James Klotz, Syracuse, 184.5  
Kevin Yoder, Elkhart, 183  
Curtis Rector, Indianapolis, 182.5  
Ryan Baker, Terre Haute, 177.5  
Tom Schroering, Jasper, 177  
Richard Miller, Goshen, 173  
Lucky Jennings, Oolitic, 172  
Charlie Giese, Fort Wayne, 167.5  
Alan Simmons, Muncie, 166.5  
Miike Hannigan, Carmel, 166  
Frank Scholz, Evansville, 164  
Corby Thompson, Fishers, 163  
Linda Rogers, Granger, 163  
W Ullery, Kokomo, 162.5  
Jeff Hamman, Leesburg, 162  
Roger Cox, Jasper, 162  
Randy Crutchfield, Noblesville, 160  
Stephen Robinson, New Castle, 159.75  
John Kidd, Warsaw, 159.5  
Jamie Lancia, Fort Wayne, 159  
John Letherman, Elkhart, 158  
Karl Bandemer, Fort Wayne, 157.5  
Dave Mark, Elkhart, 157  
William Sodo, Crown Point, 156  
Jacob Feichter, Fort Wayne, 155  
Timothy Henderlong, Crown Point, 152  
Terry Conley, Merrillville, 151.5

### **Red Spike (100-149 credits)**

Jeffrey Hatfield, Evansville, 149.25  
Todd Olthof, Saint John, 148.5  
Wendell Miller, Warsaw, 148.5  
Steven Wilson, Carmel, 146  
David Compton, Fishers, 146  
Damien Scheessele, Newburgh, 144.75  
Brad Persohn, Jasper, 144  
Richard Carriger, Carmel, 141  
Geoff Horen, Indianapolis, 139.5  
Bob Hawley, South Bend, 138  
Bob Coolman, Valparaiso, 137  
David Zehr, Goshen, 134.5  
Steve Bogenschutz, Fort Wayne, 130.5  
Dennis Meneely, Brazil, 129.25  
Jack Sumption, Chesterton, 127  
Douglas Harvey, Warsaw, 125.25  
Tim Mustin, Anderson, 125  
Mike Smith, Grand Rapids, 122.75  
Patrick Foley, , 122.5  
Michael Altman, Indianapolis, 121  
Kevin Dupont, New Albany, 120  
Eric Holt, Otterbein, 115.5  
Jeff Happe, Evansville, 115.25  
Mike Zehner, Newburgh, 115  
Ervin Raber, Shipshewana, 115  
John Lazaro, Avon, 113.5  
Alan Sommers, Chesterton, 112  
Tony Schrank, Floyds Knobs, 111.5  
Dan Study, Spencerville, 111.5  
Gary Schnell, Jasper, 110.5  
Houser Canter, New Albany, 109.5

Kenny Reinbrecht, Haubstadt, 109  
John Elpers, Evansville, 108.5  
Paul Shinn, Chesterton, 108  
Terry Herschberger, Elkhart, 106.5  
Kenneth Puller, Indianapolis, 106  
Jeff Deahl, Brookville, 106  
Edsel Charles, Brentwood, 105.5  
Greg Hoppes, Kokomo, 104.5  
Vern Heacock, Elkhart, 103.5  
Frank Morin, Merrillville, 102.5  
Danny Davis, Newburgh, 101.5  
Fred Kreigh, Kendallville, 101.5  
Jerry Korte, New Haven, 101.25  
Ric Zehr, Fort Wayne, 100.5  
Matt Lancia, Fort Wayne, 100  
John Wagner, Fort Wayne, 100

### **Green Spike (50-99 credits)**

Joe Goossens, Elkhart, 99.5  
Louie Cronmiller, Elkhart, 99.5  
Mark Hubers, Demotte, 98.5  
Brad Killebrew, Evansville, 98  
Dale DeVon, Granger, 97  
Brian Cottom, Terre Haute, 96.5  
Robert Osborne, New Albany, 96  
Heath VanNatter, Kokomo, 96  
William Feikes, Laporte, 96  
Daniel Schlatter, Warsaw, 94  
David Howald, Brazil, 93.5  
Mark Sovinski, Bloomington, 93  
M M "Mike" Weiss, Carmel, 93  
Gerri Garrett, Fort Wayne, 92  
Hal Kemmerer, Chesterton, 91.5  
Dave Poe, Floyds Knobs, 91.5  
Kevan Biggs, Decatur, 90.5  
Bob Van Berg, Hobart, 90.5  
Paul Trench, Terre Haute, 90.5  
Jim White, Carmel, 90  
Lawrence Johnson, Anderson, 89.5  
Brian Holley, Terre Haute, 89.5  
Deb Plue, Lafayette, 88  
Dave Newham, Valparaiso, 86.5  
Marc Berridge, Evansville, 84.5  
John Kozon, Syracuse, 84.5  
Jason Bell, Bloomington, 84  
Barclay Allen, Leo, 83.5  
Andy Place, South Bend, 82.5  
Floyd Lancia, Fort Wayne, 82.5  
Brett Harter, Leesburg, 82  
Mike Frank, Evansville, 81  
Craig Yoder, Fort Wayne, 77.5  
Rick Oakley, Evansville, 77.5  
Don Clemens, Warsaw, 77  
Gregg Richhart, Fort Wayne, 77  
Krista Jackson, Indianapolis, 76.5  
Nigel Hoss, Indianapolis, 76  
David Eckrich, Granger, 75.5  
Bruce Jackson, Syracuse, 75.5  
Shane Clements, Evansville, 75  
Terry Davis, Bloomington, 74.5  
Dean Jones, Crown Point, 74.25  
Pat Richard, Lafayette, 74  
Jeff Chupp, Elkhart, 73  
Grant Giese, West Lafayette, 72  
James Bauman, Hoagland, 72  
Linda Krinock, Indianapolis, 70  
Joe Reedy, Indianapolis, 70  
Richard Cook, Crown Point, 69.5  
Don Eyler, Terre Haute, 69.5  
Dick Zirkle, Evansville, 68  
Frederick Olthof, Saint John, 68  
Gary Allen, Fort Wayne, 67.5  
Joe Garcia, Westfield, 67  
Randy Harris, Chesterton, 67  
Gary Furniss, Fort Wayne, 67  
Lynn Delagrang, New Haven, 66.5  
Pete Hils, Indianapolis, 65.5

Teri Tillery, Indianapolis, 64.5  
Jim Fitzer, Fort Wayne, 62.5  
Denny Smith, Indianapolis, 62.5  
Diane Trippeer, Schererville, 61.5  
Michael Crabb, Carmel, 61  
Micah Hill, Indianapolis, 61  
Jeremy Ash, Indianapolis, 61  
Kim Kreidler, West Lafayette, 60  
Walter Van Zilen, Newburgh, 60  
Jim Lancia, Fort Wayne, 60  
Cory Kreith, Crown Point, 59.5  
Rodney Robrock, Fort Wayne, 59  
Greg O'Herren, Indianapolis, 58.5  
Sean Miller, Evansville, 58  
Nick Thompson, Owensboro, 57.5  
Kent Burget, Indianapolis, 57.5  
Merrill Wolff, Oakford, 57  
Jim Arvin, Evansville, 57  
Mark Gradison, Indianapolis, 56.5  
Phyllis Courser, Lafayette, 56  
Rick Laurie, Lafayette, 56  
Roger Nealis, New Albany, 55  
Aaron Miller, Newburgh, 54.5  
Steve Becker, Indianapolis, 53.5  
Mitch Feikes, La Porte, 53.5  
Casey Knigga, Lawrenceburg, 53.5  
Jim Muth, Evansville, 53  
Wayne Henning, Evansville, 52.5  
Richard Schmidt, Guilford, 52  
Max Courtney, Warsaw, 51.5  
Chris Combs, Evansville, 50.5  
Greg Szybala, La Porte, 50.5  
Jack Thompson, Bloomington, 50.5  
John Mutchner, Terre Haute, 50.5

### **Life Spike (25-49 credits)**

Chris Johnson, Muncie, 48  
Fred Vogel, Seymour, 47  
Thomas Bedsole, Indianapolis, 47  
Donna Moulder, Carmel, 47  
Brad Cayot, New Haven, 46.5  
Melissa Duke, Greenwood, 46.5  
Don Weiler, Bloomington, 46.5  
Kevin Woodward, New Haven, 46.5  
Scott Thompson, Indianapolis, 46  
Robert Sandberg, Danville, 46  
Mark Zimpfer, West Lafayette, 46  
Brian Murphy, Evansville, 45.5  
Lisa Raderstorf, Elkhart, 45.5  
Steve Smith, South Bend, 45  
Terry Stauffer, Fort Wayne, 44.5  
Brad Jackson, Syracuse, 44.5  
Ken Ausenbaugh, Batesville, 44.5  
Chris Monroe, Kokomo, 44.5  
Jeff Wilson, Fort Wayne, 44  
Lisa Harvey, Warsaw, 43.75  
John Graupner, Henderson, 43.5  
Larry Delagrang, Fort Wayne, 43.5  
Leann Osborn, West Lafayette, 43  
Josh Barkley, Ossian, 43  
Steven Hoss, Oaklandon, 42.5  
Dennis Voegerl, Huntingburg, 42.5  
Kimber McElhinney, Indianapolis, 42  
David Sieradzki, Mishawaka, 41  
Tom Slater, Brazil, 41  
John Cardwell, Kokomo, 40.5  
Al Mehringer, Jasper, 40.5  
Van Miller, Cromwell, 40.5  
Wilmer Miller, Elkhart, 40.5  
Adam DeVon, Granger, 39.5  
Mark Lengacher, Fort Wayne, 39.5  
Beth Meeks, Vincennes, 39.5  
Matthew Toole, Clarksville, 39  
Jason Ells, Westfield, 39  
Jamie Sulcer, Valparaiso, 39  
Cheryl Seitz, South Bend, 38.5  
Jim Greig, Greenfield, 38.5



Jay Andrew, Lafayette, 38.5  
 Terry Robinson, Richmond, 38  
 Gregory Lander, Jeffersonville, 38  
 Eric Woerner, Indianapolis, 38  
 Sarah Oudman, Burns Harbor, 37  
 James Buckhardt, Fort Wayne, 37  
 Mark Hansen, Evansville, 36.5  
 Brian Keene, Lafayette, 36.5  
 Ryan Downey, Monticello, 36  
 Jeff Langston, Carmel, 36  
 Karen Lewis, Elkhart, 35.5  
 Cathy Stegemoller, Indianapolis, 35.5  
 Ted Ubelhor, Evansville, 35.5  
 John Walborn, Fort Wayne, 35.5  
 Vance Cszasz, Mishawaka, 35  
 Andy Haste, West Lafayette, 34.5  
 Rick Miller, Kokomo, 33.5  
 Linda Gilmore, Fort Wayne, 33.5  
 Robert Geswein, Corydon, 33.5  
 Ed Mehringer, Jasper, 33.5  
 Don DeLaCroix, Liberty, 33.5  
 John Guthrie, Terre Haute, 33.5  
 Cory Hull, Angola, 33  
 Elizabeth Urschel, Fort Wayne, 33  
 Bob Johnson, Griffith, 32.5  
 James Bohrer, Bloomington, 32.5  
 Dean Knies, Huntingburg, 32.5  
 Robbie Sears, Evansville, 32  
 Jack Slager, Saint John, 31.5  
 Greg Milakis, Lafayette, 31.5  
 Thomas Nowaskie, Vincennes, 31  
 Greg Thompson, Fishers, 31  
 Kevin Becher, Vincennes, 31  
 Joe Mervar, Carmel, 30  
 Roxanne Olejnik, Crown Point, 29.75  
 Gregory Gerbers, Fort Wayne, 29.5  
 John Neff, Rosedale, 29  
 Julie Deal, Valparaiso, 28.5  
 Karen Bock, South Bend, 28.5  
 Trent Downey, Monticello, 28.5  
 Chris Scholz, Evansville, 28.5  
 Mel Wood, Granger, 28  
 Ann-Marie Schapker, Evansville, 27.5  
 Keith Scheessele, Newburgh, 27.5  
 Craig Jensen, Indianapolis, 27  
 Joe Anderson, Terre Haute, 27  
 Jay Reynolds, Battle Ground, 27  
 Victor Volom, Valparaiso, 26.5  
 Bob Gillaspay, Seymour, 26.5  
 George Gray, Bloomington, 26.5  
 Jeffery Corbett, Clarksville, 26  
 J D Lucas, Indianapolis, 25.5  
 Bill Kattmann, Evansville, 25.5  
 Jessica Scheurich, Fort Wayne, 25.5  
 Todd Meier, Goshen, 25  
 Larry Easterday, Warsaw, 25  
 Sheri Zimmer, Chesterton, 25  
 W Wolf, Fort Wayne, 25

#### **Spike (6-24 credits)**

David Johnson, Winona Lake, 24.5  
 Vince Smith, Greensburg, 24  
 James Bushey, Fort Wayne, 24  
 Thomas Nare, Lawrenceburg, 24  
 Kenny Elpers, Wadesville, 23  
 Joe Barrett, Indianapolis, 22.5  
 Mark Clinkenbeard, Terre Haute, 22  
 Rich Welage, Vincennes, 22  
 Meghann Sullivan-Redding, Elkhart, 21.5  
 Greg Longbrake, Elkhart, 21  
 Kurt Haas, Jasper, 20.5  
 Jerrod Klein, Indianapolis, 20.5  
 TJ Jacobs, West Harrison, 20.5  
 Chad Delagrang, Fort Wayne, 20  
 Bill Lehman, Warsaw, 20  
 Palmer Myers, Crown Point, 19.5  
 Joe Ennis, Chesterton, 19.5  
 Jim Bolka, Michigan City, 19  
 Andy Switzer, Lafayette, 19  
 Steve Ulery, Culver, 18.5

Donnie Denton, Oakland City, 18  
 Bill Burns, Jeffersonville, 18  
 John Troyer, Mishawaka, 18  
 Dan Graves, Goshen, 17.5  
 Richard Hamilton, Indianapolis, 17.5  
 Brad Whicker, Plainfield, 17  
 Judy Dauby, Evansville, 16.5  
 Shannon Frank, Evansville, 16.5  
 Steve Schrader, Lafayette, 16  
 Chris Doncaster, Elkhart, 16  
 Joe Viewegh, Mooresville, 16  
 Deb Paton-Showley, Warsaw, 16  
 Glenn Harris, Bloomington, 15.5  
 Frank Rhoades, Pierceton, 15.5  
 Craig Pawling, Elkhart, 15.5  
 Larry Miller, Goshen, 15.5  
 Sam Beachy, Nappanee, 15  
 Bruce Craig, Indianapolis, 14.5  
 Bob Craig, Avon, 14  
 Andy Tolch, La Porte, 14  
 Arthur Haan, Indianapolis, 14  
 Chris Schrader, Indianapolis, 14  
 Heather Rayka, Indianapolis, 14  
 Chase Murphy, Floyds Knobs, 14  
 Mark Heller, Fort Wayne, 13.5  
 Joseph Ash, Carmel, 13.5  
 Matt Chitwood, Bloomington, 13.5  
 Vic Stansberry, Carmel, 13.5  
 Brad Lombard, Fort Wayne, 13  
 Brad Wallace, Leo, 13  
 Michelle Wittig, Mishawaka, 13  
 John McKenzie, Carmel, 12.5  
 John Hart, Carmel, 12.5  
 Michael Coe, Hometown, 12.5  
 J. Douglas Chisholm, Indianapolis, 12.5  
 Jerry Long, Warsaw, 12  
 Donald Dubord, Evansville, 12  
 Travis McVicker, Plymouth, 12

Nick Kacarab, Osceola, 11.5  
 Larry Hobson, Louisville, 11.5  
 Chad Korte, New Haven, 11  
 Jason Cox, Lawrenceburg, 11  
 Andy Sheely, Plymouth, 11  
 Susan Schricker, Mishawaka, 10.5  
 Jon Guy, Avon, 10.5  
 Andy Harlow, Goshen, 10  
 Brandon Gentry, Indianapolis, 10  
 Bill Wilson, Indianapolis, 10  
 Lee Thomas, Sellersburg, 10  
 Ryan Casey, Goshen, 10  
 Arnold Joers, Mishawaka, 10  
 Joe Gradison, Indianapolis, 10  
 Eric Prime, Greenwood, 10  
 Randy Maxwell, Greendale, 10  
 Marlon Schrock, Nappanee, 10  
 Karen Johnson, Milford, 10  
 Barbara Popp, New Albany, 10  
 John Mattingly, Newburgh, 10  
 Barney Scheumann, Lafayette, 9.5  
 Chris Hall, Lanesville, 9.5  
 Jeff Bills, Cincinnati, 9.5  
 Mike Freeman, Newburgh, 9.5  
 Gail Sager, Elkhart, 9.5  
 Brad Chesterman, Monticello, 9.5  
 Jeremy Ward, Jeffersonville, 9.5  
 Isaiah Baker, Kokomo, 9  
 Debra Keller, Terre Haute, 9  
 Tim Konowitz, La Porte, 9  
 Monty Miller, Jeffersonville, 9  
 Jason Tuholski, La Porte, 9  
 John Blackburn, Louisville, 9  
 Michelle Ferrero, Evansville, 9  
 Jim Langston, Carmel, 8.5  
 Kirk Bouchie, Vincennes, 8.5  
 Art Dragoo, Monticello, 8.5  
 Kurt Jones, Terre Haute, 8.5

Timothy McMahon, Crestview Hills, 8  
 Douglas England, Jeffersonville, 8  
 Brian Levan, Mishawaka, 8  
 Chuck Murphy, Evansville, 8  
 Don Naville, New Albany, 7.5  
 Jerry Erschen, Goshen, 7.5  
 Mark Dill, Boonville, 7.5  
 Anthony Ziegler, Indianapolis, 7.5  
 John Schroering, Jasper, 7.5  
 Roger Thacker, Huntingburg, 7.5  
 Scott Bowman, Newburgh, 7  
 Paul Schwinghammer, Noblesville, 7  
 Doug Harvey, Warsaw, 7  
 Loren Wood, Bloomington, 7  
 Kelly Good, West Lafayette, 7  
 Wendy McClellan, Greenwood, 7  
 Allen Kent, Valparaiso, 7  
 Paul Carroll, Indianapolis, 7  
 Patrick Dubach, Indianapolis, 7  
 Trent Bennett, Culver, 7  
 Ervin Bolt, Warsaw, 6.75  
 Jeffrey Cravens, Evansville, 6.5  
 Brenda Schreiber, Hobart, 6.5  
 Tom Vander Luitgaren, Greenwood, 6.5  
 Tim Merchant, Rochester, 6.5  
 Kevin Powell, Bloomington, 6.5  
 Amy Wolber, Fort Thomas, 6.5  
 Forrest Carpenter, Greenwood, 6.5  
 Dan Dickerson, Indianapolis, 6.5  
 Tony Barbee, Carmel, 6.5  
 Travis Duell, Lafayette, 6  
 Stacy Vervynckt, Mishawaka, 6  
 Brian Stevens, Haubstadt, 6  
 David Decker, Carmel, 6  
 Scott Perkins, Kokomo, 6  
 John Linn, South Bend, 6  
 Joseph Jennings, Oolitic, 6  
 Dick Beahm, Granger, 6

## Applications for model and spec home deductions due Dec. 31

The Model Residence Deduction and the Residence in Inventory Deduction provide a 50% deduction on the structure (not the land) for up to three models and three residences in inventory, statewide for the initial partial assessment followed by three full assessments. Applications for the deductions for 2018 must be completed and signed by the property owner no later than Dec. 31, 2018 and filed with the county auditor no later than Jan. 5, 2019.

Applications for both deductions are available at <https://www.in.gov/dlgr/8516.htm>. Select State Form 53812 for the model residence deduction and State Form 54861 for the residence in inventory deduction.

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Frank Rhoades (right), IBA Parliamentarian, talks housing with State Senator Randy Head (R-Logansport).



IBA Secretary, Jeff Thomas (right) and Chris Thomas (left) catch up with Congressman Jim Banks (IN-3) at an event in Indianapolis.



IBA Vice President Don Thieneman (left,) BDASI Executive Officer Charlie Smith (right,) and IBA Communication Director Reagan Van Cleave join new member Tom Kendrick on election night.

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State Senator Ryan Mishler (R-Bremen) (left), congratulates State Senator-elect Linda Rogers on her election night victory.



State Representative Matt Lehman (R-Berne) (right) stops by the IBA office to chat about housing issues with IBA CEO, Rick Wajda.

## Architectural copyright troll *Design Basics* stopped again

By Matthew Schantz, Frost Brown Todd, LLC

This fall, a federal trial court in Indianapolis decided that Design Basics, a producer of market-ready designs for single-family homes, had not presented enough evidence to even ask a jury to decide whether Jasper homebuilder Kerstiens Homes & Designs had infringed the copyright in some Design Basics plans. The court explained that, while copyright does apply to designs of single-family homes, no one can use copyright to stop others from using common design elements such as the relative positioning of rooms, putting a closet in every bedroom, and placing kitchen counters against the kitchen walls. Since the similarities Design Basics had identified between its plans and Kerstiens' designs were that kind of common element, and there were many, many differences, the court threw out the lawsuit. Design Basics is appealing that decision.

Just over a year ago, the federal Court of Appeals over Indiana held in another lawsuit that Design Basics had not proven that the builder it had sued had actually copied protectable aspects of its designs. More of the company's over 120 lawsuits against builders are now reaching deci-

sions by trial courts, and the courts are carefully accepting the appellate court's guidance to carefully compare the protectable aspects of the copyright owner's designs with the alleged copies, ignoring features found in common use. This is bringing the legal system to a reasonable conclusion about the scope and usefulness of copyright in architectural plans. The copyright system is designed to protect creators from others copying their work. Since there is rarely direct evidence of copying, someone can be found to be an infringer if (1) they had access to the copyrighted work, and (2) there ends up being "substantial similarity" between the two works. These cases clarify that the "substantial similarity" test should ignore the aspects of designs that are common or driven by market demand, adding that differences between the designs weigh against the conclusion that copying took place.

There are several companies that try to profit primarily from infringement lawsuits rather than business relationships, just hoping to get settlement payments or royalties priced just low enough to make an extortionate settlement more economical than being tied up in litigation of questionable copyright infringement

claims. While these cases make it much more likely that a builder would win a lawsuit in the end, what can they do to minimize that risk or avoid the problem in the first place?

One thing a company can do to protect itself from copyright trolls is to avoid access by its employees to websites of known copyright trolls like Design Basics. The importance of this limitation should be communicated personally and clearly, and that communication might be backed up by filters on web access at the browser or network level. Since the copyright owners have to prove access to succeed in their infringement claims, avoiding access might defeat those claims.

Another thing a company can do is register its copyright in its own designs. While it doesn't take much originality at all to be able to protect a design under copyright law, having your own registration certificate from the United States Copyright Office provides a bit of objective evidence that can show a court or jury that you understand how copyright works and your design is original itself.

But that copyright registration has some positive value, too. While it wouldn't give you the right to stop others from using your window, door, or pillar designs, a

copyright registration protects against people actually copying the plans and avoiding all of the work that went into creating them. One disgruntled employee can make things complicated for a business, but copyright can give the company some big sticks for enforcement.

So update your company policies and Internet filters to reduce your risk. Contact a copyright attorney who knows about architectural works to discuss registration of your original designs. And if a troll offers you a ticket on the royalty train, you'll be ready.



HBA of Northwest Indiana Executive Officer, Eddie Castellanos (left), catches up with long-time member George Dubovich at a recent home builders meeting in Porter County.



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