

OKLAHOMA REAL ESTATE APPRAISER BOARD

SCHEDULE OF SUGGESTED PENALTIES FOR VIOLATIONS OF THE OKLAHOMA CERTIFIED REAL ESTATE APPRAISERS ACT

- A. Purpose: The purpose of this schedule is to establish consistency in disciplinary actions, to provide guidance to prosecutors and disciplinary hearing panels. To accomplish this purpose, the Board has adopted this uniform schedule of suggested penalties for specific violations.
- B. Usage:
1. The schedule of suggested penalties are merely guidelines. Mitigating and aggravating circumstances and other factors may necessitate deviations.
 2. Disciplinary sanctions should be within the recommended guidelines for a particular offense unless the reason for departure from the recommended terms is generally set forth in the recommendation of the Hearing Panel, the proposed agreed settlement recommended by a prosecutor, or order of the Board.
 3. Aggravating or mitigating circumstances justifying departure may include, but are not limited to, the following:
 - a. Nature and severity of the act(s), offense(s), or crime(s) under consideration.
 - b. Actual or potential harm to any consumer, client or the general public.
 - c. Prior disciplinary record.
 - d. Number and/or variety of current violations.
 - e. Mitigation evidence.
 - f. Rehabilitation evidence.
 - g. Time passed since the act(s) or offense(s) occurred.
 - h. Whether or not the respondent cooperated with the Board's investigation, other law enforcement or regulatory agencies, and/or the injured parties.
 - i. Recognition by respondent of his or her wrongdoing and demonstration of corrective action to prevent recurrence.
- C. For use in applying this schedule, ordinary negligence is defined as the failure to exercise the ordinary care a reasonably prudent person would exercise under the circumstances; it is akin to neglect. Gross negligence in the schedule is defined as failure to exercise even the slightest care; it is a complete indifference to the consequences of the act.

Adopted February 9, 2007

D. Schedule:

Section(s)	Description	PENALTY <i>Key-susp.=suspension; prob.=probation; poss. corr. educ.=possible corrective education</i>			
		First Offense	Second Offense	Gross Negligence	Repeated (>2) Willful, Knowing or Malicious Violation
		Ordinary Negligence			
59 O.S. §:					
a. 858-723(C)(2), (6) or (9) (via -718)	Failure to keep the Board apprised of all changes in the address of the certificate holder's principal place of business and/or residential address	Letter of Warning	Letter of Warning and \$100 fine	6 m to 1yr Prob., cost of proceedings, \$500 fine	3-6 m suspension, prob., cost of proceedings, \$1,000 fine
b. 858-723(C)(2), (6) or (9) (via -719); (14)	Failing to place name, signature, title and appraiser certification number on appraisal report or appraisal agreement	Letter of Warning	Letter of Warning and \$100 fine	6 m to 1yr Prob., cost of proceedings, \$500 fine	3-6 m suspension, prob., cost of proceedings, \$1,000 fine
c. 858-723(C)(1), (13) (via -732(A)(1))	Procuring or attempting to procure a certificate by knowingly making a false statement, submitting false information, any other fraud or misrepresentation, or refusing to provide complete information in response to a question on an application	Revocation , cost of proceedings, \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine
d. 858-723(C)(3), (13) (via -732(A)(1))	Paying money to any member or employee of the Board other than the authorized fees to procure a certificate	Revocation , cost of proceedings, \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine
e. 858-723(C)(4), (13) (via -732(A)(1))	A conviction of a felony which is substantially related to the qualifications, functions, and duties of an appraiser	Revocation , cost of proceedings, \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine
f.					

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858-723(C)(2), (6) or (9) (via - 728(A)); (10), (13) (via -732(A)(2))	Accepting an appraisal assignment when the employment and/or fee to be paid is contingent upon the opinion, conclusion, or valuation reached, or the consequences resulting from the appraisal assignment	Revocation , cost of proceedings, \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine
g. 858-723(C)(11), (13) (via 732(A)(5))	Violating the confidential nature of governmental records or the appraiser-client relationship	0-6 m susp., 6 m to 1yr Prob., cost of proceedings, \$500 fine, poss. corr. educ.	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine, poss. corr. educ.	1-5 yr susp., prob., cost of proceedings, \$1,500 fine, poss. corr. educ.	Revocation , cost of proceedings, \$2,000 fine
h. 858-723(C)(5), (13) (via -732(A)(1))	An act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the certificate holder or another person or with the intent to substantially injure another person	Revocation , cost of proceedings, \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine
i. 858-723(C)(7)	Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal	Letter of Warning and \$100 fine	0-6 m susp., 6 m to 1yr prob., cost of proceedings, \$500 fine, poss. corr. educ.	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine, poss. corr. educ.	1 yr susp. to Revocation , cost of proceedings, \$1,500 to \$2,000 fine, poss. corr. educ.
j. 858-723(C)(8), (13) (via	Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in	0-6 m susp., 6 m to 1yr	6 m to 1 yr susp., prob.,	1-5 yr susp., prob., cost of	Revocation , cost of proceedings,

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-732(A)(1))	communicating an appraisal	Prob., cost of proceedings, \$500 fine, poss. corr. educ.	cost of proceedings, \$1,000 fine, poss. corr. educ.	proceedings, \$1,500 fine, poss. corr. educ.	\$2,000 fine
k. 858-723(C)(12), (13) (via -732(A)(1))	Entry of a final civil judgment against a person on the grounds of deceit, fraud, or willful or knowing misrepresentation in the making of an appraisal of real property	Revocation , cost of proceedings, \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine
l. 858-723(C)(14)	Failing at any time to properly identify oneself according to the specific type of certification held	Letter of Warning, \$0-\$100 fine	3 m to 1yr Prob., cost of proceedings, \$100-\$500 fine	3-6 m susp., prob., cost of proceedings, \$500-\$1,000 fine	6 m to 1 yr susp., prob., cost of proceedings, \$1,500 to \$2,000 fine
m. 858-723(C)(13) (via -732(A)(1); (3))	Payment of undisclosed fees, commissions or things of value in connection with the procurement of real property valuation assignments	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine	1-5 yr susp., prob., cost of proceedings, \$1,500 fine	1 yr susp. to Revocation , cost of proceedings, \$1,500 to \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine
n. 858-723(C)(13) (via -732(A)(1); (4))	Advertising for or soliciting appraisal assignments in a manner which is false, misleading or exaggerated	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine	1-5 yr susp., prob., cost of proceedings, \$1,500 fine	1 yr susp. to Revocation , cost of proceedings, \$1,500 to \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine

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o. 858-723(C)(2), (6) or (9) (via -729); Record Keeping Sec of Ethics Rule of USPAP	Failure to retain required workfiles for five (5) years commencing on the date signed or the final disposition of any litigation the appraisal or report may be involved in.	Letter of Warning, \$0-\$100 fine	3 m to 1yr Prob., cost of proceedings, \$100-\$500 fine	3-6 m susp., prob., cost of proceedings, \$500-\$1,000 fine	6 m to 1 yr susp., prob., cost of proceedings, \$1,500 to \$2,000 fine
p. 858-723(C)(2), (6) or (9) (via -729(C))	Failure or refusal without good cause to make records required to be maintained available to the Board on reasonable notice	0-6 m susp., 6 m to 1yr prob., cost of proceedings, \$500 fine	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine	1 yr susp. to Revocation , cost of proceedings, \$1,500 to \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine
q. 858-723(C)(2), (6) or (9) (Via -704(A)), (14)	Holding oneself out as holding a certification as a real estate appraiser by the state without current, valid appraiser certification	0-6 m susp., 6 m to 1yr prob., cost of proceedings, \$500 fine	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine	1 yr susp. to Revocation , cost of proceedings, \$1,500 to \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine
r. 858-723(C)(13) (via -732(A)(1))	Adverse disciplinary action taken against the certificate holder by another jurisdiction	Imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Oklahoma and/or suspension of the license until the license is unencumbered in the jurisdiction in which the disciplinary action was originally taken and an fine of 0-\$2000			
s. 858-723(C)(1)	Failure to report disciplinary action taken by another jurisdiction, conviction of a felony specified in Section 858-723(4) of this Act, or	0-6 m susp., 6 m to 1yr prob., cost of	6 m to 1 yr susp., prob., cost of	1 yr susp. to Revocation , cost of	Revocation , cost of proceedings, \$2,000 fine

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	entry of civil judgment specified in Section 858-723(C)(12) of this Act within 30 days of the action	proceedings, \$500 fine	proceedings, \$1,000 fine	proceedings, \$1,500 to \$2,000 fine	
t. 858-723 (C) (2), (6) or (9) (via -728(B); (C))	Failure to clearly state in a written or oral report an agreement to perform specialized services as defined in Section 858-703(14) for a contingent fee	Letter of Warning and \$100 fine	0-6 m susp., 6 m to 1yr prob., cost of proceedings, \$500 fine, poss. corr. educ.	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine, poss. corr. educ.	1 yr susp. to Revocation , cost of proceedings, \$1,500 to \$2,000 fine, poss. corr. educ.
u. 858-723(C) (2), (6) or (9) (via -726); -723(8), 13 (via -732(A)(1))	Failure to obtain timely and suitable comparable data (USPAP Standards Rules 1-1; 1-3; 1-4)	0-6 m susp., 6 m to 1yr Prob., cost of proceedings, \$500 fine, poss. corr. educ.	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine, poss. corr. educ.	1-5 yr susp., prob., cost of proceedings, \$1,500 fine, poss. corr. educ.	Revocation , cost of proceedings, \$2,000 fine
v. 858-723(C) (2), (6) or (9) (via -726); -723(8), 13 (via -732(A)(1))	Failure to correctly report form of ownership interest (USPAP Standards Rules 1-1; 1-2; 2-1; 2-2)	0-6 m susp., 6 m to 1yr Prob., cost of proceedings, \$500 fine, poss. corr. educ.	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine, poss. corr. educ.	1-5 yr susp., prob., cost of proceedings, \$1,500 fine, poss. corr. educ.	Revocation , cost of proceedings, \$2,000 fine
w. 858-723(C) (2), (6) or (9) (via	Failure to visit subject property or comparable when necessary to obtain adequate information	6 m to 1 yr susp., prob.,	1-5 yr susp., prob., cost of	1 yr susp. to Revocation ,	Revocation , cost of proceedings,

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59 O.S. §: -726); -723(8), 13 (via -732(A)(1))	to develop a credible appraisal unless impossible and such impossibility is identified and attempts are made to gather information from reliable third-party sources (USPAP Standards Rules 1-1; 1-2; 2-1; 2-2)	cost of proceedings, \$1,000 fine, poss. corr. educ.	proceedings, \$1,500 fine, poss. corr. educ.	cost of proceedings, \$1,500 to \$2,000 fine, poss. corr. educ.	\$2,000 fine
x. 858-723(C) (2), (6) or (9) (via -726); -723(8), 13 (via -732(A)(1))	Value conclusion not supported by data and analysis in appraisal report or workfile (USPAP Standards Rules 1-1; 1-2; 1-3; 1-4; 1-5; 1-6; 2-1; 2-2)	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine, poss. corr. educ.	1-5 yr susp., prob., cost of proceedings, \$1,500 fine, poss. corr. educ.	1 yr susp. to Revocation , cost of proceedings, \$1,500 to \$2,000 fine, poss. corr. educ.	Revocation , cost of proceedings, \$2,000 fine
y. 858-723(C) (2), (6) or (9) (via -726); -723(8), 13 (via -732(A)(1))	Incomplete or inaccurate description of neighborhood (USPAP Standards Rules 1-1; 1-2; 1-3; 2-1; 2-2)	Letter of Warning and \$100 fine	0-6 m susp., 6 m to 1yr prob., cost of proceedings, \$500 fine, poss. corr. educ.	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine, poss. corr. educ.	1 yr susp. to Revocation , cost of proceedings, \$1,500 to \$2,000 fine, poss. corr. educ.
z. 858-723(C) (2), (6) or (9) (via	Report contains inconsistencies and calculation errors (USPAP Standards Rules 1-1; 1-2; 2-1; 2-	Letter of Warning and	0-6 m susp., 6 m to 1yr prob.,	6 m to 1 yr susp., prob.,	1 yr susp. to Revocation , cost

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59 O.S. §: -726); -723(8), 13 (via -732(A)(1))	2)	\$100 fine	cost of proceedings, \$500 fine, poss. corr. educ.	cost of proceedings, \$1,000 fine, poss. corr. educ.	of proceedings, \$1,500 to \$2,000 fine, poss. corr. educ.
aa. 858-723(C) (2), (6) or (9) (via -726); -723(8), 13 (via -732(A)(1))	Incorrectly reports significant physical characteristics ((USPAP Standards Rules 1-1; 1-2; 1-4; 2-1; 2-2)	Letter of Warning and \$100 fine	0-6 m susp., 6 m to 1yr prob., cost of proceedings, \$500 fine, poss. corr. educ.	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine, poss. corr. educ.	1 yr susp. to Revocation , cost of proceedings, \$1,500 to \$2,000 fine, poss. corr. educ.
bb. 858-723(C) (2), (6) or (9) (via -726); -723(8), 13 (via -732(A)(1))	Failure to accurately identify and/or report the client and other intended users and/or intended use (USPAP Standards Rules 1-1; 1-2; 2-1; 2-2)	Letter of Warning and \$100 fine	0-6 m susp., 6 m to 1yr prob., cost of proceedings, \$500 fine, poss. corr. educ.	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine, poss. corr. educ.	1 yr susp. to Revocation , cost of proceedings, \$1,500 to \$2,000 fine, poss. corr. educ.
cc. 858-723(C) (2), (6) or (9) (via -726); -723(8), 13 (via -732(A)(1))	Failure to accurately identify and/or report the type and definition of value (USPAP Standards Rules 1-1; 1-2; 2-1; 2-2)	0-6 m susp., 6 m to 1yr Prob., cost of proceedings, \$500 fine, poss. corr. educ.	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine, poss. corr. educ.	1-5 yr susp., prob., cost of proceedings, \$1,500 fine, poss. corr. educ.	Revocation , cost of proceedings, \$2,000 fine
dd.					

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59 O.S. §:					
858-723(C) (2), (6) or (9) (via -726); -723(8), 13 (via -732(A)(1))	Failure to accurately identify and/or report the effective date of the appraiser's opinions and conclusions (USPAP Standards Rules 1-1; 1-2; 2-1; 2-2)	Letter of Warning and \$100 fine	0-6 m susp., 6 m to 1yr prob., cost of proceedings, \$500 fine, poss. corr. educ.	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine, poss. corr. educ.	1 yr susp. to Revocation , cost of proceedings, \$1,500 to \$2,000 fine, poss. corr. educ.
ee. 858-723(C) (2), (6) or (9) (via -726); -723(8), 13 (via -732(A)(1))	Failure to accurately identify and/or report the scope of work necessary to complete the assignment (USPAP Standards Rules 1-1; 1-2; 2-1; 2-2)	Letter of Warning and \$100 fine	0-6 m susp., 6 m to 1yr prob., cost of proceedings, \$500 fine, poss. corr. educ.	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine, poss. corr. educ.	1 yr susp. to Revocation , cost of proceedings, \$1,500 to \$2,000 fine, poss. corr. educ.
ff. 858-723(C) (2), (6) or (9) (via -726); -723(8), 13 (via -732(A)(1))	Failure to accurately identify and/or report any extraordinary assumptions and/or hypothetical conditions necessary in the assignment (USPAP Standards Rules 1-1; 1-2; 2-1; 2-2)	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine	1-5 yr susp., prob., cost of proceedings, \$1,500 fine	1 yr susp. to Revocation , cost of proceedings, \$1,500 to \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine
gg. 858-723(C) (2), (6) or (9) (via -726); -723(8), 13 (via -732(A)(1))	Failure to accurately identify and/or report any sales or agreements of sale current as of or within three years of the effective date of the appraisal when developing a market value opinion (USPAP Standards Rules 1-1; 1-2; 1-5; 2-1; 2-2)	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine	1-5 yr susp., prob., cost of proceedings, \$1,500 fine	1 yr susp. to Revocation , cost of proceedings, \$1,500 to \$2,000 fine	Revocation , cost of proceedings, \$2,000 fine
hh.					

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59 O.S. §:					
858-723(C) (2), (6) or (9) (via -726); -723(8), 13 (via -732(A)(1))	Failure to develop and/or report an opinion of the highest and best use of the property when developing a market value opinion (USPAP Standards Rules 1-1; 1-2; 1-3; 2-1; 2-2)	0-6 m susp., 6 m to 1yr prob., cost of proceedings, \$500 fine, poss. corr. educ.	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine, poss. corr. educ.	1-5 yr susp., prob., cost of proceedings, \$1,500 fine, poss. corr. educ.	Revocation , cost of proceedings, \$2,000 fine
ii. 858-723(C) (2), (6) or (9) (via -726); -723(8), 13 (via -732(A)(1))	Other failures to provide a credible appraisal as per USPAP Standard 1	Letter of Warning and \$100 fine	0-6 m susp., 6 m to 1yr prob., cost of proceedings, \$500 fine, poss. corr. educ.	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine, poss. corr. educ.	1 yr susp. to Revocation , cost of proceedings, \$1,500 to \$2,000 fine, poss. corr. educ.
jj. 858-723(C) (2), (6) or (9) (via -726); -723(C)(8), 13 (via -732(A)(1))	Other failures to communicate an appraisal in a manner that is not misleading as per USPAP Standard 2	Letter of Warning and \$100 fine	0-6 m susp., 6 m to 1yr prob., cost of proceedings, \$500 fine, poss. corr. educ.	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine, poss. corr. educ.	1 yr susp. to Revocation , cost of proceedings, \$1,500 to \$2,000 fine, poss. corr. educ.
kk. 858-723(C)(2), (6) or (9) (via -726); -723(C) (8), 13 (via -732(A)(1))	Failure to include a signed certification on a appraisal report in accordance with USPAP Standard 2-3	0-6 m susp., 6 m to 1yr Prob., cost of proceedings, \$500 fine, poss. corr.	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine, poss. corr.	1-5 yr susp., prob., cost of proceedings, \$1,500 fine, poss. corr. educ.	Revocation , cost of proceedings, \$2,000 fine

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59 O.S. §:		educ.	educ.		

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ll. 858-723(A),(C) (13) via 732(A)(1)	Failure to comply with a final order of the Board	Revocation	Revocation	Revocation	Revocation
mm. 858-723(C)(9), (C)(13) via 732(A)(1), via OAC 600-10-1- 16	Failure by a supervisor to provide active, diligent, and personal supervision and direction to a trainee appraiser as agreed on REA Form 8	0-6 m susp., 6 m to 1yr Prob., cost of proceedings, \$500 fine, poss. corr. educ.; banned as supervisor	6 m to 1 yr susp., prob., cost of proceedings, \$1,000 fine, poss. corr. educ.; banned as supervisor	1-5 yr susp., prob., cost of proceedings, \$1,500 fine, poss. corr. educ.; banned as supervisor	Revocation, cost of proceedings, \$2,000 fine; banned as supervisor
nn. 858-723(C)(9), (C)(13) via OAC 600:10-1-	Failure to take 7 hour National USPAP Update Course within prescribed 24 month period.	\$150 fine, susp if doesn't	\$150 fine, susp if doesn't comply w/in	\$150 fine, susp if doesn't	\$150 fine, susp if doesn't comply w/in 30 days of

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7(d)		comply w/in 30 days of order	30 days of order	comply w/in 30 days of order	order