

**NOTICE IS HEREBY GIVEN THAT THE REGULAR MONTHLY MEETING OF MEMBERS OF THE OKLAHOMA REAL ESTATE COMMISSION WILL BE HELD AT THE FOLLOWING TIME AND PLACE:**

**JANUARY 12, 2011 – 8:30 A.M.  
OKLAHOMA REAL ESTATE COMMISSION  
2401 NW 23<sup>RD</sup> STREET, SUITE 18  
OKLAHOMA CITY, OKLAHOMA**

**AGENDA**

**I. OPENING OF BUSINESS MEETING**

- A. Call to Order: 8:30 a.m.**
- B. Approval of Minutes from the December 8<sup>th</sup> 2010 regular meeting**
- C. Public Participation (Open Topic)**
- D. The Commission May Vote to Approve, Disapprove or Take Other Action on any Item Listed on this Agenda**

**II. FORMAL ACTION – APPEALS/HEARINGS**

**A. APPLICANT APPEAL**

**A-2010-051 – RUSSELL D. JONES (PSA) – YUKON (SOKOLOSKY)**

The applicant was administratively denied on November 22, 2010 based on the fact that he disclosed on his application that he had several Driving Under the Influence (DUI) convictions, and that he had been previously denied a real estate provisional sales license.

His request for a provisional sales associate license was administratively denied on April 7, 2009 (A-2009-019), and his appeal before the Commission on July 8, 2009 resulted in the denial being upheld.

Information provided to and gathered by the Investigation Department revealed the following:

OK0090500 (February 23, 2005) Mustang, Oklahoma: Charged with Assault and/or Battery with Deadly Weapon, Resisting Executive Officer and Public Drunk. Documentation shows that the Canadian County District Attorney declined to file charges;

CA0191000 (July 16, 1999) Beverly Hills, California: Charged with Driving Under the Influence (DUI) Alcohol / Drugs and Driving While Suspended; however, no additional information on sentencing is available;

CA0196500, CA019293J and CA015045C (November 15, 2001) Los Angeles, California: Charged with Driving Under the Influence (DUI) Alcohol / Drugs with priors, DUI Alcohol 0.08 percent or more with priors, DUI Alcohol / Drugs with priors and DUI Alcohol with priors. The applicant was convicted on Case Numbers CA019293J and CA015045C and was committed to 16 months in prison.

## **B. CONSENT AGREEMENT**

### **C-2009-091 – MELANIE GAIL DISMUKE – OKLAHOMA CITY (PRESLAR)**

Violations by respondent:

1) *Title 59 O.S. §858-312, Subsections 9 and 15*, in that she has been convicted of several motor vehicle violations between 2006 – 2009, and

2) *Title 59 O.S. §858-312, Subsections 1, 8 and 9*, in that she made a materially false or fraudulent statement in her application for license in 2005, as well as her 2006 renewal application, in that she indicated that she had no criminal convictions nor any pending charges.

**Consented:** Respondent Dismuke has consented to the assessment of an administrative fine of **One Thousand Dollars** (\$1,000.00), the placement of her sales associate license on probation to run concurrent with the terms of her criminal probation (August 2014), and reporting of any violations of her deferred sentence to the Commission within ten (10) days of the occurrence.

## **C. HEARING EXAMINER REPORT**

### **C-2009-020 – TRACI LYNN PATMAN (SA) – OKLAHOMA CITY (KISNER)**

On November 8, 2010 the Hearing Examiner found the respondent to be in violation of the following:

1) *Title 59 O.S. §858-312, Subsections 9 and 19*, in that she was convicted of one (1) Felony count of Embezzlement and three (3) Felony counts of Making False Entry in Corporate Records, and

2) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(9)*, in that she failed to provide to the Oklahoma Real Estate Commission an updated restitution balance upon request by the Commission.

**Recommendation:** The Hearing Examiner recommends that Respondent Patman be formally reprimanded and required to pay an administrative fine in the sum of **Five Hundred Dollars** (\$500.00) for her conviction of the felony charges; that she be required to pay an administrative fine of **Two Hundred Dollars** (\$200.00) for failing to provide to the Commission an updated restitution balance upon request by the Commission; That her Oklahoma Real Estate Sales Associate license be placed on probation until all restitution, fines and costs are paid in full in Oklahoma County District Court Case Number CF-2006-6609, and that she be required to furnish to the Commission quarterly reports verifying that her restitution payments are current.

- *Executive Session pursuant to 25 O.S. §307(B) (8), for the purpose of discussing the Hearing Examiner's recommendation and appropriate discipline, if any:*
  1. Vote to enter into Executive Session.
  2. Discussion in Executive Session.
  3. Vote to return to Open Session.
  4. Commission to vote/take appropriate action on Hearing Examiner's recommendation.

**C-2009-041 – COLONIAL REALTY OF LAWTON LLC, KATHLEEN ANN HELTON (BM) AND REBECCA DAWN ADAIR (SA) – LAWTON (KISNER)**

On November 8, 2010 the Hearing Examiner found Respondent **Rebecca Adair** to be in violation of the following:

- 1) *Title 59 O.S. §858-312, Subsections 6, 8 and 9 and Rule 605:10-13-2(1) (2)*, in that she failed to turn over documents, as well as a security deposit to her broker, and
- 2) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12)*, in that she failed to communicate with her broker, customers and clients throughout several transactions.

Respondents **Colonial Realty of Lawton LLC** and **Kathleen A. Helton** did not violate any provision of the Oklahoma Real Estate License Code or the rules of the Commission.

**Recommendation:** The Hearing Examiner recommends that Respondent Rebecca D. Adair be given a formal reprimand and ordered to pay an administrative fine totaling **Seven Hundred Dollars (\$700.00)**: Two Hundred Dollars (\$200.00) for failure to communicate with her broker, customers and clients; and Five Hundred Dollars (\$500.00) for failure to turn over documents, as well as a security deposit, to her broker.

The case against Respondents Colonial Realty of Lawton LLC and Kathleen A. Helton is dismissed.

- *Executive Session pursuant to 25 O.S. §307(B) (8), for the purpose of discussing the Hearing Examiner's recommendation and appropriate discipline, if any:*
  1. Vote to enter into Executive Session.
  2. Discussion in Executive Session.
  3. Vote to return to Open Session.
  4. Commission to vote/take appropriate action on Hearing Examiner's recommendation.

**C-2009-053 – MCGRAW REALTORS, C. VINSON REED (BM), MCGRAW REALTORS (BO), JAY D. MENGER (BB) AND LAURA M. GRUNEWALD (SA) – TULSA (KISNER)**

On November 8, 2010 the Hearing Examiner found Respondents **McGraw Realtors, C. Vinson Reed, McGraw Realtors (BO), Jay Menger and Laura Grunewald** to be in violation of:

1) *Title 59 O.S. §858-353 (A, 1)*, in that they failed to obtain the consent or authorization of complainant prior to inputting sales data regarding his home into the Greater Tulsa Association Realtors MLS database.

Respondent **Laura M. Grunewald** was also found to be in violation of:

1) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12)*, in that she failed to seek supervision from her sponsoring broker prior to inputting the sales data regarding complainant's home into the Greater Tulsa Association of Realtors MLS database.

**Recommendation:** The Hearing Examiner recommends that Respondents McGraw Realtors, C. Vinson Reed, McGraw Realtors (BO), Jay D. Menger and Laura M. Grunewald be required to pay an administrative fine of Five Hundred Dollars (\$500.00) each, for a total of **Twenty-five Hundred Dollars** (\$2,500.00), and that Respondent Grunewald be required to pay an additional administrative fine of **Five Hundred Dollars** (\$500.00).

- *Executive Session pursuant to 25 O.S. §307(B) (8), for the purpose of discussing the Hearing Examiner's recommendation and appropriate discipline, if any:*
  1. Vote to enter into Executive Session.
  2. Discussion in Executive Session.
  3. Vote to return to Open Session.
  4. Commission to vote/take appropriate action on Hearing Examiner's recommendation.

### **III. COMPLAINTS/INVESTIGATIONS**

#### **A. CASE EXAMINER REPORT / PRELIMINARY INVESTIGATION**

**C-2009-039 – APRIL LOUISE HICKEY (SA) – OKMULGEE (KISNER)**

Possible violation by respondent:

1) *Title 59 O.S. §858-312, Subsections 8, 9 and 15*, in that she may have signed a Declaration in an action before the Department of Real Estate in the State of California (Case Number H-5334 SAC), in which she stated that the allegations of substantial misrepresentations, fraud and dishonest dealings in violation of Sections 10176(a), 10176(l), 10177(g) and/or 10177(j) of the Business and Professions Code of the State of California, contained in the accusation filed in said matter may be considered true and correct.

**Recommendation:** Set Formal Hearing.

**C-2010-020 – JAMES D. WELCH (BP) – HOLDENVILLE (KISNER)**

The Case Examiner reported that there was no indication of any violation of the Oklahoma Real Estate License Code or the Rules of the Oklahoma Real Estate Commission by Respondent Welch.

**Recommendation:** Close case.

**C-2010-030 – JOHN HAUSAM INCORPORATED, JOHN LOUIS HAUSAM (BM) AND SCOTT LEE CARTER (BA) – TULSA (KISNER)**

The Case Examiner reported that there was not enough evidence to proceed further in this matter, and that there was no indication of any violation of the Oklahoma Real Estate License Code or the Rule of the Oklahoma Real Estate Commission by the respondents.

**Recommendation:** Close case.

**C-2010-031 – TODD FRANKLIN CURTIS (SA) – NORMAN (KISNER)**

Possible violations by respondent:

1) Title 59 O.S. §858-312, Subsections 6, 8 and 9 and Rules 605:10-13-2(1) and 605:10-17-4(12), in that he may have failed to turn over all monies received by him to his broker.

**Recommendation:** Set Formal Hearing.

**C-2010-040 – DEAN LEWIS REAL ESTATE INCORPORATED, DEAN LEWIS (BM), STERLING COMMERCIAL PROPERTIES LLC AND PAMELA ELIZABETH AVISON (BM) – TULSA (KISNER)**

The Case Examiner reported that there was no indication of any violation of the Oklahoma Real Estate License Code or the Rules of the Oklahoma Real Estate Commission by Respondents Dean Lewis Real Estate Incorporated, Dean Lewis, Sterling Commercial Properties LLC and Pamela Avison.

**Recommendation:** Close case with a letter of caution to Respondent Dean Lewis regarding depositing of commission checks into the proper account.

**C-2009-002 – GOLD CASTLE LLC (OKLAHOMA CITY) AND HAROLD D. REECE (B) – CHOCTAW (SOKOLOSKY)**

Possible violations by Respondents **Gold Castle LLC and Harold D. Reece:**

1) Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12), in that they may have failed to release a \$100.00 pet security deposit to the complainant or to the new management company, and

2) Title 59 O.S. §858-312, Subsections 6 and 9, in that they may have retained \$500.00 as payment for services rendered and failed to provide to complainant a bill itemizing and detailing the services provided.

**Recommendation:** Set Formal Hearing.

**C-2010-016 – DENNIS MICHAEL BARRY (BM) AND JENNIFER C. BARRY (SA) – OKLAHOMA CITY (SOKOLOSKY)**

Possible violations by Respondent **Dennis M. Barry**:

1) *Title 59 O.S. §858-312, Subsections 8, 9 and 19*, in that he may have entered a plea of Guilty on February 3, 2010 to the criminal charge of Conspiracy to Commit Bank Fraud, in the United States District Court for the Western District of Oklahoma, under Case Number CR-09-273-2-R, and

2) *Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-9-5*, in that he may have failed to file a change of business address of Innovative Realty LLC with the Commission within ten (10) days of the change.

Possible violations by Respondent **Jennifer C. Barry**:

1) *Title 59 O.S. §858-312, Subsections 8, 9 and 19*, in that she may have entered a plea of Guilty on February 3, 2010 to the criminal charge of Conspiracy to Commit Bank Fraud, in the United States District Court for the Western District of Oklahoma, under Case Number CR-09-273-2-R.

**Recommendation:** Set Formal Hearing.

**C-2010-025 – CHAD F. STITES (BP) – TULSA (SOKOLOSKY)**

Possible violations by respondent:

1) *Title 59 O.S. §858-312, Subsections 6 and 9 and Rule 605:10-13-1(j)*, in that he may have failed to account for or remit monies coming into his possession which belong to others and failed to ensure that the complainant was informed of the details relating to the security deposit escrow;

2) *Title 59 O.S. §858-312, Subsection 3*, in that he may have failed to enter into a written brokerage agreement to provide services as either a single-party broker or a transaction broker, and

3) *Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-9-3*, in that he may have failed to register in writing with the Commission the trade name of Property Management Group.

**Recommendation:** Set Formal Hearing.

**B. INVESTIGATOR REPORT**

**C-2009-045 – W. LYNN LOVELESS (BP) AND ANNE WYCKOFF (BA) – OKLAHOMA CITY (KUEFFLER)**

The complainant stated that the refrigerator was removed from property purchased when it was identified writing the purchase contract to stay at the property. Complainant alleged that Respondent Wyckoff removed the refrigerator without her permission and sold it to a third party. The complainant stated that Respondent Wyckoff returned the refrigerator, but it was returned in damaged condition.

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the respondents.

**Recommendation:** Close case.

**C-2010-021 – GLEN M. FELL (SA) – BIXBY (BAKER)**

Information received on the background check performed for the reinstatement application of Respondent Fell indicated that on or about December 23, 1970 he was charged with Possession of Narcotic – 3<sup>rd</sup> Degree in Mineola, New York. On October 29, 2009 a letter was sent to Mr. Fell requesting that he provide court documents concerning the charges, but he failed to respond to that request and a second request that was sent on January 14, 2010.

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the respondent.

**Recommendation:** Close case with a letter of caution to Respondent Fell for failing to respond to a Commission request for documents.

**C-2010-041 – RED MOUNTAIN REALTY INCORPORATED, STANLEY RAY PENNINGTON (BM) AND KEELIE CHLOE TIMMONS (SA) – OKLAHOMA CITY (DANLEY)**

The complainant stated Respondent Timmons and Red Mountain Realty listed his home located at 1217 NW 14th Place in Moore, Oklahoma, on February 19, 2010. On May 2, 2010 he received an offer in the amount of \$205,000.00 and countered at \$209,000.00, which the buyers agreed to on May 7, 2010. Respondent Timmons provided the complainant with two closing cost estimates at the sales prices of \$207,500.00 and \$209,000.00. The complainant's home appraised for \$205,000, but he was unwilling to sell at that price, so the buyers subsequently backed out of the transaction. On May 27, 2010 Respondent Timmons informed the complainant that the buyers had reconsidered and were willing to purchase his home at \$209,000.00 despite the low appraisal.

A closing was scheduled for June 14, 2010 and Respondent Timmons contacted the complainant on June 11, 2010 to inform him that he had given her the wrong payoff amount, and he needed to bring \$1,412.23 to closing. The complainant alleged that Respondent Timmons handled the transaction unethically and did not have his best interest at heart.

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the respondents.

**Recommendation:** Close case.

**U-2010-008 – JIM WHITFIELD (UNLICENSED) – OKLAHOMA CITY (DANLEY)**

The complainant alleged that the respondent was brokering the sale of a condominium, which he did not own, without having a real estate license. He also stated that the respondent informed him that he did not need a real estate license because he is an employee of the homeowners association.

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the respondent.

**Recommendation:** Close case.

**IV. GENERAL BUSINESS**

- 1) Discussion of Square Footage legislation
- 2) Draft of Permanent Rules for 2011
- 3) Consideration of items to be discussed at next Commission Meeting

**V. FINANCIAL AND FISCAL**

Financial report for November 2010 (no motion required)

**VI. EDUCATION**

Report from the Education and Licensing Program Director (no motion required)

**VII. INDUSTRY UPDATES**

- 1) Report from Broker Relationships Act (BRA) Task Force (no motion required)
- 2) Report from Contract Committee (no motion required)

**VIII. PERSONNEL**

No action

**IX. NEW BUSINESS**

Any new business not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda

## **X. ACTION ON NEXT MEETING DATE**

Next meeting date: **FEBRUARY 9, 2011**

## **XI. ADJOURNMENT**