

**OKLAHOMA REAL ESTATE COMMISSION  
AGENDA – BUSINESS MEETING  
January 31, 2007**

**Agenda**

**I. OPENING OF BUSINESS MEETING**

- A. Call to Order – 8:30 a.m.**
- B. Approval of Minutes from the January 10, 2007 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-2006-070 – WESTON KEITH PETERSON (PSA) – Yukon (Sokolosky): Mr. Peterson appeared before the Commission on November 8, 2006 and presented a letter of intent by his sponsoring Broker, Brian Woodward. Following presentation, testimony and discussion a motion was made to table Mr. Peterson’s appeal pending a personal appearance by his sponsoring Broker.**

Administratively denied on September 14, 2006 based on the fact that under Case Number CM-2005-344 (Muskogee County), applicant was charged with DUI and transporting an Open Container of Liquor. He received a one (1) year deferred sentence and \$1,000.00 in fine and costs. Deferred sentence is scheduled to expire in January 2007. Applicant was also charged with DUI in 1999 (Yukon) and received a three (3) year deferred sentence with \$324.00 in fine and court costs (all fines were paid). Further information was obtained by the Investigations Department indicating that the applicant was issued a \$100.00 citation in 1999 for Misdemeanor-Overloading Vessel Limitation (Marshall County).

**A-2006-088 – CANDY JEWEL HILL (PSA) – Del City (Kisner): Ms. Hill appeared before the Commission on January 10, 2007. Following testimony and discussion a motion was made to table Ms. Hill’s appeal pending a personal appearance by her new sponsoring Broker.**

Administratively denied on December 14, 2006 based on the fact that she indicated on her application that in 1999 she had been arrested and charged with Possession of a Controlled Dangerous Substance. Information gathered by the Investigations Department revealed that under Case Number CF-1999-4498 (August 1999), she was charged with Possession of CDS with Intent to Distribute – Count 1 and Attempting to Elude a Police Officer – Count 2. She was sentenced to eight (8) years incarceration on Count 1 and was ordered to pay costs, fees and restitution. This case ran concurrent with CF-1995-5289 (1995), when she was charged with Concealing Stolen Property, but had her five-year suspended sentence revoked after testing positive for Marijuana and committing the crimes noted under CF-1999-4498. Under Case Number CF-1995-5500 (1995), she was charged with Bogus Check and received a one year suspended sentence and ordered to pay costs, fees, VCA and restitution. Additionally, in 1998, she was arrested for Possession of Marijuana in Oklahoma City and paid a \$310.00 fines; in 2002, she was arrested for Possession of Marijuana in Del City and paid a \$150.00 fine.

**A-2006-089 – CYNTHIA MARIE DIXON (PSA) – Tulsa (Kisner):** Administratively denied on December 14, 2006 based on the fact that she indicated on her application that in 1989 and 1991, she had been arrested for Driving Under the Influence in Mesa, Arizona. The Investigations Department obtained information that under Case Number 9054680 (1990), she was charged with False Reporting – Count 1, Driving While Intoxicated – Count 2 and No Proof of Insurance – Count 3. She received a \$500.00 fine with \$200.00 sanction on Count 1, sentenced to 60 days incarceration with Alcohol Screening on Count 2 and two (2) years probation on Count 3. All fines, fees and court requirements were satisfied. Under Case Number 8925304 (1989), she was charged with Driving Under the Influence and received a \$250.00 fine. Additional information revealed that in January 2004, she was arrested and charged with Driving Under Suspension and Displaying False License Plate, resulting in a one (1) day incarceration and a \$380.00 fine. On February 7, 2004, she was charged with Assault and Criminal Damage (charges dismissed), and Assault again on February 9, 2004, and was ordered to undergo counseling in lieu of a fine.

**B. SUMMARY SUSPENSION OF LICENSE (Commission finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action within thirty (30) days. The summary suspension shall remain in effect until further order by the Commission.)**

**C-2006-118 – Ann Campbell (SA)** - Edmond (Kisner): In Case No. CR-06-275C, in the United States District Court for the Western District of Oklahoma, Ms. Campbell pled guilty to one-count charging her with knowingly and willfully and with interdependence conspiring and agreeing with other persons to commit wire fraud (Title 18, U.S.C. Section 1343) in violation of Title 18, U.S.C. Section 371. The information provides "[t]he purpose of the conspiracy was for the defendant [Ann Campbell] and others to personally profit from the sale of 5916 Morning Dove by fraudulently causing the HUD-1 settlement statement to reflect the source of closing costs." In exchange for Ms. Campbell's guilty plea the government agreed to certain sentencing positions and agreed not to prosecute additional potential charges. Ms. Campbell's Guilty plea violates Title 59 O.S. §858-312(19).

**Recommend:** Finding that the public health, safety, and/or welfare imperatively requires emergency action, summarily suspending the real estate sales associate license of Ann Campbell effective February 1, 2007 and until further order by the Commission.

**III. COMPLAINTS/INVESTIGATIONS**

**A. INVESTIGATION REPORT**

**C-2005-095 – Provide Real Estate Group LLC and Clifford R. Spotts (BM)** – Chickasha (Melton): Complainant Monk listed a vacant property with Respondent Spotts' company. After closing, the buyer learned that the information contained in the survey was incorrect and that he received less land than he was entitled to. Ms. Monk complains that the respondent knew of the mistake several days after closing and failed to inform her of the matter after advising that he would take care of it. A civil suit filed by the buyers against complainant Monk, as well as by the complainant against the Respondent Spotts. The matter was settled out of court and the case dismissed on May 30, 2006.

**Recommend:** Close case.

**C-2006-063 – Post Enterprises LLC and Harrell D. Post (BM)** – Miami (Melton): Complaint was based on repairs on the property that were not completed. Complainant Miller stated that the side door leading out from the garage was warped and rotted and that the Respondent replaced it with an interior-style door without a doorknob or latch.

**Recommend:** Close case.

**C-2006-103 – Jalaa Jo Scott (SA)** – Tulsa (Melton): The Investigations Department received information that the Respondent had submitted an application for renewal of her license, but indicated that she had been convicted of a crime, was not serving probation and the conviction had not been previously reported. Further investigation revealed that the Respondent made errors when she filled out her applicant renewal form, subsequently setting off the initial inquiry.

**Recommend:** Close case.

**C-2006-111 – RJH Realty Investments Incorporated and Rudolph Hymer (BM)** – Norman (Melton): Complainant Shannon Lewis stated she had to move out of her apartment one month early. She stated that she had paid for the last month's rent and submitted her written notice. At the final walk-through Ms. Tonya Brand, a representative of the Respondent's company, told her that if they were able to rent the property for the month of August she would receive a refund of her rent check. There are conflicting accounts as to whether the apartment was rented on July 31, 2006.

**Recommend:** Close case.

**C-2006-066 – B and K Enterprises Incorporated and Robert Lee Sullivan (BM)** – Oklahoma City (Kueffler): Complainant Myrick holds an active Broker Associate's license and was previously associated with the respondent. Complainant alleges that Respondent Sullivan refused to present an offer to a party and instructed Mr. Myrick to lie.

**Recommend:** Close case.

**C-2006-084 – The Leinbach Company and Edward B. Leinbach (BM)** – Tulsa (Kueffler): The complainant alleged that he was assessed an additional cleaning fee in the amount of \$255.67 from Monaco Park Apartments, which is managed by the Leinbach Company. He stated he contacted the

management office to speak to a supervisor or manager and was told that if he created a problem he would be assessed additional charges.

**Recommend:** Close case.

**C-2006-108 – ABWS Tulsa Incorporated, Sherry L. Lewis (BM), ABWS Tulsa Incorporated (BO), Susan J. Beach (BO) and Michael A. Moreland (BA) – Tulsa (Kueffler):** Complainant Penny Morris alleged that Respondent Moreland acted in an unprofessional manner during their transaction because he was always late, always had a conflict and lied to her about having the property ready for inspections. She also stated that he was rude and continually asked her to perform duties and functions that she felt that he should have been handling.

**Recommend:** Close case.

**IV. PERSONNEL**

A. License status of Commission Employees

**V. FINANCIAL AND FISCAL**

A. FY 2007 Financial report

B. Participation in Lincoln Boulevard Renaissance Project and construction of Commission's own building

**VI. EDUCATION**

A. Report of Education Director

**VII. INDUSTRY UPDATES**

A. Report from Rebate Task Force

**VIII. GENERAL BUSINESS**

A. Proposed Legislation for 2007 – Senate Bill 1006:

1. Residential Property Condition Disclosure Act (adding language to a section relating to assisting a party)
2. Appointment; Tenure; Vacancies; Removal (changes length of time served)
3. Powers and duties of the Commission (amending authority to include development of contract other than for residential)
4. Conditional License (quarterly reports from sponsoring broker)
5. Confidentiality of educational and exam materials
6. Background checks (State and Federal)

B. Proposed Permanent Rules for 2007

1. 605:1-1-4. Operational procedures
2. 605:10-3-1. Prelicense education requirements
3. 605:10-3-5. Examinations
4. 605:10-5-1.1. Approval of postlicense course offerings
5. 605:10-5-2. Approval of continuing education offerings
6. 605:10-7-1. License issuance
7. 605:10-7-2. License terms and fees; renewals; reinstatements
8. 605:10-9-4. Advertising

**IX. NEW BUSINESS**

**X. ACTION ON NEXT MEETING DATE – March 14<sup>th</sup>, 2007**

**XI. ADJOURNMENT**