

**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:**

**MARCH 25, 2009 AT 8:30 A.M.
OKLAHOMA REAL ESTATE COMMISSION
2401 NW 23RD STREET, SUITE 18
OKLAHOMA CITY, OKLAHOMA**

PRELIMINARY AGENDA

I. OPENING OF BUSINESS MEETING

- A. Call to Order: 8:30 a.m.**
- B. Approval of Minutes from the February 11th 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**
- E. Public Rule Hearing at 10:30 a.m. for adoption of permanent rules to be effective July 1, 2009:**

605:10-3-1. Prelicense education requirements

605:10-3-5. Examinations

605:10-3-6. Continuing education requirements

605:10-5-1. Approval of prelicense course offerings

605:10-5-2. Approval of continuing education offerings

605:10-5-3. Standards for Commission approved real estate courses

605:10-7-2. License terms and fees; renewals; reinstatements

605:10-7-9. Nonresident licensing

605:10-13-1. Duty to account; broker

605:10-15-4. Residential Property Condition Disclosure Act forms

II. FORMAL ACTION – APPEALS/HEARINGS

A. APPLICANT APPEAL

A-2009-001 – MARY LOU FOLLOWWILL (PSA) – Oklahoma City (Sokolosky):
Administratively denied on January 30, 2009 based on the fact that she disclosed on her application that she had received a conviction and had delinquent student loans.

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

CRF-85-409 (May 10, 1985) Cleveland County: Charged with obtaining Cash or Merchandise by Bogus Check and received two (2) years probation and \$250.00 fine;

CRF-85-80, CRF-85-215, CRF-85-216 and CRF-85-217 (May 14, 1985) Canadian County: Charged with four (4) counts of Obtaining Cash or Merchandise by Bogus Check and received a five (5) year suspended sentence on all charges, to run concurrently;

CRF-85-2051 and CRF-85-2512 (July 22, 1985) Oklahoma County: Charged with four (4) counts of Obtaining Cash or Merchandise by Bogus Check and received a three (3) year jail sentence on all charges, to run concurrently, and \$360.00 in fines and court costs;

CRF-86-414 (January 23, 1986) Tulsa County: Charged with Marijuana Possession and received a one (1) year jail sentence;

CRF-89-446 (March 28, 1989) Cleveland County: Charged with Uttering a Forged Document and received a three (3) year jail sentence, plus \$116.00 in court costs;

CRF-89-841 (May 23, 1989) Cleveland County: Charged with Second Degree Forgery and received a three (3) year jail sentence, to run concurrent with CRF-89-446 and \$196.00 in court costs; and

CRF-91-27 (January 23, 1991) Cleveland County: Charged with Grand Larceny and received an eight (8) year jail sentence (released to Parole on April 8, 1994) and \$540.00 in fines and court costs.

A-2009-011 – MATTHEW PARKER MATHEWS (PSA) – Okarche (Sokolosky): Administratively denied on February 27, 2009 based on the fact that he disclosed on his application that he had received a conviction. Information provided to and gathered by the Investigation Department revealed the following:

CRM-93-864 (May 31, 1993) Comanche County, Oklahoma: Charged with Possession of Marijuana and received one (1) year in jail with six (6) months suspended, and fines and costs. The sentence ran concurrent with CRM 93-712 and CF-93-154;

CRM-93-712 (May 31, 1993) Comanche County, Oklahoma: Charged with Malicious Injury to Property and received one (1) year in jail with six months suspended, and fines and costs; and

CF-93-154 Payne County, Oklahoma: Charged with 1) Conspiracy to Commit Robbery First Degree, 2) Robbery First Degree with Firearms, 3) Conspiracy to Commit Robbery First Degree with Firearms, 4) Robbery First Degree with Firearms, and 5) Accessory to Commit Robbery First Degree. He received five (5) years in prison and \$902.00 in court costs on Count 1, ten (10) years and \$162.00 on Count 2, five (5) years and \$162.00 on Count 3 and ten (10) years and \$412.00 on Count 4 (no sentence was received on Count 5). He was released from prison on October 13, 2004 and all fines and costs have been paid.

B. CONSENT AGREEMENT

E-2007-001 – Timothy J. Griffin (BP) – Tulsa (Preslar): *This case was originally presented before the Commission on January 14, 2009, at which time the consent agreement was rejected and the case ordered set for Formal Hearing. However, after further review by the Investigation Department, the case is being offered again for reconsideration of the consent agreement by the Commission.*

Violations by Respondent:

- 1) *Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-5-1.1(j,6)*, in that he may have improperly subjected women to offensive physical contact and made verbal offensive and explicit references to the female anatomy in a demeaning manner within a classroom setting;
- 2) *Title 59 O.S. §858-312, Subsection 9 and Rules 605:10-5-1(k,7) and 605:10-5-1(i,3)*, in that he may have provided completion certificates to a student prior to the student's completion of the course, and
- 3) *Rule 605:10-5-1(k,6) and 605:10-5-1(k,7)*, in that he may have, in 2008, taught and/or purported to teach the Basic 90 Clock Hour Course in real estate, for which he had not been approved by the Commission.

Consented: Respondent Timothy J. Griffin has consented to surrendering of his teaching credentials.

UC-2007-006 – Lucas W. McGuire (SA), The Alliance Real Estate Group Incorporated, Regina M. Yager (BM), Judith Davis (BA), The Alliance Real Estate Group Incorporated (BO), and Carol Stephens (BB) – Edmond (Holmes):
Violations by Respondents The Alliance Real Estate Group Incorporated, Regina M. Yager, The Alliance Real Estate Group Incorporated (BO), and Carol Stephens:

- 1) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(6)*, in that they may have failed to properly supervise the activities of Respondent Lucas W. McGuire in that he conducted real estate transactions under the name of The Alliance Real Estate Group Incorporated during the time his real estate license was inactive, and
- 2) *Title 59 O.S. §858-312, Subsections 7, 8, 9, 14 and 21 and Rules 605:10-17-4(6) and (12)*, in that they may have permitted Respondent Lucas W. McGuire to engage in licensable activities at a time when his license was inactive and accepted commissions from an unlicensed associate.

Possible violations by Respondent Lucas W. McGuire:

Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(6), in that he may have conducted real estate transactions which require an active license at a time when his real estate sales associate license was inactive.

No clear and convincing evidence was presented to indicate that Respondent Judith Davis violated any provision of the Oklahoma Real Estate License Code or rules.

Consented: Respondents The Alliance Real Estate Group Incorporated, Regina Yager, The Alliance Real Estate Group Incorporated (BO) and Carol Stephens have consented to a formal reprimand and payment of an administrative

fine **totaling** Five Thousand Dollars (\$5,000.00); The case against Respondent Judith Davis is dismissed, and Respondent McGuire will not be a party to this Consent Order.

C. HEARING EXAMINER REPORT

C-2007-061 – **ABWS Tulsa Incorporated, Sherry Lewis (BB), ABWS Tulsa Incorporated (BO), Susan Beach (BM) and Angela Baysinger (SA) – Tulsa (Kisner)**: On September 16, 2008, the Hearing Examiner reported that Respondent Angela Baysinger was found in violation of:

- 1) *Title 59 O.S. §858-312, Subsections 2, 8 and 9 and Rule 605:10-17-4(12)*, in that she prepared and executed a fictitious Purchase Money Second Mortgage which she had no intention of paying; and
- 2) *Title 59 O.S. §858-312, Subsections 2, 8 and 9 and Rule 605:10-17-4(12)*, in that she prepared a fictitious Release of Second Mortgage which she then had signed when in fact the Second Mortgage had not been paid in full, for the purposes of deceiving others.

The case against Respondents ABWS Tulsa Incorporated, ABWS Tulsa Incorporated (BO), Sherry Lewis and Susan Beach was closed on March 4, 2008.

Recommend: That the Oklahoma real estate Sales Associate License of Respondent Angela Baysinger be revoked.

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-2008-014 – **Sandra Lynn Sullivan (SA) – Chouteau (Sokolosky)**: Possible violations by Respondent Sullivan:

Title 59 O.S. §858-312, Subsections 8, 9 and 19, in that she may have entered a plea of Nolo Contendere to the charge of Embezzlement by Employee on January 23, 2008 in Case Number CF-2006-162, in the District Court of Mayes County, State of Oklahoma.

Recommend: Set Formal Hearing.

B. INVESTIGATORS REPORT

C-2008-064 – **Daniel M. Perry (BP) – Tulsa (Danley)**: The complainant (Corraro) alleged that Respondent Perry overcharged for rent and she was wrongly evicted, as she was not given an eviction notice. Ultimately, the complainant was sued by the

Respondent, who won a judgment against the complainant. The complainant also stated that she was wrongfully sued.

Based upon this investigation and other evidence received, there is no indication of any violation of the Oklahoma Real Estate License Code and Rules.

Recommend: Close case.

IV. FINANCIAL AND FISCAL

- 1) Financial report for February FY 2009
- 2) Authorization of funds for travel to Washington, DC for the **National Association of Realtors® (NAR) Midyear Conference** to be held May 11-16, 2009
- 3) Authorization of funds for travel to Louisville, Kentucky for the **ARELLO District 2 and 3 Joint Conference** to be held June 25 – 27, 2009

V. EDUCATION

- 1) Report from the Education and Licensing Program Director
- 2) Appointment of members to the Education Advisory Committee
 - a. Member appointee from Oklahoma Real Estate Educator's Association (OREEA): Dale Baze
 - b. Member appointee from Oklahoma Real Estate Commission (OREC)
 - c. Member appointee from Oklahoma Association of Realtors (OAR): Mary Huckleby

VI. INDUSTRY UPDATES

- 1) Report from Rebate Task Force
- 2) Report from Broker Relationships Act (BRA) Task Force
- 3) Report from Contract Committee
- 4) Report from Errors and Omissions (E&O) Task Force
- 5) Report from Real Estate Research Center Task Force
- 6) Legislative update

VII. GENERAL BUSINESS

- 1) Security Risk and Assessment Report, as issued by the Oklahoma Office of State Finance (OSF)
- 2) Consideration of items to be discussed at next Commission Meeting
- 3) World premiere of new Oklahoma Real Estate Commission DVD: "Housing Discrimination in the Real World"

VIII. PERSONNEL

Executive Session pursuant to 25 O.S. §307(B) (1), for the purpose of discussing the annual evaluation and salary of the Executive Director

1. Vote to enter into Executive Session
2. Discuss evaluation and salary of Executive Director
3. Vote to return to open session
4. Commission to vote/take appropriate action on annual evaluation and salary of the Executive Director

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

- 1) Cancellation of April 8, 2009 meeting
- 2) Cancellation of May 13, 2009 meeting
- 3) Next meeting scheduled for June 10, 2009 in Tulsa, Oklahoma

XI. ADJOURNMENT