

**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:**

**APRIL 13, 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 March 9<sup>th</sup> 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-2010-035 – MARANDA LAVONE CARPITCHER (PSA) – CANADIAN (SOKOLOSKY)**

The applicant was administratively denied on April 28, 2010 based on the fact that she disclosed on her application that she *“has been convicted of a crime, is presently on parole or probation, paying restitution or fines or engaged in a payment arrangement with a governmental body, and that she has had a professional or occupational license, certification or registration denied or issued with restrictions or limitations”*. Information gathered by and provided to the Investigation Department revealed the following:

CF-2005-454 (November 3, 2005) Pittsburg County, Oklahoma: Charged with Unauthorized Use of a Credit Card (Felony) and received a five (5) year deferred sentence, \$272.16 Restitution, \$100.00 fine, \$50.00 Victims Compensation Act (VCA) and \$48.00 Incarceration Fee. The fines have been paid in full, but the deferred sentence is in effect until February 2011.

**A-2011-006: PAUL NICK POPE (BROKER) – LAWTON (SOKOLOSKY)**

The applicant was administratively denied on February 25, 2011 based on the fact that he disclosed on his application that he had had a professional or occupational license reprimanded or subjected to disciplinary action.

Information provided to and gathered by the Investigations Department revealed that on April 21, 2009, Mr. Pope voluntarily surrendered his California Department of Real Estate license while under investigation for possible violation of the Mortgage Foreclosure Consultants Act (CDRE Case Number H-35502-LA). Although no charges were brought against him, the case is considered unresolved.

In addition to the facts stated above, the applicant failed to answer Question #2 on the Part A portion of his Oklahoma Real Estate Application.

## **B. CONSENT AGREEMENT**

NONE

## **C. HEARING EXAMINER REPORT**

**C-2009-057: METRO FIRST REALTY LLC, MAURICE L. SHEPHERD (BM), METRO FIRST REALTY LLC (BO), ROBERT D. COWGER (BB) AND MELINDA ANN STEVENSON (SA) – OKLAHOMA CITY AND EDMOND (DAY)**

*On September 21, 2010, Respondent Melinda Ann Stevenson surrendered her real estate sales associate license; however, the surrender of her license did not divest the Commission of its authority and jurisdiction to prosecute the complaint against her.*

On September 21, 2010, the Hearing Examiner found Respondent **Maurice Shepherd** to be in violation of the following:

- *Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-17-4(6)*, in that he failed to properly supervise the activities of Respondent Melinda Stevenson, concerning the Wolf Creek property and apartment locator service.

Respondent **Robert Cowger** was found to be in violation of the following:

- *Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-17-4(6)*, in that he failed to properly supervise the activities of Respondent Melinda Stevenson, concerning the Wolf Creek property and apartment locator service.

Respondent **Melinda Stevenson** was found to be in violation of the following:

- *Title 59 O.S. §858-312, Subsections 8 and 9*, in that she engaged in a repeated pattern of conduct of using her real estate license and making false statements to induce individuals to enter into real estate contracts with her, concerning the Wolf Creek, Simmons, South McArthur, 206<sup>th</sup> Street and Horseshoe Road properties;
- *Title 59 O.S. §858-312, Subsections 6, 8 and 9 and Rule 605:10-13-2*, in that she failed to deliver earnest money to her broker, concerning the White Pine Circle property;

- *Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-9-4(b)*, in that she failed to identify her broker in a written advertisement in connection with the Apartment Locator Service;
- *Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-11-2(g)*, in that she relocated her residence on multiple occasions without notifying the Commission of her change of address(es);
- *Title 59 O.S. §858-312, Subsections 2, 8 and 9 and Rule 605:10-17-5(1)*, in that she submitted a fraudulent document for the purpose of inducing a lender to loan a sum of money in connection with the Wolf Creek property;
- *Title 59 O.S. §858-312, Subsections 6 and 9*, in that she failed to furnish copies of a real estate purchase contract to the seller in connection with the White Pine Circle property;
- *Title 59 O.S. §858-353*, in that she failed to identify herself as a “transaction broker” on a transaction in which she was the purchaser, and in which she represented and advocated on behalf of herself, in connection with the Wolf Creek property;
- *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-11-1*, in that she conducted real estate transactions outside the supervision of her broker in connection with the Wolf Creek, Simmons, 206<sup>th</sup> Street and White Pine Circle properties, as well as the Apartment Locator Service;
- *Title 59 O.S. §858-312, Subsections 4 and 9 and Rule 605:10-13-2(12)*, in that she accepted a commission as a real estate associate for the performance of real estate activities from a person other than her broker in connection with the 206<sup>th</sup> Street property;
- *Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-17-4(16)*, in that she failed to obtain the owner’s permission prior to moving her personal property into the 206<sup>th</sup> Street property which she had contracted to purchase;
- *Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-9-4(c)(1)*, in that she failed to disclose on all documents pertaining to the purchase of Simmons property that she was a real estate licensee; and
- *Title 59 O.S. §858-353*, in that she failed to comply with the broker relationship disclosure requirements in connection with her purchase contract dated March 28, 2009, regarding the Wolf Creek property.

**Recommendation:** The Hearing Examiner recommends:

1. That Respondent Maurice L. Shepherd be given a letter of reprimand;
2. That Respondent Robert D. Cowger be assessed an administrative fine of **Two Hundred Fifty Dollars (\$250.00)** and a letter of reprimand;
3. That Respondent Melinda Ann Stevenson be assessed an administrative fine of **Five Thousand Dollars (\$5,000.00)**; and
4. That the real estate sales associate license of Respondent Melinda Ann Stevenson 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.

**C-2010-016: DENNIS MICHAEL BARRY (BM) AND JENNIFER C. BARRY (SA) – EDMOND (DAY)**

***Respondent Jennifer C. Barry entered into a Consent Agreement and did not appear or participate in this hearing. Her Consent Agreement was rejected at the March 9, 2011 Commission Meeting, and her portion of the case has been set for Formal Hearing.***

On March 4, 2011, the Hearing Examiner found Respondent Dennis M. Barry to be in violation of the following:

- *Title 59 O.S. §858-312, Subsections 8, 9 and 19*, in that he entered a plea of guilty to the criminal charge of conspiracy to commit bank fraud (United States District Court for the Western District of Oklahoma Case Number CR-09-273-2-R); and
- *Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-9-5*, in that he failed to notify and file a change of address for his business with the Commission within ten (10) days of the change of address.

**Recommendation:** The Hearing Examiner recommends:

1. That the real estate broker license of Respondent Dennis Michael Barry be revoked, and that his sales associate license be suspended for a period of three (3) months, with reinstatement to occur after the suspension;
2. That he be required to comply with all terms and provisions of the sentence rendered by the United States District Court for the Western District of Oklahoma (CR-09-273-2-R);
3. That he be placed on probation until February 2, 2015;
4. That he be required to attend and complete within six (6) months from the date of receipt of the Final Order, three (3) hours of continuing education concerning the subject of "Professional Standards";
5. That he be required to attend and complete, within six (6) months from the date of receipt of the Final Order, three (3) hours of continuing education concerning the subject of "Laws and Rules";
6. That he be required to "self-report any violation of his probation within ten (10) days of the occurrence; and

7. That he be required to provide a written quarterly report to the Commission, informing the Commission as to the status of his restitution payments, until the restitution has been fully satisfied.
  - *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-2009-047: REAL SOLUTIONS REALTY LLC, MARY GARDNER POINTON (BM) AND WILLIAM TRAVIS POINTON (SA) – NEWALLA (SOKOLOSKY)**

On January 26, 2011, the Hearing Examiner found Respondent William Travis Pointon in violation of:

- *Title 59 O.S. §858-312, Subsection 4*, in that he received and accepted commissions and/or other valuable consideration from Real Estate Magic LLC, who was not the sponsoring broker with whom he was associated.

Respondents Real Solutions Realty LLC and Marty Gardner Pointon were found to be in violation of:

- *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(6)*, in that they failed to properly supervise the activities of William Pointon.

**Recommendation:** The Hearing Examiner recommends that Respondents Real Solutions Realty LLC, Mary Pointon and William Pointon be assessed an administrative fine of Two Hundred Dollars (\$200.00) each, for a grand total of **Six Hundred Dollars (\$600.00)**.

- *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.

**C-2009-060: RENE MAURICIO CHAVEZ (SA) – MOORE (SOKOLOSKY)**

On January 26, 2011, the Hearing Examiner found the respondent to be in violation of the following:

- *Title 59 O.S. §858-312, Subsections 9 and 15*, in that he entered a plea of guilty in Case Number CF-2007-1577 in the District Court of Oklahoma County, Oklahoma, to the felony charge of Sexual Battery, and

- *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12)*, in that he was charged with Sexual Battery while performing real estate activities.

**Recommendation:** The Hearing Examiner recommends that the Oklahoma real estate sales associate license of Respondent Rene Mauricio Chavez 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.

**C-2009-075: JOHN J. TANNER (BP) AND ELIZABETH ANN LAWLEY (SA) – TULSA (KISNER)**

On January 25, 2011 the Hearing Examiner found Respondent **Elizabeth Ann Lawley** to be in violation of the following:

- *Title 59 O.S. §858-312, Subsections 2, 8 and 9 and Rule 605:10-17-4(13)*, in that she failed to inform the buyers, at the time of the execution of the purchase contract, that a judgment in foreclosure had been rendered against the property under Case Number CJ-2006-020 in the District Court of Okmulgee County;
- *Title 59 O.S. §858-312, Subsections 8, 9 and 23*, in that she failed to disclose on the Residential Property Condition Disclosure Statement, in response to question number 39, the pending foreclosure action in Okmulgee County, Oklahoma, and is also a violation of the Residential Property Condition Disclosure Act; and
- *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(9)*, in that she failed to produce the documents as instructed by the Oklahoma Real Estate Commission in its letter dated January 24, 2010.

Respondent **John J. Tanner** did not violate any provision of the Oklahoma Real Estate License Code or the Rules of the Commission.

**Recommendation:** The Hearing Examiner recommends that the Oklahoma Real Estate Sales Associate license of Respondent Elizabeth Ann Lawley be suspended for a period of six (6) months, and that she be ordered to pay an administrative fine of Five Hundred Dollars (\$500.00) for each violation, for a total of **One Thousand Five Hundred Dollars (\$1,500.00)**.

The Hearing Examiner also recommends that the case against Respondent John J. Tanner be 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-2009-084: OAK TREE PROPERTY COMPANY LLC AND GLENNELA P. DOSS (BM)**  
**– TULSA (KISNER)**

On March 2, 2011, the Hearing Examiner found the respondents to be in violation of the following:

*Title 59 O.S. §858-312, Subsections 2 and 9 and Rule 605:10-17-5(2)*, in that they failed to disclose to the complainant buyer the gas leak which had been cited in a previous inspection report (of which Respondent Doss had knowledge), and constitutes a substantial misrepresentation in the conduct of business; and

*Title 59 O.S. §858-312, Subsections 3 and 9*, in that they failed to furnish to complainant a copy of the inspection report from Atkinson Inspections and failed to inform complainant that a gas leak had been noted on the report and failed to disclose pertinent information regarding the property.

**Recommendation:** The Hearing Examiner recommends that Respondent Oak Tree Company LLC and Glennela P. Doss each be required to pay administrative fines in the amount of Five Hundred Dollars (\$500.00) for each of the violations, for a total of **Two Thousand Dollars (\$2,000.00)**.

- *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:*
  5. Vote to enter into Executive Session.
  6. Discussion in Executive Session.
  7. Vote to return to Open Session.
  8. Commission to vote/take appropriate action on Hearing Examiner's recommendation.

**C-2009-082: LANCE E. COCHRAN (SA) – MEDFORD (KISNER)**

On January 25, 2011, the Hearing Examiner found the respondent to be in violation of the following:

- *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-2(b)*, in that he failed to submit a written response in this case within fifteen (15) days of receiving notice of the complaint.

**Recommendation:** The Hearing Examiner recommends that Respondent Lance Cochran be ordered to pay an administrative fine of **Three Hundred Dollars (\$300.00)**.

- *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.

**C-2010-013: CASEY LEE GRIFFIN (SA) – OOLOGAH (KISNER)**

On January 25, 2011, the Hearing Examiner found the respondent to be in violation of the following:

- *Title 59 O.S. §858-312, Subsections 9 and 15*, in that he entered pleas of guilty in Case Numbers CM-2002-2983, CM-2008-5826, CM-2010-3615 and CM-2010-2642;
- *Title 59 O.S. §858-312, Subsection 15*, in that due to his demonstrated disregard for the laws of the State of Oklahoma, he is unworthy to act as a real estate licensee;
- *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(9)*, in that he failed to produce and furnish to the Commission the documents relating to his plea of guilty in Case Number CM-2008-5826; and
- *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-2(b)*, in that he failed to submit a written response to complaint in this matter.

**Recommendation:** The Hearing Examiner recommends that the Oklahoma real estate sales associate license of Respondent Casey Lee Griffin 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.

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

On March 2, 2011, the Hearing Examiner found the respondent to be in violation of the following:

- *Title 59 O.S. §858-312, Subsection 3*, in that he failed to enter into a written brokerage agreement to provide services as either a single-party broker or a transaction broker; and
- *Title 59 O.S. §858-312, Subsections 9 and Rule 605:10-9-3*, in that he failed to register with the Commission, in writing, the trade name of Property Management Group.

**Recommendation:** The Hearing Examiner recommends that Respondent Stites be ordered to pay an administrative fine in the sum of \$200.00 for each violation, for a total of **Four Hundred Dollars (\$400.00)**.

- *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 / PRELIMINARY INVESTIGATION REPORT

**C-2010-035: ENID PREMIER REAL ESTATE INCORPORATED, LARRY J. SMITH (BM), GARY LYN YOUNG (SA) AND PATRICIA A. CRONKHITE (SA) – ENID (KISNER)**

No evidence was received to indicate any violation of the Oklahoma Real Estate License Code or the Rules of the Oklahoma Real Estate Commission by the respondents.

**Recommendation:** Close case.

**C-2010-052: CHONDRA MICHELLE MARTINEZ (SA) – TULSA (SOKOLOSKY)**

Possible violations by Respondent **Chondra Martinez:**

- *Title 59 O.S. §858-312, Subsections 6, 8 and 9 and Rule 605:10-13-2(1)*, in that she may have collected earnest money and failed to timely turn over the earnest money and signed contract to her broker;

- *Title 59 O.S. §858-312, Subsection 8 and 9 and Rule 605:10-17-4(4)*, in that she may have prepared and had signed by complainants a contract which failed to contain the required dates; and
- *Title 59 O.S. §858-301*, in that she may have engaged in real estate activities which require an active license at a time during which her license was on inactive status.

**Recommendation:** Set Formal Hearing.

**C-2010-055: THE ALLIANCE REAL ESTATE GROUP INCORPORATED, REGINA M. YAGER (BM), THE ALLIANCE REAL ESTATE GROUP INCORPORATED (BO), H. LEON BROWN (BB) AND BRENDA ANN MEADORS (SA) – MIDWEST CITY AND OKLAHOMA CITY (SOKOLOSKY)**

Possible violation by Respondents **Alliance Real Estate Group Inc., Regina M. Yager, Alliance Real Estate Group Inc. (BO)** and **H. Leon Brown:**

- *Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-17-4(6)*, in that they may have failed to properly supervise the activities of associate Brenda A. Meadors.

Possible violations by Respondent **Brenda A. Meadors:**

- *Title 59 O.S. §858-312, Subsections 2, 8 and 9 and Rule 605:10-17-5(2) and Rule 605:10-17-4(12)*, in that she may have failed to furnish copies of the second and final inspection report to the complainant.

**Recommendation:** Set Formal Hearing.

**C-2010-059: CHONDRA MICHELLE MARTINEZ (SA) – TULSA (SOKOLOSKY)**

Possible violations by Respondent **Chondra Martinez:**

- *Title 59 O.S. §858-312 Subsection 9 and Rule 605:10-17-4(9)*, in that she may have failed to submit a written response to the complaint filed in this matter;
- *Title 59 O.S. §858-312 Subsections 6, 8 and 9*, in that she may have failed to account for or remit any monies coming into her possession which belonged to others, as she collected a fee and earnest money and failed to turn it over to a broker;
- *Title 59 O.S. §858-312 Subsections 8 and 9 and Rule 605:10-13-2(2)*, in that she may have failed to provide a copy of the signed contract to the complainant; and
- *Title 59 O.S. §858-301*, in that she may have engaged in real estate activities which require an active license at a time during which her license was on inactive status.

**Recommendation:** Set Formal Hearing.

**U-2008-012: THE OPPENHEIM GROUP (UNLICENSED) AND PHILLIP SUSSMAN (UNLICENSED) – HOUSTON, TX (DAY)**

Possible violations by respondents **Phillip Sussman** and **The Oppenheim Group**:

- *Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-7-2(b)*, in that they may have failed to file a written response to the complaint in this matter; and
- *Title 59 O.S. §858-401 and Rule 605:10-7-1*, in that they may have engaged in real estate activities by offering for sale commercial properties belonging to others, without possessing an Oklahoma real estate license.

Possible violations by **The Oppenheim Group**:

- *Title 59 O.S. §858-102 and Rule 605:10-7-8, Rule 605:10-7-8.1 and Rule 605:10-7-8.2*, in that they may have engaged in real estate activities by offering for sale commercial properties belonging to others without possessing an Oklahoma real estate license.

**Recommendation:** Set Formal Hearing.

**U-2009-003: REMINGTON REALTY LLC (UNLICENSED) AND MICHAEL REMINGTON (UNLICENSED) – TULSA (DAY)**

Possible violations by respondents **Remington Realty LLC** and **Michael Remington**:

- *Title 59 O.S. §858-312, Subsections 2, 8, 11, 15 and 19; Title 59 O.S. §858-401 and Rule 605:10-7-1*, in that they may have engaged in real estate activities, by offering for lease properties belonging to others without possessing an Oklahoma real estate license, and
- *Title 59 O.S. §858-312, Subsections 2, 8, 11, 15 and 19; Title 59 O.S. §858-401 and Rule 605:10-7-1*, in that they may have made materially false representations or false promises concerning the lease of properties.

**Recommendation:** Set Formal Hearing.

**U-2010-005: AFFORDABLE MOBILE HOME SALES (UNLICENSED) AND MAX TRACY (UNLICENSED) – OKLAHOMA CITY (DAY)**

Possible violations by **Affordable Mobile Home Sales** and **Max Tracy**:

- *Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-17-2(b)*, in that they may have failed to file a written response to the complaint in this matter;
- *Title 59 O.S. §858-401 and Rule 605:10-7-1*, in that they may have engaged in real estate activities by offering for sale commercial properties, belonging to others, without possessing an Oklahoma real estate license

Possible violation by **Affordable Mobile Home Sales**:

- *Title 59 O.S. §858-102 and Rules 605:10-7-8, Rule 605:10-7-8.1 and Rule 605:10-7-8.2*, in that they may have engaged in real estate activities by

offering for sale commercial properties, belonging to others, without possessing an Oklahoma real estate license.

**Recommendation:** Set Formal Hearing.

**UC-2009-004: T & T PROPERTIES (UNLICENSED) – OKLAHOMA CITY; REDEANNA LYNN WALKER (SA), BACK HOME REALTY LLC, AND REBECCA FLOYD MARTIN (BM) – BLANCHARD (DAY)**

Possible violation by respondents **Redeanna Walker** and **T & T Properties**:

- *Title 59 O.S. §858-301 and Rule 605:10-7-1*, in that they may have engaged in real estate activities by managing properties belonging to others, without possessing an Oklahoma real estate license.

No evidence was received to indicate any violation of the Oklahoma Real Estate License Code or the Rules of the Oklahoma Real Estate Commission by respondents Rebecca Martin and Back Home Realty LLC.

**Recommendation:** Set Formal Hearing on respondents Redeanna Lynn Walker and T & T Properties, dismiss case on respondents Rebecca Floyd Martin and Back Home Realty LLC.

**UC-2010-001: AMANDA DAILEY (UNLICENSED) AND DONALD RICHARD JONES (BP) – DALLAS, TX (DAY)**

Possible violation by Respondent **Amanda Dailey**:

- *Title 59 O.S. §858-401, and Rule 605:10-7-1*, in that she may have engaged in real estate activities by offering for sale commercial properties belonging to others, without possessing an Oklahoma real estate license.

Possible violation by Respondent **Donald Jones**:

- *Title 59 O.S. §858-312, Subsections 7, 9 and 14 and Rule 605:10-7-1*, in that he may have permitted an unlicensed individual to act as sales associate under his direction and supervision as a broker.

**Recommendation:** Set Formal Hearing.

**B. INVESTIGATOR REPORT**

**C-2010-054: BUILDERS REALTY OF LAWTON LLC, JOSEPH WINSTON LONDON (BM), JUANITA JEAN RODRIGUEZ (BA), CROSSROADS REALTY OF LAWTON INCORPORATED AND JOHN KINDER (BM) – LAWTON (BAKER)**

The complainant alleged that Respondent Rodriguez did not have his authorization to rent his property. The complainant alleged Respondent Rodriguez did not have lease agreements, did not turn over rental income to him and allowed the tenants to cause damage to his property.

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-2010-087: WESLEY DEAN SMITH (SA) – CLEVELAND (BAKER)**

The Investigations Department received information from the Records Department indicating Mr. Smith submitted a renewal notice for his real estate license and disclosed he had been convicted of a crime and did not have charges pending nor was he serving probation. The information submitted also indicated he had previously reported this information to the Commission. There was no record that Mr. Smith had reported the convictions.

On December 9, 2010 Mr. Smith was requested to provide documentation concerning the information noted on his renewal application. On December 14, 2010 Mr. Smith provided a written explanation and a copy of an OSBI report from when he applied for an Oklahoma Self-Defense Act License, which was denied.

The OSBI report indicated the following:

Case Number/Date: CF-1997-1044 (April 27, 1977) Tulsa County  
Charge: Distribution of Controlled Substance  
Sentence: Amended to Misdemeanor Breaking & Entry, 1 year deferred

Case Number/Date: (July 10, 1977) Tulsa County  
Charge: Disturbing the Peace, Resisting Officer  
Disposition: Plead Guilty, \$25 Fine Unknown

Case Number/Date: CRM-78-155 (April 21, 1978) Pawnee County Sheriff's Office  
Charge: Possession of Marijuana  
Disposition: Pled Guilty \$100 Fine

Case Number/Date: T-78-538 (September 11, 1979) Pawnee County Sheriff's Office  
Charge: Transporting Open Container  
Disposition: Plead Guilty

Case Number/Date: (March 4, 1983) Tulsa County  
Charge: Possession of Marijuana Public Intoxication  
Disposition: Found Guilty \$220 Fine

Case Number/Date: (March 15, 1983) Tulsa County  
Charge: Public Intoxication  
Disposition: Plead Nolo Contendere, \$35 Fine

Case Number/Date: CF-1984-347 (January 28, 1984) Tulsa County  
Charge: Possession of Marijuana, Traffic Offense  
Disposition: Misdemeanor Conviction, 1 year suspended Sentence \$100 Fine

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, in that Respondent Smith may have made a false statement in an application for a real estate license.

**C-2011-011: ERIC JOHN PEADEN (PSA) – JENKS (BAKER)**

The Investigations Department received information from the OSBI indicating Mr. Peaden had been charged with DUI – Liquor or Drugs/APCV Misdemeanor on or about June 19, 2010 in Mayes County. The charges were monitored by the Investigations Department and on January 3, 2011 the following information was obtained:

Case Number: CM-2010-00313 (June 21, 2010) Mayes County  
Charge: Driving Under the Influence – Alcohol, Pled Guilty  
Charge 2: Speeding 26-30 MPH over Limit, Pled Guilty  
Sentence: One year deferred, \$1847.60 in fines and court costs, drug and alcohol assessment, 60 hours community service, attend VIP (December 3, 2010)  
Other: All requirements, fines and costs have been completed with the exception of the one year deferred sentence which will expire on November 5, 2011.

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 for entering a guilty plea in case CM-2010-0313, in Mayes County, Oklahoma.

**C-2011-013: RYAN JIMMY FRANCIS (SA) – OKLAHOMA CITY (DANLEY)**

The Investigations Department received information from the Records Department indicating Respondent Francis had submitted a renewal notice for his real estate license. The respondent disclosed that he had not been convicted of a crime but had charges pending or was serving probation. The information submitted also indicated he had not previously reported this information to the Commission.

On December 29, 2010, Respondent Francis was requested to provide documentation concerning the information noted on his renewal application. On February 25, 2011, he provided a written explanation, a copy of his current OSBI report, and copies of court documents from the District of Oklahoma County, which indicated the following:

Case Number: CM-2007-4280 (December 17, 2007)  
Charge: Driving While Under the Influence  
Sentence: Two years deferred beginning April 9, 2009 ending April 8, 2011; fines and costs; complete Victim Impact Program; complete 60 hours of community service. (Guilty plea)

Other: Fines and costs paid in full; Victim's Impact Panel completed; community service completed.

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 for entering a guilty plea in case CM-2007-4280, Oklahoma County.

**U-2009-001: SYNERGY BUSINESS SERVICES (UNLICENSED), CHRIS TAYLOR (UNLICENSED) AND BARBARA TAYLOR (UNLICENSED) – BENTONVILLE, AR (BAKER)**

The Investigations Department received information indicating Synergy Business Services, Chris Taylor and Barbara Taylor are listing and soliciting businesses for sale from their website. Some of the listings include real estate as part of the businesses they are selling. The respondents do not possess an Oklahoma Real Estate license.

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-2010-042: DEBORAH MARTIN REALTY LLC AND DEBORAH SUE MARTIN (BM) – MCALESTER (KUEFFLER)**

The complainants alleged Respondent Martin failed to submit a bona fide offer from them through their representative, Candace Cox to the seller.

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-2010-045: LEADERSHIP REAL ESTATE INVESTMENTS INCORPORATED, BRENT AUSTIN WILLEY (PSA) AND CYNTHIA ANN WARD (B) – OKLAHOMA CITY AND EDMOND (KUEFFLER)**

The complainant alleged Respondent Brent Willey engaged in improper conduct while listing property the complainant owned with his ex-wife. He alleged the respondent failed to submit pictures with the listing and has failed to put a yard sign on the property.

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-2010-051: THE ALLIANCE RE GROUP INCORPORATED, REGINA M. YAGER (BM), THE ALLIANCE RE GROUP INCORPORATED (BO), CAROL STEPHENS (BB) AND ELODIA HAGLER (BA) – OKLAHOMA CITY AND EDMOND (KUEFFLER)**

The complainant alleged that Respondent Hagler attempted to develop a broker relationship without his consent while showing him properties.

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-2010-057: JAKE H. LEWIS (B) – CLINTON (KUEFFLER)**

Information was received indicating Respondent Jake H. Lewis published an advertisement in *The Clinton Daily News* on July 29, 2010 for Jake Lewis Agency, Jake Lewis Broker. Additional information indicated the respondent had a “for sale” sign posted on real property.

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 the respondent for marketing property at a time his license was inactive.

**C-2010-058: DONNA S. MATLOCK (BB) – TULSA (KUEFFLER)**

Information was received indicating Respondent Matlock had been charged in Tulsa County, Oklahoma with Reckless Conduct with Firearm, case CM-2010-1068.

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-2010-065: PREFERRED REAL ESTATE PROPERTIES INCORPORATED, ANNA MARIA YARBROUGH (BM) AND ROD BROOKS (BA) – OKLAHOMA CITY (KUEFFLER)**

The complainant alleged Respondent Rod Brooks arranged a showing for his property on September 6, 2010 at which time prescription medication was missing from the premises.

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-2010-084: MCGRAW REALTORS, C. VINSON REED (BM), MCGRAW REALTORS AND FRANK ANTHONY PETROUSKIE, JR. (BB) – TULSA (KUEFFLER)**

The complainant alleged Respondent Frank Petrouskie refused to present an offer to purchase.

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-2010-085: JOHN HAUSAM INCORPORATED, JOHN LOUIS HAUSAM (BM) AND LISA K. MULLINS (SA) – TULSA (KUEFFLER)**

The complainant alleged Respondent Lisa Mullins was harassing tenants in houses he owns and attempting to take them as customers. He also alleged she was placing the tenants into houses that are in foreclosure.

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-2008-017: APOSTLE FITZGERALD & COMPANY (UNLICENSED) AND ROBERT F. FITZGERALD (UNLICENSED) – PHOENIX, AZ (KUEFFLER)**

Information was received that Respondents Apostle Fitzgerald & Company and Robert F. Fitzgerald were conducting licensable real estate activities within the State of Oklahoma without possessing an Oklahoma Real Estate license.

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-2010-011: TIMMS AUCTION SERVICE (UNLICENSED), EDWARD TIMMS (UNLICENSED), JONI TIMMS (UNLICENSED), BURL TIMMS (UNLICENSED) AND HERB HAMMACK (UNLICENSED) – LEEDEY (KUEFFLER)**

Information was received indicating the respondents were advertising auction activities of real property without being properly licensed. Commission records indicate Respondent Edward Timms' broker license lapsed April 30, 2009.

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 with a letter of caution to Respondent Edward Timms for advertising real estate services will not being properly licensed.

#### **IV. GENERAL BUSINESS**

- 1) Legislative update:
  - a. SB 648 (OREC legislation)
  - b. SB 657 (electronic signatures)
  - c. HB 1598 (square footage)
  - d. HB 1594 (Property transfer fee)
  - e. HB 1223 (Attorney services)
  - f. SB 772 (Consolidation)
- 2) Discussion by Commission about what transaction records are to be retained, as stated in Rule 605:10-13-1(k)(1)
- 3) Consideration of items to be discussed at next Commission Meeting

#### **V. FINANCIAL AND FISCAL**

Financial report for February, FY 2011

#### **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: **May 11, 2011**

## **XI. ADJOURNMENT**