

**OKLAHOMA REAL ESTATE COMMISSION
AGENDA – BUSINESS MEETING
May 7, 2008**

Preliminary Agenda

I. OPENING OF BUSINESS MEETING

- A. Call to Order – 8:30 a.m.
- B. Approval of Minutes from the March 19th 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-2008-001 – Barrie Jean Bandy (PSA) – Tulsa (Kisner): Administratively denied on March 12, 2008 based on the fact that she disclosed on her application that she had a conviction for Theft of Bank Monies in 1997 and in 2000. Information provided to and gathered by the Investigations Department revealed the following:

97-CR-070-01-K (October 1997): Charged in US District Court Northern District of Oklahoma with Theft of Bank Monies and received five (5) years probation, with the first six (6) months in community/home confinement, restitution of \$14,358.53 and a \$50.00 assessment fee. The probation period ended on October 15, 2002 with the assessment charge paid and payments being made on the restitution.

00-CR-003-001-C (August 2000): Charged in US District Court Northern District of Oklahoma with Theft of Bank Funds in Excess of \$100.00 and received five (5) years probation to run concurrent with 97-CR-070-01-K, with restitution of \$10,728.35 and a \$50.00 assessment fee. The probation period ended on August 28, 2005 with the assessment charge paid and payments being made on the restitution.

B. CONSENT AGREEMENT

C-2007-043 – Easley Enterprises Incorporated, Phillip J. Easley (BM), and Eric Gordon Thompson (SA) – Midwest City (Preslar): Violations by Respondent Eric G. Thompson: Title 59 O.S. §858-312, Subsection 8 and Rule 605:10-17-4(15), in that he discouraged the complainant from obtaining an inspection on property that the complainant was purchasing.

Consented: Respondent Eric G. Thompson has consented to paying an administrative fine of Two Hundred Dollars (\$200.00). The case against Easley Enterprises Incorporated and Phillip J. Easley is closed.

C-2007-071 – Jimmie Dwayne Basler (BP) – Claremore (Preslar): Violations by Respondent Basler: Title 59 O.S. §858-312(14) and Rule 605:10-17-4(12), in that he paid an unlicensed person for activities that require an active real estate license.

Consented: Respondent Jimmie D. Basler has consented to an amended agreement, paying an administrative fine of One Thousand Dollars (\$1,000.00), a six (6)

month suspension of his broker's license, with the imposition of the suspension suspended, and a formal reprimand.

C-2007-075 – Sooner Traditions Realty LLC, Bart Hunter Miller (BM) and Judy L. Miller (SA) – Norman (Preslar): Violations by Bart H. Miller: Title 59 O.S. §858-312(2) and Rule 605:10-15-1, in that he failed to disclose his beneficial interest in the selling entity and gave the complainant a disclaimer signed more than 180 days prior to being given to the complainant, and Title 59 O.S. §858-312(23), in that he violated the Residential Property Condition Disclosure Act.

No evidence was received to indicate that Respondents Sooner Traditions Realty LLC and Judy L. Miller violated any provision of the Oklahoma Real Estate License Code.

Consented: Respondent Bart H. Miller has consented to payment of an administrative fine of Two Hundred Dollars (\$200.00) for each violation, for a total of Six Hundred Dollars (\$600.00). The case against Sooner Traditions Realty LLC and Judy L. Miller is closed.

C-2007-086 – The Alliance Real Estate Group Incorporated, Regina M. Yager (BM) – Oklahoma City; The Alliance Real Estate Group Incorporated (BO), Carol Stephens (BB), Tonya D. Coffman (SA) and Judith L. Langdon (SA) – Edmond (Preslar): Violations by Respondents Alliance Real Estate Group Incorporated, Regina M. Yager, Alliance Real Estate Group Incorporated (BO), Carol Stephens, Tonya Coffman and Judith L. Langdon: Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-17-2(b), in that they failed to file an adequate written response to the complaint filed in this matter.

Violations by Respondent Regina M. Yager: Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(9), in that she failed to timely furnish to the Commission the requested documentation concerning the transaction involved.

Consented: Respondents Alliance Real Estate Group Incorporated, Regina M. Yager, Alliance Real Estate Group Incorporated (BO), Carol Stephens, Tonya Coffman and Judith L. Langdon have consented to payment of an administrative fine of One Hundred Dollars (\$100.00) each, for a total of Six Hundred Dollars (\$600.00). Respondent Regina M. Yager has consented to payment of an administrative fine of Three Hundred Dollars (\$300.00).

U-2007-012 – Harold Dunham – Claremore (Preslar): Violations by Respondent Dunham: Title 59 O.S. §858-401, in that he engaged in licensable real estate activities while unlicensed and may have received a commission or other valuable consideration from those transactions.

Consented: Respondent Dunham has consented to payment of an administrative fine of One Thousand Dollars (\$1,000.00).

C. HEARING EXAMINER REPORT

C-2006-112 – Brandon L. Baum (SA) – Joplin, MO; Teresa Marie Therrien (SA) – Edmond; Timothy James McDaniel (SA) – Enid (Kisner): On March 4, 2008, the Hearing Examiner reported that Respondent Brandon L. Baum was found in violation of Title 59 O.S. §858-312, Subsections 8, 9 and 19, in that he was convicted of thirteen (13) counts of Wire Fraud and Engaging in a Monetary Transaction in Criminally Derived Property in the United States District Court for the Western District of Oklahoma; Respondent Teresa M. Therrien was found in violation of Title 59 O.S. §858-312, Subsections 8, 9 and 19, in that she was convicted of Wire Fraud and Engaging in a Monetary Transaction in Criminally Derived Property in the United States District Court

for the Western District of Oklahoma, and that Respondent Timothy J. McDaniel was found in violation of Title 59 O.S. §858-312, Subsections 8, 9 and 19, in that he pled guilty to and was convicted of one (1) count of Wire Fraud.

Recommend: That the Oklahoma Real Estate Sales Associate's license of Brandon L. Baum, Teresa M. Therrien and Timothy J. McDaniel be revoked.

C-2007-061 – **ABWS Tulsa Incorporated, Sherry L. Lewis (BA), ABWS Tulsa Incorporated (BO), Susan J. Beach (BM) – Tulsa, and Angela D. Baysinger (SA) – Owasso** (Kisner): On March 4, 2008, the Hearing Examiner reported that Respondents ABWS Tulsa Incorporated, Sherry L. Lewis, ABWS Tulsa Incorporated (BO) and Susan J. Beach have not violated any provision of the Oklahoma Real Estate License Code or the Rules of the Commission. Respondent Angela D. Baysinger was found in violation of Title 59 O.S. §858-312, Subsections 2, 8 and 9 and Rule 605:10-17-4(12), in that she prepared a fictitious Second Mortgage which she had no intention of paying, for the purpose of deceiving others, 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 had signed by the complainant, for the purpose of deceiving others, when in fact said Second Mortgage had not been paid in full, and Title 59 O.S. §858-312, Subsections 2, 8 and 9, in that she had the complainant sign a Release of Second Mortgage without fully advising him of the nature and consequence of his action.

Recommend: That the case against ABWS Tulsa Incorporated, Sherry L. Lewis, ABWS Incorporated (BO) and Susan J. Beach be dismissed, and that the Oklahoma Real Estate License of Angela D. Baysinger be suspended for six (6) months and that she be required to pay administrative fines of Two Thousand Dollars (\$2,000.00) for violation number 1; One Thousand Dollars (\$1,000.00) for violation number 2, and One Thousand Dollars (\$1,000.00) for violation number 3, totaling Four Thousand Dollars (\$4,000.00).

C-2007-084 – **Bob and Jo Realty Incorporated, Gina Alvis Watts (BM) – Pryor; and Gale Roy Van Deventer (PSA) – Chelsea** (Kisner): On February 27, 2008, the Hearing Examiner reported that no evidence was received to indicate that Respondents Bob and Jo Realty Incorporated, Gina A. Watts and Gale R. Van Deventer violated any provision of the Oklahoma Real Estate License Code.

Recommend: Dismiss case.

III. COMPLAINTS/INVESTIGATIONS

A. CASE EXAMINER REPORT/PRELIMINARY INVESTIGATION

C-2006-046 – **John Hausam Incorporated, John Louis Hausam (BM) and Joseph Raymond Durant (SA) – Tulsa** (Kisner): Possible violations by John Hausam Incorporated and John L. Hausam: 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 an associate in that they failed to ensure that Respondent Joseph R. Durant deposited the \$1,000.00 check associated with the transaction in to a trust account.

Possible violations by Respondent Joseph R. Durant: Title 59 O.S. §858-312, Subsections 9 and 16, in that he may have commingled his own money with the money of others in that he failed to deposit the \$1,000.00 check associated with the transaction in to a trust account, and Title 59 O.S. §858-312, Subsections 6 and 9 and Rule 605:10-13-2(1), in that he may have failed to turn over the \$1,000.00 check associated with the transaction to his broker.

Recommend: Set Formal Hearing.

C-2006-117 – **Wright Real Estate LLC, Scott Wright (BM) – Tahlequah; Wright Real Estate LLC (BO), Wanda Faye Alcorn (BB) and Carl Wayne Haulmark (BB) – Park Hill** (Jones): Possible violations by Respondents Wright Real Estate LLC, Scott Wright, Wright Real Estate LLC (BO), Wanda F. Alcorn and Carl W. Haulmark: Title 59 O.S. §858-353 (4) and Rule 605:10-13-1(j), in that the complainant did not receive notification that the earnest money deposit check had been returned unpaid by the bank.

Recommend: Set Formal Hearing.

C-2007-030 – **CB Advantage Real Estate LLC, Philip Odom (B) and David Vance Quisenberry (SA) – Oklahoma City** (Jones): No evidence was received to indicate any violation of the Oklahoma Real Estate License Code by the Respondents.

Recommend: Close case.

B. INVESTIGATORS REPORT

C-2007-092 – **ABW Edmond Incorporated, Susan Kessler Miller (BM) and Steven T. Reeser (SA) – Edmond** (Kueffler): Complainant alleged that Respondent Reeser submitted a Comparative Market Analysis (CMA) to him regarding his property he was considering selling. He alleged that the CMA was falsified and contained manipulative data.

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.

C-2007-095 – **Neokla Incorporated and Harriett J. Dunham (B) – Pryor; Neokla Incorporated (BO), Danna L. Ross (B) and Sandra Lynn Sullivan (SA) – Chouteau** (Kueffler): Complainant alleges that Respondent Sullivan contacted her mortgage holder without her permission and provided them with information about an offer that had been made on her property and advised the bank she refused to accept the offer. The complainant alleged that this caused the lender to immediately begin foreclosure proceedings; further, the complainant alleged that Respondent Sullivan personally signed an Occupancy Agreement with two individuals to lease the property without her knowledge or consent.

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.

C-2007-097 – **Adren Cunningham Real Estate LLC, J Adren Cunningham (BM) and Randy G. Sims (SA) – Woodward** (Kueffler): Complainants alleged that Respondent Sims purposefully and maliciously delayed processing an earnest money refund in order to persuade them to sign a new listing agreement and also provided false information to them during the time two (2) offers were made on their property.

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.

U-2008-010 – **United Country Mid West eServices Incorporated and Dave Rose – Coldwater, KS** (Kueffler): Information was received that Respondent Rose was conducting licensable real estate activities within the State of Oklahoma without possessing an Oklahoma Real Estate license. Respondent submitted a written response on February 19, 2008, indicating that he had been licensed in the State of Oklahoma since 2005 and provided his license number and a copy of his pocket card.

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.

C-2007-079 – Kathy Jean McMillan (BM) and Deborah Lynn Sills (SA) – Oklahoma City (Baker): Complainant alleges that the Respondents did not effectively price or market the property she had listed with them.

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.

C-2007-096 – Brandy Michelle Fuller (SA) – Tulsa (Baker): Complainant alleged that Respondent Fuller, who was her licensed assistant, used a company-issued credit card for unauthorized company and personal expenses.

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.

C-2007-098 – Johnny G. Shaw (BP) and James Duane Christie (BA) – Ponca City (Baker): Complainant alleges that earnest money should have been awarded to him because the buyer's financing was approved.

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

- A) Financial Report as of March FY08
- B) Travel to ARELLO District 2 and 3 Conference in Branson, Missouri July 19-21, 2008

V. EDUCATION

Report from the Education and Licensing Program Director

VI. INDUSTRY UPDATES

- A) Report from Rebate Task Force
- B) Contract Committee Update
- C) Thomson-Prometric Update
- D) Advice letter received by counsel on Exit Realty
- E) Review information submitted by the Real Estate Center at Texas A&M, and explore possibility of having an Oklahoma-based real estate center

VII. GENERAL BUSINESS

- A) Residential Property Disclosure Form – discussion on whether to add a question on the form “Has there been any insurance claim on the property?”
- B) Property Owner's Associations and the need for supervision
- C) Modular Housing and transfer of title

- D) Brokers without Errors and Omissions (E&O) Insurance
- E) Status of Legislation
- F) Consideration of items to be discussed at next Commission Meeting

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 June 18, 2008

XI. ADJOURNMENT