

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:

**MAY 12, 2010 – 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 April 21st 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. SUMMARY SUSPENSION OF LICENSE

The 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 otherwise ordered by the Commission.

C-2009-057 – METRO FIRST REALTY LLC, MAURICE L. SHEPHERD (BM) – OKLAHOMA CITY; METRO FIRST REALTY LLC (BO), ROBERT D. COWGER (BB) AND MELINDA ANN STEVENSON (SA) – EDMOND (KISNER): Possible violations by Respondents Metro First Realty LLC, Maurice Shepherd, Metro First Realty LLC (BO) and Robert Cowger:

- 1) *Title 50 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 Respondent Melinda A. Stevenson.

Possible violations by Respondent Melinda A. Stevenson:

- 1) *Title 50 O.S. §858-312, Subsections 8 and 9*, in that she may have engaged in a repeated pattern of using her real estate license and false statements to induce individuals to enter into real estate contracts with her;
- 2) *Title 50 O.S. §858-312, Subsections 6, 8 and 9 and Rule 605:10-13-2*, in that she may have failed to turn over \$5,000.00 earnest money to her broker;
- 3) *Title 50 O.S. §858-312, Subsection 9 and Rule 605:10-9-4(b)*, in that she may have failed to reference her broker in a written advertisement;

- 4) *Title 50 O.S. §858-312, Subsection 9 and Rule 605:10-11-2(g)*, in that she may have moved her residence address on several occasions, but failed to register said addresses with the Commission;
- 5) *Title 50 O.S. §858-312, Subsections 2, 8 and 9 and Rule 605:10-17-5(1)*, in that she may have submitted a fraudulent document for the purpose of inducing a lender to loan a sum of money;
- 6) *Title 50 O.S. §858-312, Subsections 6 and 9*, in that she may have failed to furnish copies of real estate purchase contracts to seller
- 7) *Title 50 O.S. §858-353*, in that she may have disclosed as a “Transaction Broker” on a transaction in which she was the purchaser;
- 8) *Title 50 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-11-1*, in that she may have conducted real estate transactions outside the supervision of her broker, and
- 9) *Title 50 O.S. §858-312, Subsections 4 and 9 and Rule 605:10-13-2(12)*, in that she may have accepted a commission as a real estate associate for the performance of real estate activities from a person other than her broker.

Recommendation: Issue an Order of Summary Suspension immediately and set for Formal Hearing.

- *Executive Session pursuant to 25 O.S. §307(B) (8), for the purpose of discussing the Case 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 Case Examiner's recommendation.

III. FORMAL ACTION – APPEALS/HEARINGS

A. APPLICANT APPEAL

A-2010-015 – BRENT DUANE GREEN (PSA) – OWASSO (SOKOLOSKY): Administratively denied on February 2, 2010 based on the fact that he disclosed on his application that he had a professional license revoked and received an adverse decision or judgment against him in an administrative action related to his business or professional activities.

The applicant stated that in 1997, he was investigated in relation to stock purchases he had recommended to clients, but failed to disclose a compensation agreement that he had been promised because of those sales. The case was referred to the U.S. Attorney's Office and the applicant ultimately entered into an “offer of settlement”, or consent agreement, with the Securities Exchange Commission (SEC) which did not include an admission or denial of guilt, but required the following stipulations:

- 1) Barred from any association with any broker, dealer, municipal securities dealer, investment adviser or investment company, and from participating in

any offering of penny stock.

- 2) Return all money received in connection with the violation plus interest, but that payment of such amount will be waived based upon the demonstration of the financial inability to pay.
- 3) The Commission may reopen the matter at any time to consider whether accurate and complete financial information was provided, and the findings of the order cannot be contested.

A-2010-022 – TYLER EDWARD KRETCHMAR (PSA) – MEDFORD (SOKOLOSKY): Administratively denied on March 17, 2010 based on the fact that he disclosed on his application that he is presently serving a two (2) year deferred sentence for Driving under the Influence (DUI). Information provided to and gathered by the Investigation Department revealed the following:

CM-2009-0665 (May 2, 2009) Stillwater, Oklahoma: Charged with Driving Under the Influence (DUI) – Liquor or Drugs / Actual Physical Control of a Vehicle (APCV), and received a **two (2) year deferred sentence until February 9, 2012**, with fines and costs totaling \$1,166.00.

A-2010-034 – DAVID DARRELL MORGAN (PSA) – PRYOR (SOKOLOSKY): Administratively denied on April 19, 2010 based on the fact that although he disclosed on his application that he had not been convicted of any crime, his Oklahoma State Bureau of Investigation Criminal History report revealed a 2009 charge of Driving under the Influence. Information provided to and gathered by the Investigation Department divulged the following:

CM-2009-1324 (August 10, 2009) Pryor, Oklahoma: Charged with Driving under the Influence (DUI) and received a three (3) year deferred sentence until April 8, 2013, \$200 fine, \$100.00 Victims Compensation Act (VCA), and fines and costs totaling \$1,108.00, to be paid at \$100.00 per month for 12 months.

B. CONSENT AGREEMENT

C-2009-061 – JOSEPH LYNN RAMSEY (B) – WARR ACRES (PRESLAR): Possible violations by respondent:

- 1) *Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-9-5(a)*, in that he relocated his office in January 2010, but did not file the change with the Commission until February 2010, and
- 2) *Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-13-1(j)*, in that he indicated in a purchase contract dated May 18, 2009 that the earnest money was to be deposited into the Spirit Company Trust Account, an account which is not registered with the Commission, no does such account exist.

Consented: Respondent Ramsey has consented to payment of an administrative fine of **Five Hundred Dollars** (\$500.00).

C. HEARING EXAMINER REPORT

NONE

IV. COMPLAINTS/INVESTIGATIONS

A. CASE EXAMINER REPORT / PRELIMINARY INVESTIGATION

C-2009-043 – **LEWIS R. HEINTZELMAN (BP)** – **MIDWEST CITY (KISNER)**: Possible violations by respondent:

Title 59 O.S. §858-354(A) and Title 59 O.S. §858-312, Subsection 9, in that he may have failed to enter into a written brokerage agreement prior to providing services as a single party broker.

Recommendation: Set Formal Hearing.

B. INVESTIGATOR REPORT

C-2007-105 – **DANIEL M. PERRY (BP)** – **TULSA (BAKER)**: The complainant stated that Perry Properties manages rental properties and violates numerous safety requirements. There were utility disconnect notices non apartment doors when the complex was supposed to have utilities paid. Several tenants reported to the complainant that their gas service is frequently disconnected and repairs are never made.

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 Perry, in that he did not provide Broker Relationship Disclosures to the tenants of the properties he manages.

UC-2008-005 – **RITA FAYE GREER (B) AND BILLY JAMES WILLIAMS (BP)** – **GAINESVILLE (BAKER)**: Information was received indicating Rita Greer was doing business as a real estate licensee under Billy J. Williams (Broker). Ms. Greer's license was placed on inactive status due to his continuing education requirements not being completed. Mr. Williams' license was subsequently reactivated, but Ms. Greer's license was not. MLS records were provided showing Ms. Greer had three Oklahoma properties listed for sale.

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 Greer, in that she, as an unlicensed person, engaged in acts or practices requiring a license. Further, it is recommended that this case be closed with a letter of caution to Respondent Williams, in that he allowed an unlicensed person to engage in acts or practices requiring a license while under his supervision.

C-2008-084 – **ALLEGIANCE REALTY LLC AND JANNA D. HELMICK (BM)** – **LAWTON (BAKER)**: Complainant alleged that Respondent Helmick did not appropriately handle rental property funds, did not supply copies of requested documents and was difficult to contact regarding the rental property of Nick Sowell. The complainant also alleged the respondent did not fulfill her personal rental contract 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-2010-011 – **STEPHEN PESTINGER (SA) – OKLAHOMA CITY (BAKER):** The Investigations Department received a reinstatement application for the Respondent dated October 23, 2009 from the Records Department. The respondent indicated he was currently under investigation, indictment, awaiting trial, verdict or sentencing in a criminal proceeding and was presently on parole or probation.

Information received from the respondent's background check revealed that in December 2009 he pled guilty to Driving Under the Influence (DUI) – Liquor or Drugs/ Actual Physical Control of a Vehicle (APCV) in case CM-2009-536 (Carter County, Oklahoma) and received a one (1) year deferred sentence that will end on December 10, 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 respondents.

Recommendation: Close case with caution, requiring the respondent to report to the Commission any conviction he may receive at the end of the deferred sentence.

C-2010-005 – **CATHERINE M. GOREE (BP) – OKLAHOMA CITY (DANLEY):** The Investigations Department received information from the Records Department indicating that Respondent Goree submitted a renewal notice for her real estate license and disclosed that she had not been convicted of a crime, but that she had charges pending with a court date of November 22, 2009. The information submitted also indicated that she had not previously reported the information to the Commission.

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 caution, requiring the respondent to report to the Commission any conviction she may receive at the end of her deferred sentence.

C-2010-017 – **DEBRA LYNN PATTON (SA) – NEWALLA (DANLEY):** The Investigations Department received information from the Records Department indicating that Respondent Patton submitted a renewal notice for her real estate license and disclosed that she had been convicted of a crime and had charges pending. The information submitted also showed that she had previously reported the information to the Commission,

On August 6, 2009 Respondent Patton was requested to provide court documents and a personal statement concerning her conviction, but she failed to respond to that request.

On January 14, 2010 the respondent was sent another request for the documents, which she also failed to respond to.

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-2010-019 – WANDA T. POTTS (BP) – CHECOTAH (KUEFFLER): The complainant alleged the respondent submitted an offer to him that was below the listing price at a time when he was temporarily ill. This illness caused him to make a poor decision in accepting the offer. The complainant stated he had explained his condition to the respondent a few days prior to her submitting the offer to him.

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-2009-006 – BROKEN BOW CABIN LODGING (UNLICENSED), TOMMY JULIAN (UNLICENSED) AND KAREN JULIAN (UNLICENSED) – BROKEN BOW (KUEFFLER): Information was received indicating the respondents may have been conducting property management activities without possessing the appropriate Oklahoma real estate license.

Findings: During the 2010 legislative session House Bill 2305 was passed and ultimately signed into law by Governor Brad Henry. This law provides an exemption for persons managing daily rentals for transient renters. Therefore, this case is being closed.

U-2009-007 – HOCHATOWN JUNCTION RESORT (UNLICENSED) – BROKEN BOW (KUEFFLER): Information was received indicating the respondents may have been conducting property management activities without possessing the appropriate Oklahoma real estate license.

Findings: During the 2010 legislative session House Bill 2305 was passed and ultimately signed into law by Governor Brad Henry. This law provides an exemption for persons managing daily rentals for transient renters. Therefore, this case is being closed.

U-2009-008 – BEST CREEKSIDE CABINS (UNLICENSED), J. M. BAGGS (UNLICENSED) AND WILLA LEA BAGGS (UNLICENSED) – BROKEN BOW (KUEFFLER): Information was received indicating the respondents may have been conducting property management activities without possessing the appropriate Oklahoma real estate license.

Findings: During the 2010 legislative session House Bill 2305 was passed and ultimately signed into law by Governor Brad Henry. This law provides an exemption for persons managing daily rentals for transient renters. Therefore, this case is being closed.

U-2009-009 – KIAMICHI COUNTRY CABINS (UNLICENSED) – BROKEN BOW (KUEFFLER): Information was received indicating the respondents may have been conducting property management activities without possessing the appropriate Oklahoma real estate license.

Findings: During the 2010 legislative session House Bill 2305 was passed and ultimately signed into law by Governor Brad Henry. This law provides an exemption

for persons managing daily rentals for transient renters. Therefore, this case is being closed.

U-2009-010 – HIDDEN HILLS CABINS (UNLICENSED) AND MARK MCDANIEL (UNLICENSED) – BROKEN BOW (KUEFFLER): Information was received indicating the respondents may have been conducting property management activities without possessing the appropriate Oklahoma real estate license.

Findings: During the 2010 legislative session House Bill 2305 was passed and ultimately signed into law by Governor Brad Henry. This law provides an exemption for persons managing daily rentals for transient renters. Therefore, this case is being closed.

U-2009-011 – PINE MEADOWS CABINS (UNLICENSED), CLIFTON JORDAN (UNLICENSED), RUBY JORDAN (UNLICENSED) AND DIAN JORDAN-WERHANE (UNLICENSED) – BROKEN BOW (KUEFFLER): Information was received indicating the respondents may have been conducting property management activities without possessing the appropriate Oklahoma real estate license.

Findings: During the 2010 legislative session House Bill 2305 was passed and ultimately signed into law by Governor Brad Henry. This law provides an exemption for persons managing daily rentals for transient renters. Therefore, this case is being closed.

U-2009-012 – BEAVERS BEND GETAWAYS (UNLICENSED), JOE SILK (UNLICENSED) AND LINDY SILK (UNLICENSED) – BROKEN BOW (KUEFFLER): Information was received indicating the respondents may have been conducting property management activities without possessing the appropriate Oklahoma real estate license.

Findings: During the 2010 legislative session House Bill 2305 was passed and ultimately signed into law by Governor Brad Henry. This law provides an exemption for persons managing daily rentals for transient renters. Therefore, this case is being closed.

U-2009-013 – BEAVERS BEND LODGING (UNLICENSED) AND JANET CRESS (UNLICENSED) – BROKEN BOW (KUEFFLER): Information was received indicating the respondents may have been conducting property management activities without possessing the appropriate Oklahoma real estate license.

Findings: During the 2010 legislative session House Bill 2305 was passed and ultimately signed into law by Governor Brad Henry. This law provides an exemption for persons managing daily rentals for transient renters. Therefore, this case is being closed.

U-2009-014 – FIVE STAR CABINS (UNLICENSED) AND RHONDA HOWARD (UNLICENSED) – BROKEN BOW (KUEFFLER): Information was received indicating the respondents may have been conducting property management activities without possessing the appropriate Oklahoma real estate license.

Findings: During the 2010 legislative session House Bill 2305 was passed and ultimately signed into law by Governor Brad Henry. This law provides an exemption for persons managing daily rentals for transient renters. Therefore, this case is being closed.

U-2009-015 – **BEAVERS BEND CABIN RENTALS (UNLICENSED), RETREAT ON THE RIVER (UNLICENSED), BRAD REESING (UNLICENSED) AND LORI REESING (UNLICENSED) – IDABEL (KUEFFLER)**: Information was received indicating the respondents may have been conducting property management activities without possessing the appropriate Oklahoma real estate license.

Findings: During the 2010 legislative session House Bill 2305 was passed and ultimately signed into law by Governor Brad Henry. This law provides an exemption for persons managing daily rentals for transient renters. Therefore, this case is being closed.

U-2009-016 – **BUCK FEVER CABINS (UNLICENSED), BEAVERS BEND ADVENTURES (UNLICENSED) AND JANINE CARTER (UNLICENSED) – BROKEN BOW (KUEFFLER)**: Information was received indicating the respondents may have been conducting property management activities without possessing the appropriate Oklahoma real estate license.

Findings: During the 2010 legislative session House Bill 2305 was passed and ultimately signed into law by Governor Brad Henry. This law provides an exemption for persons managing daily rentals for transient renters. Therefore, this case is being closed.

U-2009-017 – **DEER CROSSING LODGE (UNLICENSED) – BROKEN BOW (KUEFFLER)**: Information was received indicating the respondents may have been conducting property management activities without possessing the appropriate Oklahoma real estate license.

Findings: During the 2010 legislative session House Bill 2305 was passed and ultimately signed into law by Governor Brad Henry. This law provides an exemption for persons managing daily rentals for transient renters. Therefore, this case is being closed.

U-2009-018 – **HICKORY HILLS CABINS (UNLICENSED), JOHN ZIMMERMAN (UNLICENSED) AND SHARA ZIMMERMAN (UNLICENSED) – BROKEN BOW (KUEFFLER)**: Information was received indicating the respondents may have been conducting property management activities without possessing the appropriate Oklahoma real estate license.

Findings: During the 2010 legislative session House Bill 2305 was passed and ultimately signed into law by Governor Brad Henry. This law provides an exemption for persons managing daily rentals for transient renters. Therefore, this case is being closed.

U-2009-019 – **CARPER SPRINGS CABINS (UNLICENSED), WILLIAM CARPER (UNLICENSED), KEVIN CARPER (UNLICENSED) AND SUZIE CARPER (UNLICENSED) – IDABEL (KUEFFLER)**: Information was received indicating the respondents may have been conducting property management activities without possessing the appropriate Oklahoma real estate license.

Findings: During the 2010 legislative session House Bill 2305 was passed and ultimately signed into law by Governor Brad Henry. This law provides an exemption for persons managing daily rentals for transient renters. Therefore, this case is being closed.

U-2009-022 – LAKE MOUNTAIN CABINS (UNLICENSED) – BROKEN BOW (KUEFFLER): Information was received indicating the respondents may have been conducting property management activities without possessing the appropriate Oklahoma real estate license.

Findings: During the 2010 legislative session House Bill 2305 was passed and ultimately signed into law by Governor Brad Henry. This law provides an exemption for persons managing daily rentals for transient renters. Therefore, this case is being closed.

U-2009-023 – BEAVERS BEND CREATIVE ESCAPE (UNLICENSED), CHANDRA RICKEY (UNLICENSED) AND TERRY WALKER (UNLICENSED) – BROKEN BOW (KUEFFLER): Information was received indicating the respondents may have been conducting property management activities without possessing the appropriate Oklahoma real estate license.

Findings: During the 2010 legislative session House Bill 2305 was passed and ultimately signed into law by Governor Brad Henry. This law provides an exemption for persons managing daily rentals for transient renters. Therefore, this case is being closed.

IV. GENERAL BUSINESS

- 1) Legislative Update
- 2) Rules Update
- 3) Consideration of items to be discussed at next Commission Meeting

V. FINANCIAL AND FISCAL

Financial report for March FY 2010

VI. EDUCATION

Report from the Education and Licensing Program Director

VII. INDUSTRY UPDATES

- 1) Report from Broker Relationships Act (BRA) Task Force
- 2) Report from Contract Committee
- 3) Report from Errors and Omissions (E&O) Task Force
- 4) Report from Real Estate Research Center Task Force
- 5) AG opinion request regarding whether a licensee could be found in violation of HB 1804 (Oklahoma State Immigration Law of 2007) for “harboring an illegal alien” if the licensee rents or sells real property to that person.

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) Special Meeting scheduled for **May 18, 2010**
- 2) Next Regular Meeting scheduled for **June 9, 2010**

XI. ADJOURNMENT