

**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 23, 2007 – 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 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.**

II. FORMAL ACTION – APPEALS / HEARINGS

A. APPLICANT APPEAL

A-2007-027 – Shelly Diane Welsh (PSA) – Tulsa (Sokolosky): Administratively denied on February 13, 2007 based on the fact that she disclosed on her application that she had been arrested for DUI in 1998, 2003 and 2004. The Investigations Department received the following information from her OSBI report:

Case Number CM-1998-132, filed January 14, 1998 in Tulsa County, OK: Charged with Unlawful Possession of Marijuana – Count 1, Taxes Due State – Count 2 and a third Count with no charge listed. She received one (1) year deferred sentence, \$500.00 Court Fund fine, \$250.00 VCF fine, \$100.00 Mental Health fine and twenty (20) hours community service on Count 1; on Count 2, she received three (3) month deferred sentence, \$50.00 Court Fund fine and another \$250.00 Court Fund fine, in lieu of community service. She was ordered to pay a \$10.00 fine and costs on Count 3.

Case Number CM-2003-1257, filed March 10, 2003 in Tulsa County, OK: Charged with Driving Under the Influence-Alcohol and received a one (1) year suspended sentence, \$500.00 fine, \$50.00 Court Fund and 56 hours community service. All fine and costs were paid and all court requirements completed.

Case Number CF-2004-5125, filed November 29, 2004 in Tulsa County, OK: Charged with Driving Under the Influence of Intoxicating Liquor (2nd Offense) – Count 1 and Speeding – Count 2. On Count 1, she received four (4) years incarceration and ordered to complete an Alcohol Treatment Program. She was also ordered to pay fines and costs of \$500.00, \$9.00 C.L.E.E.T. Penalty Assessment, \$5.00 C.L.E.E.T. Penalty Assessment For AFIS, \$30.90 Court Clerk Administrative Fee, \$278.00 Court Costs On DUI, \$25.00 DA Council Prosecution Assessment, \$155.00 DPS Patrol Vehicle Fund Fee, \$5.00 Forensic Science Improvement Assessment, \$6.00 Law Library Fee, \$10.00 Medical Expense Liability Revolving Fund, \$10.00 Oklahoma Court Information System Revolving Fund, \$5.00 Sheriff's Service Fee, \$100.00 Trauma Care Assistance Revolving Fund and \$250.00 Victims Compensation Assessment. She currently has an outstanding balance of \$494.80.

A-2007-032 – Frank Lloyd Robson (PSA) – Tulsa (Kisner): Administratively denied on March 5, 2007 based on the fact that he disclosed on his application that he had been arrested and charged with Attempting to Obtain Controlled by Fraud and is serving a deferred sentence until October 2008. Information obtained by the Investigations Department revealed that under CF-2006-2492, which was filed on June 1, 2006 in Tulsa County, OK, he was charged with the offense and received a two (2) year deferred sentence, \$250.00 Court Fund,

\$125.00 VCA, costs and 56 hours of community service. The applicant completed the community service, but has an outstanding balance of \$550.00.

A-2007-045 – Sandra Kay Ward (PSA Pre-approval) – Oklahoma City (Sokolosky): Administratively denied on March 23, 2007 based on the fact that she disclosed on her application that she had been arrested in 2001 in Canadian County, Oklahoma for Trafficking in Illegal Drugs and Unlawful Manufacture of a Controlled Substance. She also indicated that she had been arrested in 2002 in Blaine County for Unlawful Possession of Controlled Substance and Endeavoring to Manufacture a Controlled Substance. Information received by the Investigations Department detailed the following:

Case Number CF-2001-578 (November 13, 2001) Canadian County, Oklahoma: Charged with Trafficking in Illegal Drugs (Methamphetamine) and sentenced to five (5) years incarceration and costs, to run concurrent with CF-2001-579 and CM-2001-884. all costs have been paid.

Case Number CF-2001-579 (November 13, 2001) Canadian County, Oklahoma: Charged with Unlawful Manufacture of a Controlled Dangerous Substance (Methamphetamine) and sentenced to seven (7) years incarceration with all but first five years suspended.

Case Number CF-2001-884 (November 13, 2001) Canadian County, Oklahoma: Charged with Unlawful Possession of a Controlled Dangerous Substance and sentenced to one (1) year incarceration, VCA and costs. All costs have been paid.

Case Number CF-2002-30 (April 30, 2002) Blaine County, Oklahoma: Charged with Unlawful Possession of a Controlled Substance with Intent to Distribute and received seven (7) years incarceration and costs, to run concurrent with CF-2002-31, but consecutive to CF-2001-578 and CF-2001-579. All costs have been paid.

Case Number CF-2002-31 (April 30, 2002) Blaine County, Oklahoma: Charged with Endeavoring to Manufacture a Controlled Substance and was sentenced to seven (7) years incarceration and costs, to run concurrent with CF-2002-30, but consecutive to CF-2001-578 and CF-2001-579. All costs have been paid.

Case Number CF-2002-107 (April 30, 2002) Blaine County, Oklahoma: charged with Possession of Drug Paraphernalia; case was dismissed without costs on August 23, 2002. Additional information was obtained which indicated that the applicant is currently on Inactive Parole (Supervised Probation), which is due to discharge on May 3, 2007.

A-2007-046 – Jacob Andrew Scott (PSA) – Tulsa (Kisner): Administratively denied on March 26, 2007 based on the fact that he disclosed on his application he had been arrested for Petty Theft in Boise, Idaho. Records submitted to and obtained by the Investigations Department revealed that under Case Number M0011979 (October 19, 2000), in Ada County Idaho, he was charged with Petty Theft (originally charged with Felony-Grand Theft) and received one (1) year incarceration with 300 days suspended, two years probation, \$313.50 fines and costs, \$66.50 restitution, and attendance of Theft Class. He failed to complete theft class, resulting in the issuance of a bench warrant and the addition of a probation violation charge on May 24, 2006. He was fined an additional \$150.00 and costs and was re-ordered to attend the Anti-Theft Class. Court records submitted by the applicant indicate that he has still not completed the NTSI Anti-Theft class ordered by the court.

Additionally, the applicant submitted the following information concerning traffic and criminal citations:

Case Number M9407967 (August 31, 1994) Ada County, Idaho: Charged with Disturbing the Peace and received a \$119.00 fine; fine was paid.

Case Number M9409559 (October 13, 1994) Ada County, Idaho: Charged with Indecent Exposure and received a \$251.50 fine; fine and costs were paid.

Case Number M9807584 (July 6, 1998) Ada County, Idaho: Charged with Driving While Suspended – Count 1, Failure to Display License Plates – Count 2. He was charged with Contempt of Court – Count 3 after he failed to pay \$213.50 in fines and costs when due. The case was later dismissed when he paid his fine.

Case Number T0045653 (November 11, 2000) Ada County, Idaho: Charged with Operating Vehicle without Valid Operating/Chauffeur License– Count 1 and Following Too Closely – Count 2 and received \$132.00 in fines and costs; fines and costs were paid.

Case Number: H0001232 (December 4, 2000) Ada County, Idaho: Charged with Grand Theft – Felony, but the matter was transferred to and resolved under Case Number M0011979.

A-2007-048 – Kelly Marie Stillwell (PSA) – Broken Arrow (Sokolosky): Administratively denied on March 23, 2007 based on the fact that she disclosed on her application that she was arrested in 1999 in Tulsa, Oklahoma for Driving Under the Influence. Information submitted to and obtained by the Investigations Department revealed that under Case Number TR-1999-6889 (June 15, 1999) in Tulsa County, Oklahoma, she was charged with Driving While Intoxicated – Intoxicating Liquor and received a one (1) year suspended sentence, \$600.00 fine, \$50.00 VCA and 56 hours community service. On May 9, 2000, an application to accelerate the suspended sentence was filed because she failed to complete the community service, however, she paid the court \$350.00 in lieu of performing the community service and the application was dismissed May 16, 2001. All other court requirements, fines and costs have been fulfilled.

Additionally, under Case Number 206641 (March 15, 1999) in Broken Arrow, Oklahoma Municipal Court, she was charged with Driving Under the Influence and received a six (6) month deferred sentence, \$200.00 fine, \$22.00 cost, 40 hours community service, DUI School, Alcohol Assessment and VIP. All of the court requirements, fines and costs have been fulfilled.

A-2007-050 – Leslie Anne Males (PSA) – Tulsa (Kisner): Administratively denied on April 2, 2007 based on the fact that she disclosed on her application that she had been arrested in 1990 for Driving Under the Influence (DUI). Information submitted to and gathered by the Investigations Department revealed the following:

-Case Number TR-1990-287 (January 5, 1990) Tulsa County, Oklahoma: Charged with DUI Alcohol and received a one (1) year suspended sentence, \$500.00 fine/cost, \$200.00 court fund and \$10.00 VCA. All Court requirements were completed and all fines and costs paid.

-Case Number CM-1990-381 (January 31, 1990) Oklahoma County, Oklahoma: Charged with Driving While Under the Influence of Intoxicating Liquor, but no information was submitted regarding Judgment and Sentence.

-Case Number CF-1991-3970 (September 23, 1991) Oklahoma County, Oklahoma: Charged with DUI-Second Offense (Liquor) and received a three (3) year suspended sentence (supervised probation), \$1,000.00 fine/costs and 80 hours of community service. All Court requirements were completed and all fines and costs paid.

-Case Number 34851 (December 8, 1996) Bixby, Oklahoma Municipal Court: Charged with Misdemeanor-Public Drunk. No additional information was available, but the applicant submitted documents from court indicating the case was dismissed.

-Case Number 34852 (December 8, 1996) Bixby, Oklahoma Municipal Court: Charged with Misdemeanor-Resisting Officer. No additional information was provided, but the applicant submitted documents from court indicating the case was dismissed.

-Case Number 34853 (December 8, 1996) Bixby, Oklahoma Municipal Court: Charged with Misdemeanor Possession of Narcotic Equipment. No additional information was provided, but the applicant submitted documents from court indicating the case was dismissed.

-Case Number 34854 (December 8, 1996) Bixby, Oklahoma Municipal Court: Charged with Misdemeanor Possession of Marijuana. No additional information was provided, but the applicant submitted documents from court indicating the case was dismissed.

-Case Number CM-2000-958 (October 2, 2000) Rogers County, Oklahoma: Charged with Public Intoxication and received a \$100.00 Fine; Fines and costs have been paid.

A-2007-052 – **Michelle Miller** (PSA) – Holdenville (Sokolosky): Administratively denied on April 4, 2007 based on the fact that she disclosed on her application that she had been charged with writing a bad check in Wewoka, Oklahoma in 1998. Information submitted to and gathered by the Investigations Department revealed that under Case Number CF-2000-116 (March 17, 2000), in Seminole County, Oklahoma, she was charged with Bogus Check and received a five (5) year suspended sentence, \$130.00 costs, \$100.00 VCA, \$100.00 OIDS and \$2,100.34 in restitution. All requirements, fines and cost were completed and paid. The case was disposed as a misdemeanor and expunged from her record on March 23, 2007.

A-2007-053 – **James Michael Kreger** (PSA) – Durango, Colorado (Kisner): Administratively denied on April 16, 2007 based on the fact that he disclosed on his application that he had been arrested in Arapahoe County, Colorado for Minor in Possession of Alcohol (2001), arrested in Vail, Colorado for Minor in Possession of Alcohol (2002), La Plata County, Colorado for Driving While Ability Impaired (2006), and Millard County, Utah for Attempted Possession of a Schedule II Controlled Substance – Cocaine (2006). Information submitted to and gathered by the Investigations Department revealed the following:

Case Number 061700140 (June 24, 2006) Millard County, Utah: Charged with Felony-Attempted Illegal Possession/Use of Controlled Substance – Count 1, Felony-Illegal Possession/Use of Controlled Substance (dismissed) – Count 2, Possession of Drug Paraphernalia (dismissed) – Count 3, and Open Container/Drinking Alcohol in Vehicle (dismissed) – Count 4. He received a \$500.00 fine, 12 months probation and was ordered to attend an Alcohol and Drug program. All fines have been paid and all court requirements were completed, with his probation scheduled to expire September 11, 2007.

Case Number 2006 T 419 (March 20, 2006) La Plata County, Colorado: Charged with Driving Under the Influence – Count 1, Leaving the Scene of a Property Damage Accident – Count 2, Failing to Report Accident to Police (dismissed) – Count 3, and Careless Driving (dismissed) – Count 4. He was ordered to pay \$2,026.50 restitution and \$436.00 in fines, fees, and costs. He received a 10 day suspended sentence, 24 hours Community Service and one (1) year probation. Count 1 was reduced to Driving While Ability Impaired and Count #2 was reduced to Defective Vehicle. All fines have been paid and all court requirements were completed.

Case Number 2003-5752-GO (January 2, 2003) Town of Vail, Colorado: Charged with Possession of Cannabis (dismissed) – Count 1 and Possession of Liquor Underage – Count 2. He received a one (1) year deferred sentence and was ordered to pay a \$200.00 fine and to attend an eight (8) hour alcohol class. All fines have been paid and all court requirements were completed.

Case Number 2001M-201733 (August 28, 2001) Arapahoe County, Colorado: Charged with Alcohol-Underage Possession/Consumption and was ordered to attend eight (8) hours Community Service, a Drunk Driving Impact Panel and an Alcohol Education Course. There was no indication of court costs or fines in the court documentation and all court requirements were completed.

A-2007-055 – **Nicholas Wade Spivey** (PSA) – Oklahoma City (Sokolosky): Administratively denied on May 7, 2007 based on the fact that he disclosed on his application that he had been arrested and charged with Child Abuse in 2003. Information submitted to and gathered by the Investigations Department revealed the following:

Case Number CM-2004-722 (February 2004) in Oklahoma County, Oklahoma: Charged with Child Abuse and received a ten (10) year sentence, with all but the first twelve (12) months suspended, \$45.00 VCA, \$250.00 investigation costs and \$40.00 month probation fee. All costs have been paid and his suspended sentence is scheduled to expire on February 22, 2015.

Case Number CM-1997-1314 (July 1997) in Oklahoma County, Oklahoma: Charged with Malicious Injury and Destruction of Property and received a one (1) year suspended sentence, \$100.00 fine, \$100.00 VCA and costs. All costs and fines were paid, and all court requirements were completed.

B. CONSENT ORDER

C-2007-009 – **William Frank Lay (SA)** – Fort Smith, Arkansas (Kisner): Possible violations by Respondent William Lay: Title 59 O.S. §858-312 (8) and Rule 605:10-17-4 (12), in that Respondent Lay may have demonstrated unworthiness to act as a real estate licensee, whether of the same or of a different character as specified in this section, or because the real estate licensee has been convicted of a crime involving moral turpitude, as Respondent pled guilty to one (1) count of Obstruction of Criminal Investigation and was placed on probation for one (1) year and was ordered to pay a \$500.00 fine and \$25.00 in costs.

Consented: The Respondent has consented that his status will be that of Probation with the Oklahoma Real Estate Commission until his court-ordered probation has been successfully completed and ended, that being December 14, 2007

C. HEARING EXAMINER REPORT

C-2006-091 – **David Edward Bloebaum (SA)** – Oklahoma City (Sokolosky): A formal hearing was held wherein the Respondent was found to be in violation of Title 59 O.S. §858-312, Subsections 8, 9 and 15, in that the Respondent entered a plea of Nolo Contendere to a felony charge of Pointing a Firearm at Another.

Recommend: That the Oklahoma Real Estate Sales Associate license of Respondent David E. Bloebaum be revoked

C-2006-083 – **Coronet Enterprises Incorporated, Kimberly Anne Fox (BM) and Bette C. Harvey (BA)** – Tulsa (Sokolosky): A formal hearing was held wherein no evidence was received to indicate the Respondents violated any provision of the Oklahoma Real Estate License Code or the Rules of the Commission.

Recommend: Dismiss case

III. COMPLAINTS/INVESTIGATIONS

A. CASE EXAMINER REPORT/PRELIMINARY INVESTIGATION

C-2006-104 – **Pro 1, Incorporated and Barbara E. Carpenter (BM)** – Norman (Sokolosky): No evidence was received to indicate the Respondents violated any provision of the Oklahoma Real Estate License Code or the Rules of the Commission.

Recommend: Close case

C-2006-010 – **C. Fred Eberle (BM)** – Ponca City, **C. Fred Eberle (BO)**, **Bryan Jefferson Ritter (BA)** – Stillwater, **Donald Dean Blackwell (B)** – Ponca City and **Allen D. Mitchell (BP)** – Glencoe (Kisner): Possible violations by Respondent C. Fred Eberle: Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(6), in that he may have failed to properly supervise the activities of an associate as he failed to ensure that Respondent Bryan Ritter disclosed to the buyer the condition of the underground storage tanks on the property involved in the transaction, and failed to ensure that Respondent Ritter disclosed to the buyers that he was the son of the sellers.

Possible violations by Respondent Bryan Jefferson Ritter: Title 59 O.S. §858-312, Subsections 2, 8 and 9 and Rule 605:10-17-5(12), in that he may have failed to disclose to the buyers the condition of the underground storage tanks;

Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-17-4(12), in that he may have failed to disclose to the buyers that he was the son of the sellers;

Title 59 O.S. §858-353 (A,1), in that he may have prepared an inaccurate payment schedule for the repayment of the complainant's mortgage; and

Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12), in that he may have provided false or inaccurate information regarding the subject transaction to a staff

investigator by denying that he prepared an inaccurate payment schedule for the complainants.

Recommend: Set Formal Hearing on C. Fred Eberle (BM) and Bryan Jefferson Ritter; close case on Respondents C. Fred Eberle (BO), Donald Dean Blackwell and Allen D. Mitchell

C-2006-107 – **Marion Group Real Estate Incorporated and Walter L. Marion (BM)** – Lawton (Kisner): Possible violations by Respondents Marion Group Real Estate Incorporated and Walter L. Marion: Title 59 O.S. §858-312, Subsections 3 and 9 and Rule 605:10-17-4 (12), in that they may have paid, or offered to pay, \$1,500.00 of the Complainant buyer's closing costs in the transaction.

Possible violations by Walter L. Marion: Title 59 O.S. §858-312, Subsections 3 and 9 and Rule 605:10-17-4 (12), in that he may have disclosed himself as a transaction broker for both the Buyer (complainant) and Seller (his construction company).

Recommend: Set Formal Hearing

IV. INVESTIGATORS REPORT

C-2006-115 – **Lake Eufaula Real Estate Company Incorporated, Karen A. Willoby (BM) and Harriet J. Summers (SA)** – Eufaula (Melton): Complainant stated that Respondent Summers misrepresented her mother's property when it was advertised on the website by offering it as "Cash Only/Owner Finance" and using inadequate descriptive information. When the complainant contacted Respondent Summers, the respondent sounded offended by the phone call, but advised the complainant to lower the price of the property, which the complainant refused. Complainant then contacted Respondent Willoby to inquire as to why her mother was not receiving the same attention and detail as someone selling a much more expensive home, at which time Respondent Willoby laughed and said that the property was only worth \$30,000.00. The situation escalated into name-calling and verbal arguments over the phone when a couple expressed an interest in viewing the house, but later changed their minds, which the complainant blamed on the respondent's delay in showing them the house.

Recommend: Close with a letter of caution

C-2007-007 – **Williams and Williams Marketing Services Incorporated and Dean C. Williams (BM)** – Tulsa (Melton): Complainant stated that she arrived at the property and the only person there was a Williams and Williams security guard. The guard advised her that due to inclement weather the auction was to take place in Meeker, Oklahoma. She drove to Meeker, but discovered that the auction was not at that location. The following day, her husband checked the respondent's website and found that the property had been auctioned.

Recommend: Close case

C-2007-015 – **ABWS Tulsa Incorporated, Sherry Lewis (BM), ABWS Tulsa Incorporated (BO), Susan J. Beach (BB) and Margaret Whitworth (SA)** – Tulsa (Melton): Complainant stated that the respondent(s) failed to provide her with a copy of the covenants and restrictions of the community. She stated the seller gave her incorrect information regarding exactly what she was responsible for on the property, and that after closing, she received a copy of the restrictions and discovered that she was responsible for the removal of a tree located in her patio area. Respondent Whitworth requested that the complainant obtain estimates for removal of the tree, but also received a request from Respondent Lewis asking for justification and the necessity of the removal. The complainant obtained a letter from the Homeowner's Association stating such, but Respondent Lewis told her that the letter was "obviously" written to the complainant's request and refused to assist any further with the issue.

Recommend: Close case

V. FINANCIAL AND FISCAL

- 1) Financial Report through April, 2007
- 2) Overview of annual State Auditor's report
- 3) Consideration and approval of travel to New Orleans, Louisiana for the ARELLO District 2 and 3 Conference July 26-28, 2007
- 4) Approval to expend approximately \$4,500.00 out of the 210 Fund for the Fall Instructor workshop with Karel Murray to be held September 21, 2007 at Quartz Mountain
- 5) Consideration and approval to reprint 1000 copies of the License Code and Rules at an estimated cost of \$3,500.00, to be expended from the 210 fund
- 6) Consideration and approval to print and mail the second quarter 2007 issue of the Commission Comment at an estimated cost of \$8,500.00, to be expended from the 210 fund
- 7) Consideration and approval to implement a pilot (test) program of background checks on new applicants at an estimated cost of \$1,000.00, to be expended from the 200 fund

VI. EDUCATION

- 1) Report from the Education and Licensing Program Director

VII. INDUSTRY UPDATES

- 1) Report from Rebate Task Force
 - A) Distribution of emails received from consumers
- 2) Home inspector summarizing inspections on Commission-developed TRR form

VIII. GENERAL BUSINESS

- 1) Discussion of implementation of background checks and how they will affect applicants (provisional sales, sales associates, brokers and lapsed licensees)
- 2) Legislation
 - A) SB1006 – Governor Henry signed the Bill with an effective date of January 1, 2008
- 3) Proposed Rules – Governor Henry approved the proposed rules with an effective date of July 1, 2007
 - B) HB2051 – Status report
 - C) HB1497 – Status report
 - D) HB1771 – Status report
 - E) HB1772 – Status report
 - F) SB0064 – Status report
- 4) Question regarding broker relationships and confidential information – interpretation
- 5) Consideration of items to be discussed at next Commission Meeting

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

July 11, 2007 or alternate date

XI. ADJOURNMENT