

**OKLAHOMA REAL ESTATE COMMISSION
AGENDA – BUSINESS MEETING
July 28, 2010**

AGENDA

I. OPENING OF BUSINESS MEETING

- A. Call to Order: 8:30 a.m.
- B. Approval of Minutes from the June 9, 2010 regular meeting
- C. Public Participation (Open Topic)
- D. The Commission May Vote to Approve, Disapprove or Take Other Action on any Item Listed on this Agenda
- E. Election of Chairman and Vice-chairman

II. FORMAL ACTION – APPEALS/HEARINGS

A. APPLICANT APPEAL

A-2010-038 – CHRIS DEWAYNE CAROLAN (PSA) – STIGLER (KISNER): Administratively denied on May 18, 2010 based on the fact that information provided to and gathered by the Investigation Department revealed the following:

M-19-DR-102 (October 18, 1996) Silver City, New Mexico: Charged with Person Under the Influence of Intoxicating Liquor or Drugs; although the charge was dismissed with fines and fees totaling \$154.00, he has not provided the New Mexico Magistrate Court with proof of completion of the Mental Health and Substance Services Alcohol/Drug Substance Abuse Course (ADSAC); therefore as of the date of the denial had not satisfied the court's requirement.

A-2010-041 – JAMES DUFF WRIGHT (PSA) – TULSA (KISNER): Administratively denied on June 15, 2010 based on the fact that he disclosed on his application that he had been convicted of a crime and was presently on parole or probation, including a deferred sentence. Information provided to and gathered by the Investigation Department revealed the following:

CF-2006-1733 (April 12, 2006) Tulsa County, Oklahoma: Charged with Unlawful Possession of Controlled Substance with intent to Distribute, Possession of Paraphernalia and Public Drunk. He received a three (3) year deferred sentence and a \$750.00 on the reduced charge of Possession of Controlled Drug, a one (1) year suspended sentence and a \$375.00 fine for Possession of Paraphernalia, and a thirty (30) day suspended sentence and a \$200.00 fine for Public Drunk.

All fines and court costs have been paid in full, but the deferred sentence will not be completed until August 8, 2011.

B. CONSENT AGREEMENT

NONE

C. HEARING EXAMINER REPORT

UC-2008-007 – MICHAEL METOYER (UNLICENSED), RICHARD ALLEN COLBERT JR. (SA), GENE LOWELL (BM) AND ABW INCORPORATED – OKLAHOMA CITY (SOKOLOSKY): On May 4, 2010 the Hearing Examiner found Respondent Richard Allen Colbert Jr. to be in violation of the following:

- 1) Title 59 O.S. §858-312, Subsection 8 and Rule 605:10-17-4(14), in that he acted as a broker when not licensed as a broker, in facilitating rentals with an unlicensed individual, accepting security deposits and rent payments and depositing same into an unauthorized trust account without the knowledge or consent of his broker;
- 2) Title 59 O.S. §858-312, Subsection 3 and Rule 605:10-13-1(a, 1, c), in that he failed to register Richard Parker's Trust Account in the name of his broker, and
- 3) Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-11-1(c), in that he acted in being a partner of, employer or an associate of and working with Michael Metoyer (an unlicensed individual), while performing licensable activities.

No evidence was presented to indicate any violation of the Oklahoma Real Estate License Code by Respondents Michael Metoyer, Gene Lowell and ABW Incorporated. The case against Gene Lowell and ABW Incorporated was previously dismissed.

Recommendation: That the Oklahoma Real Estate sales associate license of Respondent Richard Allen Colbert Jr. is suspended for a period of one (1) year, with the imposition of the suspension suspended, and that he is placed on probation for a period of one (1) year.

Further, that Respondent Colbert is ordered to pay an administrative fine of Five Thousand Dollars (\$5,000.00), payable every three (3) months in the amount as Respondent Colbert is able; however, the total \$5,000.00 shall be paid in full within one (1) year from the date of receipt of the Final Administrative Order.

Additionally, Respondent Colbert is ordered to successfully complete six (6) hours of continuing education, on the topic to be determined by the Commission staff, in addition to the continuing education required by law, and to furnish proof of completion to the Commission within six (6) months from the date of receipt of the Final Administrative Order.

The case against Respondent Michael Metoyer is 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-2009-021 – SUSAN C. PRYOR (SA) – TULSA (SOKOLOSKY): On May 4, 2010 the Hearing Examiner found the respondent to be in violation of the following:

- 1) Title 59 O.S. §858-312, Subsection 15, in that she her conviction of the felony crime of Manslaughter in the First Degree in the District Court of Tulsa County, Oklahoma, demonstrates her unworthiness to act as a real estate licensee.

Recommendation: That the Oklahoma Real Estate Commission file on Respondent Susan C. Pryor be noted with the violation of the Oklahoma Real Estate License Code as stated above. (The Hearing Examiner will provide additional information after the presentation of this case)

- *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-2008-055 – CORONET ENTERPRISES INCORPORATED AND KIMBERLY ANNE FOX (BM) – BROKEN ARROW (KISNER): On May 26, 2010, the Hearing Examiner found Respondents Coronet Enterprises Incorporated and Kimberly A. Fox to be in violation of the following:

- 1) Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-13-1(n), (1), (2) and (4), in that they failed to notify the Commission in writing of the effective date of the cessation of their real estate activities and failure to advise the Commission of the location where the real estate records would be stored;
- 2) Title 59 O.S. §858-312, Subsections 6, 8 and 9, in that they failed to remit to the complainant (S. Baker), upon demand by her, rental, security and pet deposit received by respondents from tenants of Complainants in the total amount of \$2,215.00;
- 3) Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-2 (b), in that they failed to timely submit written responses to the complaint, and
- 4) Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4 (9) and (12), in that they failed to turn over to the Commission, upon written demand, copies of all documents and records pertaining to the transaction involved.

Recommendation: That the Oklahoma real estate licenses of Respondents Coronet Realty Incorporated and Kimberly Anne Fox 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-2008-056 – CORONET ENTERPRISES INCORPORATED, KIMBERLY ANNE FOX (BM) AND HEATHER MICHELLE BROWN (SA) – BROKEN ARROW (KISNER): On May 26, 2010, the Hearing Examiner found Respondents Coronet Enterprises Incorporated and Kimberly A. Fox to be in violation of the following:

- 1) Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-13-1(n), (1), (2) and (4), in that Coronet Enterprises Incorporated and Kimberly Anne Fox failed to notify the Commission in writing of the effective date of the cessation of their real estate activities and failure to advise the Commission of the location where the real estate records would be stored;
- 2) Title 59 O.S. §858-312, Subsections 6, 8 and 9, in that Coronet Enterprises Incorporated and Kimberly Anne Fox failed to remit to the complainant (T. David and Brenda Scruggs), upon demand by them, rentals, and monthly statements covering rental properties owned by complainants and managed by the respondents;
- 3) Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-2 (b), in that Coronet Enterprises Incorporated, Kimberly Anne Fox and Heather Michelle Brown failed to timely submit written responses to the complaint, and
- 4) Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4 (9) and (12), in that Coronet Enterprises Incorporated, Kimberly Anne Fox and Heather Michelle Brown failed to turn over to the Commission, upon written demand, copies of all documents and records pertaining to the transaction involved.

Recommendation: That the Oklahoma real estate licenses of Respondents Coronet Realty Incorporated, Kimberly Anne Fox and Heather Michelle Brown 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-2008-094 – ARICK R. ANDERSON (BR) – BROKEN ARROW (KISNER): On May 4, 2010, the Hearing Examiner found the respondent to be in violation of the following:

- 1) Title 59 O.S. §858-312, Subsections 9 and 15, in that he failed to disclose on his application for license renewal the fact that he had entered a plea of "Nolo Contendere" to nine (9) felony charges, and
- 2) Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-9-4(b)(3)(B), in that he failed to register the name "Sonny Anderson" with the Commission.

Recommendation: That the respondent's Oklahoma real estate broker license be suspended for a period of six (6) months.

- *Executive Session pursuant to 25 O.S. §307(B) (8), for the purpose of discussing the Hearing Examiner's recommendation and appropriate discipline, if any:*
 1. Vote to enter into Executive Session.
 2. Discussion in Executive Session.
 3. Vote to return to Open Session.
 4. Commission to vote/take appropriate action on Hearing Examiner's recommendation.

III. COMPLAINTS/INVESTIGATIONS

A. CASE EXAMINER REPORT / PRELIMINARY INVESTIGATION

C-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): On July 8, 2010 the Case Examiner, after reconsideration of this matter, reported the following possible violations by Respondents Metro First Realty LLC, Maurice L. Shepherd, Metro First Realty LLC (BO) and Robert D. Cowger:

- 1) 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 Respondent Melinda Ann Stevenson.

Possible violations by Respondent Melinda Ann Stevenson:

- 1) Title 59 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 59 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 59 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 59 O.S. §858-312, Subsection 9 and Rule 605:11-17-2(g), in that she may have moved her residence address on several occasions, but failed to register said addresses with the Commission;
- 5) Title 59 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 59 O.S. §858-312, Subsections 6 and 9, in that she may have failed to furnish copies of real estate purchase contracts to seller (S. Willingham);
- 7) Title 59 O.S. §858-353, in that she may have disclosed as a "transaction broker" on transaction in which she was the purchaser, in which she represented and advocated on behalf of herself;

- 8) Title 59 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;
- 9) Title 59 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;
- 10) Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-17-4(16), in that she may have failed to obtain the owner's permission prior to moving her personal property into a residence which she had contracted to purchase;
- 11) Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-9-4(c)(1), in that she may have failed to disclose on all documents pertaining to the purchase of 8800 West Simmons Road, Edmond, Oklahoma, that she was a real estate licensee, and
- 12) Title 59 O.S. §858-353, in that she may have failed to comply with the broker relationship disclosure requirements in connection with her purchase contract dated March 28, 2009, regarding property located at 11229 Wolf Creek Road, Edmond, Oklahoma.

Recommendation: Set Formal Hearing.

C-2009-004 – SOONER TRADITIONS REALTY LLC, BART HUNTER MILLER (BM) AND STEVEN DALE WARD (SA) – NORMAN (SOKOLOSKY): On June 29, 2010 the Case Examiner reported the following possible violations by Respondent Sooner Traditions Realty LLC and Bart Hunter Miller:

- 1) Title 59 O.S. §858-312, Subsections 8 and 9 and Rules 605:10-17-4(6), 605:10-9-1(a)(2) and 605:10-9-1(d), in that they may have allowed Steven D. Ward, their sales associate, to perform licensable activities without broker supervision and allowed Steven D. Ward to operate as a broker at his own office;
- 2) Title 59 O.S. §858-312, Subsections 8 and 9 and Rules 605:10-17-4(6) and 605:10-9-1(a)(2), in that they may have failed to maintain an office wherein the broker's books, records and files pertaining to real estate transactions of others are maintained, in that they permitted Steven D. Ward, their sales associate, to retain transactions records in his own office after consummation of the transaction, and
- 3) Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(9), in that they may have failed and refused to appear for a follow-up interview with the Oklahoma Real Estate Commission Investigator.

Possible violations by Respondent Steven Dale Ward:

- 1) Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(9), in that he may have failed and refused to appear for a follow-up interview with the Oklahoma Real Estate Commission Investigator;
- 2) Title 59 O.S. §858-312, Subsections 9 and 23, in that he may have failed to furnish to complainant, prior to the complainant's offer being accepted by the seller, a copy of the Residential Property Condition Disclosure Statement;

- 3) Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12), in that he may have signed or had signed by someone other than the complainant, the name of the complainant (E. Nunez) to the Residential Property Condition Disclosure Statement, and
- 4) Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(14) and 605:10-9-1(d), in that he may have acted in the capacity of a broker, while not licensed as a broker, in that he maintained his own office in Tulsa, Oklahoma, while his supervising broker maintained an office in Norman, Oklahoma.

Recommendation: Set Formal Hearing.

C-2009-036 – BILL LANCASTER (BP), BILL LANCASTER (BO) AND CYRINA M. LANG (BB) – WAGONER (SOKOLOSKY): On June 29, 2010 the Case Examiner reported the following possible violations by Respondent Bill Lancaster (BP):

- 1) 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 Respondent Cyrina Lang, in that he failed to ensure that Respondent Lang appropriately disclosed material defects personally known to her regarding the subject property; that he failed to ensure that Respondent Lang made available to the purchaser a copy of the Residential Property Condition Disclosure Statement prior to his offer being accepted by the Seller, and failed to ensure that Respondent Lang properly maintained office records.

Possible violations by Respondents Bill Lancaster (BO) and Cyrina M. Lang:

- 1) Title 59 O.S. §858-312, Subsection 6 and Rule 605:10-13-1(i), in that they may have failed to make available to the purchaser a copy of the Residential Property Condition Disclosure Statement prior to the Seller accepting the Buyer's offer, and failed to furnish to the purchaser a copy of the Addendum to the Residential Property Condition Disclosure Statement, and
- 2) Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(3), in that they may have failed to verify from the seller whether the property had "beams" or "piers", in order to disclose same to the purchaser.

Recommendation: Set Formal Hearing.

C-2009-041 – COLONIAL REALTY OF LAWTON LLC, KATHLEEN ANN HELTON (BM) AND REBECCA DAWN ADAIR (SA) – LAWTON (SOKOLOSKY): On June 28, 2010 the Case Examiner reported the following possible violations by Respondents Colonial Realty of Lawton LLC and Kathleen Ann Helton:

- 1) 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 Respondent Rebecca Dawn Adair.

Possible violations by Respondent Rebecca Dawn Adair:

- 1) Title 59 O.S. §858-312, Subsections 6, 8 and 9 and Rule 605:10-13-2(1)(2), in that she may have failed to turn over documents, as well as a security deposit, to her broker, in regard to property located at 4624 N.E. Bell, Lawton, Oklahoma, and

- 2) Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12), in that she may have failed to communicate with her broker, customers and clients throughout several transactions.

Recommendation: Set Formal Hearing.

C-2009-044 – RONTON INCORPORATED, TONU L. HULETTE (BM), DEBRA LYNN PATTON (SA), RUTH ELLEN JOHNSON (SA) – OKLAHOMA CITY (SOKOLOSKY): On June 28, 2010 the Case Examiner reported the following possible violations by Respondents RONTON Incorporated and Tonua L. Hulette:

- 1) Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(6), in that they may have failed to properly supervise the activities of an associate, in that they failed to ensure that Respondent Debra Lynn Patton provided the correct property information to the complainant.

Possible violations by Respondent Debra Lynn Patton:

- 1) Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(3), in that she may have failed to inform herself of pertinent facts regarding the property shown and sold to complainant (Smith), in that she provided incorrect information regarding the location of the two five-acre lots sold to him.

No evidence was received to indicate any violation of the Oklahoma Real Estate Code by Respondent Ruth Ellen Johnson.

Recommendation: Set Formal Hearing on Respondents RONTON Incorporated, Tonua L. Hulette and Debra Lynn Patton; close case against Respondent Ruth Ellen Johnson.

C-2009-075 – JOHN J. TANNER (BP) AND ELIZABETH ANN LAWLEY (SA) – TULSA (SOKOLOSKY): On June 16, 2010 the Case Examiner reported the following possible violations by Respondent John J. Tanner:

- 1) 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 (Elizabeth Lawley), in that he failed to ensure that Respondent Lawley acted with the same good faith while marketing her own property as when acting in the capacity of a real estate licensee, failed to ensure that Respondent Lawley produced all documents as instructed by the Oklahoma Real Estate Commission and failed to ensure that Respondent Lawley treated all parties with honesty and exercise reasonable skill and care.

Possible violations by Respondent Elizabeth Ann Lawley:

- 1) Title 59 O.S. §858-312, Subsections 2, 8 and 9 and Rule 605:10-17-4(13), in that she may have failed to inform the buyers (Hoffman) that there was, at the time of execution of the Purchase Contract, a judgment in foreclosure against the property involved;
- 2) Title 59 O.S. §858-312, Subsections 3, 8 and 9, in that she may have failed to comply with the requirements of Title 59 O.S. §858-351 through 858-363 in that she disclosed as a transaction broker and may have failed to treat all parties with honesty and exercise reasonable skill and care;

- 3) Title 59 O.S. §858-312, Subsections 8, 9 and 23, in that she may have violated the provisions of the Residential Property Condition Disclosure Act, in that she answered "Unknown" to Question Number 39 of the Residential Property Condition Disclosure Statement, which asked about existing or threatened litigation or lawsuits affecting said property, when, at the time of execution of such document, there was a valid judgment in foreclosure against said property, and
- 4) Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(9), in that she may have failed to produce documents as instructed by the Oklahoma Real Estate Commission in a letter to Respondent Lawley under date of January 24, 2010.

Recommendation: Set Formal Hearing.

B. INVESTIGATOR REPORT

C-2007-063 – LAKE EUFAULA REAL ESTATE COMPANY INCORPORATED, KAREN A. WILLOBY (BM) AND TRENA E. SCHAEFFER (BA) – EUFAULA (KUEFFLER): Complainant alleged that Respondent Schaeffer provide false or misleading information regarding the listing price for lake property owned by Wilmont and Evelyn Thompson. Respondent Schaeffer subsequently submitted an offer to purchase the property herself. Her offer of \$38,000.00 was accepted. Days after closing, the complainant, who is the daughter of the sellers, learned that Respondent Schaeffer had relisted the property for \$67,000.00. The complainant alleged that Respondent Schaeffer intentionally provided information to the sellers that caused them to list the property at a price much lower than they believed it was worth.

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-2009-015 – SELECT MANAGEMENT GROUP LLC, SAMUEL L. RADER (BM), SELECT MANAGEMENT GROUP LLC (BO), SUZANNE SHERWOOD (BB), MEIGHEN GRAHAM (SA), LINDA ENGSTROM (SA), CHINOWTH AND COHEN LLC, SHERYL A. CHINOWTH (BM) AND TERRI I. SHEPHERD (SA) – TULSA (KUEFFLER): (This case was held in abeyance pending the outcome of civil litigation)

Complainant alleged that Meighen Graham acted inappropriately in the sale of her property in which the complainant attempted to purchase during 2008. He stated that she failed to complete necessary repairs that were included in the purchase contract. He further stated that civil action had been filed by Respondent Graham against him for breach of contract.

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-2009-033 – **CHINOWTH AND COHEN LLC AND SHERYL A. CHINOWTH (BM) – TULSA; CHINOWTH AND COHEN LLC (BO), LELAND KENT CHINOWTH (BB) AND HEATHER LEANN JOHNSON (SA) – OWASSO (KUEFFLER)**: The complainant stated that he was a developer/builder wherein he was involved in a transaction with Heather Johnson. Respondent Johnson was representing potential purchasers, Mr. and Mrs. Henderson.

Mr. Jones stated that a dispute arose between he and Respondent Johnson in regards to the payment of commissions and, as a result of their dispute, he alleged that Respondent Johnson convinced the Henderson's to cancel their offer which resulted in the failure of the transaction.

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-2009-040 – **UC WILSON REALTY LLC, KELLY DON WILSON (B) AND CHRISANDRA GALE WILSON (SA) – ARDMORE (KUEFFLER)**: Complainants stated that Respondent Kelly Wilson failed to disclose to them that there had been a fire in the property they purchased through him. They also alleged Respondent K. Wilson advised them they could resell their home and withhold the material defects they had learned about after closing. They stated that he told them it would be the fastest way to sell 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-2009-048 – **STACY LYNN ROYSE (BP) AND GLENDA ELDER (BP) – MUSKOGEE (KUEFFLER)**: Complainant stated that she did not receive a copy of the Residential Property Condition Disclosure statement at the time she made an offer. She stated that she received it from the Respondent Elder just prior to closing. She stated that Respondent Elder instructed her to make sure that everything on the statement was answered "no". Later, the complainant discovered material defects with the property after closing.

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-2009-062 – **DALE BRADLEY JEFFERSON (SA) – EDMOND (KUEFFLER)**: This case was the result of information received from the respondent's background check obtained through a reinstatement application. The respondent indicated on his application that he had no convictions, but the background check reflected four (4) arrests in Arkansas with two of them resulting in convictions.

The reinstatement application was submitted in August 2008 and initially denied as "incomplete", because he failed to submit required documentation in regards to the convictions.

Several attempts were made to contact the respondent and his attorney to obtain the required documents; however, no information was received, resulting in a formal action being opened on August 21, 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 respondent.

Recommendation: Close case.

C-2009-065 – BUILDERS MARKETING ASSOCIATION AND JULIA M. MADEWELL (B) – OKLAHOMA CITY; BOB L. LINN & ASSOCIATES INCORPORATED AND ROBERT LEE LINN (BM) – EDMOND; JENA CAMILLE HUDDLESTON (GREEN) (SA) – MOUNTAIN VIEW (KUEFFLER): Complainant alleged that she signed a document on June 10, 2009 wherein she was told by Respondent Huddleston that the document was not a lease extension. However, upon moving from the property the complainant was denied the return of her security deposit with one of the reasons being stated that she failed to fulfill the term of the lease.

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-2009-073 – SELECT MANAGEMENT GROUP LLC, SAMUEL A. RADER (BM), SELECT MANAGEMENT GROUP LLC (BO), BRYAN E. EDWARDS (BB) AND LARRY EUGENE ADDIS (SA) – TULSA (KUEFFLER): Complainants alleged that Respondent Addis failed to assist them in obtaining the roof repairs they say were promised to them by the sellers. The roof had been declared uninsurable by the complainants' insurance agent prior to closing. When this was brought to the attention of the sellers, Respondent Addis advised the sellers to make an insurance claim as there had been an estimate provided from a roofing contractor that indicated hail damage.

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-2010-001 – SUE'S AUCTION AND REAL ESTATE COMPANY AND SARA SUE BOSWELL (BM) – ANADARKO (KUEFFLER): Complainant alleged that the respondent provided incorrect information to her regarding the age and condition of the roof of the property she purchased through the respondent. She stated she was told the roof was three years old, but she received a notice from State Farm Insurance indicating that the roof was not insurable and that it could have been between fifteen and twenty years old.

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-2010-002 – PRESTIGE REALTY GROUP LLC, JUDY K. CINI (UNLICENSED) AND WILLIAM J. DEAGAN JR. (UNLICENSED) – SURFSIDE BEACH, SC (KUEFFLER): Information was received indicating that Respondent Deagan was advertising property for sale in Oklahoma without first obtaining an Oklahoma real estate license. Respondent Deagan is a licensed sales associate in the State of South Carolina with Respondent Judy Cini as his managing broker under Prestige Realty Group LLC.

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-2009-056 – ANGELIA MARIE CUNNINGHAM (SA) – DRUMMOND (DANLEY): Complainant alleged that the respondent forged his signature on Wells Fargo loan documents without his knowledge. He also stated the respondent stole his identity and opened credit card accounts in his name.

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.

C-2009-068 – MARSHA ROGERS REALTY INCORPORATED AND MARSHA GAY SHARP (BM) – SPIRO (DANLEY): The complainant alleged that she contacted Marsha Rogers to place a bid on a HUD owned property located at 21363 Jake Smith Road in Spiro, Oklahoma. The complainant's bid was \$43,000.00, but her offer was rejected. Subsequently, Respondent Sharp placed her own winning bid on the same property, and closed shortly thereafter. The respondent later called the complainant and sold the property to her with owner financing. The complainant alleged that the respondent was not the legal owner when the purchase contract was executed between the two of them, and the contract price for the property was inflated to a cost of \$65,000.00 at a 7% interest rate. The complainant indicated that she should have been able to submit a counter offer or second bid 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.

U-2010-001 – NEIGHBORHOOD REALTY AND PROPERTY MANAGEMENT (UNLICENSED) AND FRED SOUTHARD (UNLICENSED) – AUSTIN, TX (DANLEY): The Investigation Department received information indicating that the respondents may have been managing properties in Oklahoma, which they did not own, and without possessing an Oklahoma real estate license. It was alleged that they were acting as property managers of the Parkview Apartments located in Midwest City, Oklahoma, and the Southpointe Apartments located in Oklahoma City, Oklahoma.

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.

UC-2008-013 – PROFFITT ENTERPRISES, BUD PROFFITT (UNLICENSED) AND RANDY PROFFITT (UNLICENSED) – TULSA; CASTLE FINDERS LLC (AS), DIANA LYNN GRIEGO (BM) AND CYNTHIA ANN LOLLIS (SA) – ALBUQUERQUE, NM (DANLEY): Complainant alleged that Bud Proffitt of Proffitt Enterprises was hired by Woodcrest Hills Homeowners Association as a Property Manager in February 2008. The Association's By-laws state that a licensed management company is required and it was later determined that Respondent Bud Proffitt did not hold a real estate license and failed to provide required proof of license. The management agreement was rescinded; however, Respondent Proffitt failed to provide a copy of the management agreement when requested to do so by the Association.

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-2008-072 – MULINEX INCORPORATED, MARI JANETTE MULINIX (BM), AUSTIN C. HALEY (SA) AND DRU C. LEE (SA) – NORMAN (BAKER): Complainant alleged the respondents gave him a copy of his estimated closing cost that showed he would receive \$10,000.00 back at closing. He stated he went to the title company before closing to sign paperwork because he was in Alaska during the actual closing. Complainant stated something happened because he only received \$2,222.81 after the closing. He stated that the settlement papers show he paid \$12,485.98 in closing costs and he would not have sold his house if he was only getting back \$2,000.00.

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-2008-074 – FIRST PRIORITY REALTY COMPANY INCORPORATED AND RICKY PERRY (BM) – OKLAHOMA CITY (BAKER): Complainant alleged that the respondent acted unethically by waiting until she had her possessions packed in a moving truck to inform her the appraisal of her home did not come in high enough to support the amount in the sales contract. The complainant stated that she received the appraisal notification from her sales associate Derrick Keith on June 27, 2008. Complainant alleged she was forced to continue with the sale when the respondent told her that she could not sell her home in the next six months for any amount over the appraisal amount.

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-2008-093 – THE RADERGROUP INCORPORATED, SAMUEL A. RADER (BM), THE RADERGROUP INCORPORATED (BO), STEVEN LEE OLIVER (BB), KAREN KAY MILLER (SA), SANDRA L. LEE (BA), SANDRA LEANN HENRY (SA) AND AMBER RAY HAZELWOOD (SA) – TULSA (BAKER): Complainant alleged that the respondents had a very low work ethic, failed to market the house, failed to sell the house and failed to be honest. Complainant stated during the six (6) months listing period, her listing was transferred three different times to three different agents. She also stated that the respondents caused the house to go into 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.

C-2009-006 – EXECUMAX INCORPORATED, DAVID J. MOMPER (BM) AND THOMAS J. SZOFER (BA) – TULSA (BAKER): Complainants alleged that the respondents made false claims against them and their new licensee working with them (L. Acebo). Complainants alleged the Buyer Broker Service Agreement they signed had no dates filled in, was not explained to them and no copy was given to them. Complainants believed they had only signed a Single Party Broker agreement with Respondent Szofer, not a Buyer Broker Service Agreement, and they alleged that Respondent Szofer acted unprofessionally and unethically.

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-2009-019 – OTIS W. WILLIAMS COMPANY INCORPORATED AND OTIS W. WILLIAMS, JR. (BM) – TULSA (BAKER): Complainant alleged the respondent acted inappropriately in the sale of her father's home and provided misleading documents regarding the sale. She stated the property never sold to Eugene Ford, but he and his family continued to live in the property without paying any rent after gaining early occupancy to the home.

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 the respondents for not submitting a response to the Commission within the required fifteen day period after receiving notice.

C-2009-055 – KIMBERLY LOUISE MAGNESS (SA) – TULSA (BAKER): On December 24, 2008, the Commission received a reinstatement application from Respondent Magness on which she disclosed that she had not been convicted of any crimes. The results of her OSBI criminal history background check showed a charge filed on March 5, 1986, for Traffic Offense Misdemeanor and Fraud – Insufficient Funds Check in Cleveland County, Oklahoma. On February 3, 2009, a letter was mailed to the respondent requesting a detailed personal written statement as to the circumstances surrounding the charge allowing her thirty days from the date of the letter to respond.

On April 15, 2009, another letter was sent by certified mail notifying the respondent her response due date was March 3, 2009 and allowing her fifteen days to respond. The letter also indicated that failure to respond could result in a formal action being taken against her license. This notice was returned by the post office marked "Temporarily Away Return to Sender."

On June 24, 2009 another notice was sent by certified mail to a new address provided by the respondent. The new notice allowed fifteen days from the receipt of the letter for a response. The return receipt was signed for on June 26, 2009. The response was due on July 13, 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 respondent.

Recommendation: Close case with a letter of caution to the respondent for not submitting a response to the Commission within the required fifteen day period after receiving notice.

UC-2008-009 – AMERICAN AUCTION (UNLICENSED), TED AYNES (UNLICENSED), ANN METHENY (BP) AND KARLA M. KALKA (SA) – CHANDLER (BAKER): Complainant alleged that Respondents Metheny and Kalka paid a three percent commission to Respondent Aynes of American Auction for services in a real estate transaction documented by the HUD-1 statement.

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 Respondents Metheny and Kalka for failure of making it clear to the title company that the funds paid to American Auction was not a commission.

IV. GENERAL BUSINESS

- 1) Discussion of the PSI examination contract, processes and procedures
- 2) Discussion of mandatory instructor's workshop (requirement, content and delivery system)
- 3) Discussion of post 45 hours requirement that does not allow for multiple instructors (Post license instructor must teach the class in its entirety every three years)
- 4) Discussion of advertising rules on social media web sites
- 5) Discussion of the square footage disclaimer resolution
- 6) Discussion of the possibility of copyrighting Oklahoma Real Estate Commission Uniform Contract forms
- 7) Review and approval of proposed Oklahoma Real Estate Commission contract form changes

V. FINANCIAL AND FISCAL

TBD

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

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 scheduled regular meeting date: August 11, 2010

XI. ADJOURNMENT