

**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:**

**AUGUST 13, 2008 – 8:30 A.M.  
OKLAHOMA REAL ESTATE COMMISSION  
2401 NW 23<sup>RD</sup> STREET, SUITE 18  
OKLAHOMA CITY, OKLAHOMA**

**Preliminary Agenda**

**I. OPENING OF BUSINESS MEETING**

- A. Call to Order: 8:30 a.m.
- B. Election of Chair and Vice-Chair
- C. Approval of Minutes from the June 18<sup>th</sup> regular meeting
- D. Public Participation (Open Topic)
- E. The Commission May Vote to Approve, Disapprove or Take Other Action on Any Item Listed on this Agenda
- F. Adoption of Emergency Rules

**II. FORMAL ACTION – APPEALS/HEARINGS**

**A. APPLICANT APPEAL**

**A-2008-019** – **Todd Alan Killingsworth** (PSA) – Norman (Sokolosky): Administratively denied on April 11, 2008, based on the fact that he disclosed on his application he has not been convicted of a crime but is presently on parole or probation. Information provided to and gathered by the Investigation Department revealed the following:

CF-2007-1214 (November 15, 2007) Cleveland County: Charged with Larceny from a House and received three (3) years probation with District Attorney (DA) supervision for two years, restitution, fines and costs and probation until November 14, 2010. All fines, costs and restitution have been paid in full.

**A-2008-028** – **Naomi Rachael Payne** (PSA) – Shawnee (Sokolosky): Administratively denied on June 10, 2008, based on the fact that she disclosed on her application that she had been convicted of a crime. Although the OSBI report indicated no record of arrest, her FBI report showed multiple arrests, including:

September 9, 1998: Possession of Methamphetamine and Possession of Drug Paraphernalia (El Cerrito, CA)

January 31, 1999: Possession of Controlled Substance (Sacramento, CA)

July 18, 2000: Controlled Substance Paraphernalia (Martinez, CA)

January 25, 2001: Under Influence of Controlled Substance (Oakland, CA)

February 26, 2001: Under Influence of Controlled Substance (Oakland, CA)

August 8, 2001: Controlled Substance Paraphernalia (Oakland, CA)

August 9, 2001: Work Release Program Violation, Probation Violation Re-arrest/Revoke, and Controlled Substance Paraphernalia (Martinez, CA)

On April 3, 2008 the applicant was asked to provide information concerning these incidents, but as of June 10, has failed to submit any of the requested documents and has made no further contact with the Commission; however, a letter was received from her probation officer stating that the applicant has satisfied all of her obligations to the Superior Court of California and that she is in good standing.

**A-2008-032** – **Robert Harold Evans** (PSA) – Prague (Kisner): Administratively denied on June 19, 2008, based on the fact that he disclosed on his application that he had a professional license revoked and that there was an adverse decision in a civil action related to business or professional activities.

Mr. Evans indicated in his personal statement that his “D-12” License (issued by the State of Arizona Office of Manufactured Housing) was revoked by the State of Arizona after a routine business audit by the state auditor found two exceptions:

The first was the use of a form for the sale of factory built homes that do not have a title. The form references a serial number and title filed with the Motor Vehicle Department as it would for a mobile home; however, Mr. Evans offered his customers an alternate form serving the same purpose that did **not** reference the serial number or title. The Department of Building & Fire Safety (DBFS) did not accept his form and did not explain why it was not accepted.

The second exception was the absence of escrow monies received on two transactions when escrow funds were not received. The sales in question were for two business associates to purchase their personal homes at Mr. Evans’ cost directly from the manufacturer. The buyers arranged all financial transactions directly with the manufacturer and no funds came through Mr. Evans’ company except tax money. The DBFS would not accept statements showing that the customers received what they ordered, the manufacturers were paid in full and that taxes had been paid. The DBFS brought this information to an Administrative Law Judge (ALJ) who found no consumers had been harmed and no funds had been misappropriated, but the Judge did recommend revocation. After consulting with law firms in Phoenix experienced in state law cases and after a request for a hearing was denied, Mr. Evans decided not to fight the revocation.

**A-2008-033** – **Sean Michael Connolley** (PSA) – Grove (Kisner): Administratively denied on June 19, 2008 based on the fact that he indicated on his application that he had been convicted of a crime. Although the applicant’s OSBI Report indicated no record of arrest, his FBI report revealed the following:

TX-1880000 (June 21, 1991) Potter County, TX: Charged with Criminal Mischief and was sentenced to 210 days in jail (suspended), one (1) year probation and fines totaling \$350.00. All fines and costs were paid in full.

TX-1360000 (June 10, 1999) Brackettville County, TX: Charged with Driving under the Influence (1<sup>st</sup> Offense) and Possession of Marijuana – Less than 2 ounces, and received fines and costs totaling \$1,209.00. All fines and costs were paid in full and the charges were dismissed.

TXDPS-6200 (August 5, 2004) Clay County, TX: Charged with Possession of Marijuana – Less than 2 ounces, and received fines and costs totaling \$446.00. All fines and costs were paid in full.

As requested, the applicant submitted the Misdemeanor Probation Discharge Order from the District Court of Potter County, Texas, dated October 2, 1992, for his 1991 Criminal Mischief conviction. He also submitted the Judgment and Sentence order from the Clay County, Texas court dated June 9, 2005 for his 2004 Marijuana Possession conviction.

## **B. CONSENT AGREEMENT**

### **C-2007-021 – Big 8 Real Estate Incorporated, Shelby D. Satterfield (BM) and G. Annette Jett (SA) – Tulsa (Sokolosky): Presented before Commission on June 18, 2008; tabled for amendment and resubmission**

Violations by Respondents Shelby D. Satterfield and Big 8 Real Estate Incorporated: *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(6)(14)*, in that they allowed Respondent G. Annette Jett to operate a real estate business on her own, and allowed it to continue without proper supervision.

Violations by Respondent G. Annette Jett: *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-11-1*, in that she operated a real estate business on her own and outside of the supervision of her managing broker, and *Title 59 O.S. §858-312, Subsections 6 and 8 and Rule 605:10-13-2*, in that she received rents and deposits and failed to turn over said rents and deposits to her managing broker.

**Consented:** Respondents Big 8 Real Estate and Shelby D. Satterfield have consented to payment of an administrative fine of Five Hundred Dollars (\$500.00) each, for a total of One Thousand Dollars (\$1,000.00), and Respondent Satterfield has consented to attending and completing a fifteen (15) hour Broker-in-Charge course within six (6) months from the date of receipt of Final Order. Respondent G. Annette Jett has consented to payment of an administrative fine of Five Hundred Dollars (\$500.00) for each violation, for a total of One Thousand Dollars (\$1,000.00) and attendance and completion of six (6) hours of continuing education on the subject of Property Management and Laws and Regulations within six (6) months from the date of receipt of Final Order.

**C-2007-068 – Timothy M. VanMeter (SA) – Durant (Sokolosky):** Violations by Respondent Timothy VanMeter: *Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-17-2(b)*, in that he failed to file an adequate response within fifteen (15) days of the complaint, and *Title 59 O.S. §858-312, Subsection 9*, in that he was convicted of a crime involving moral turpitude as he was convicted of Driving While Intoxicated in Dallas County, Texas on July 26, 2005.

**Consented:** The Respondent has consented to payment of an administrative fine of Two Hundred Fifty Dollars (\$250.00).

**C-2006-094 – McBride and Wilson Properties LLC, Jerry Lee McBride (BM), Rodney David Wilson (BA) – Edmond, Churchill Brown and Associates Incorporated, Judy K. Lindsay (BM), Churchill Brown and Associates Incorporated (BO) and Lamont K. Churchill (BB) – Oklahoma City (Sokolosky): Presented before Commission on June 18, 2008; tabled for amendment and resubmission**

Violations by Respondents Jerry L. McBride and Rodney D. Wilson: *Title 59 O.S. §858-312, Subsections 4 and 9*, in that they received payments from the Complainants for property management services during the period of March 2005 to February 2006, which were not paid through their managing broker, *Title 59 O.S. §858-312, Subsections 6 and 9 and Rule 605:10-13-2(1)*, in that they failed to turn over security deposit funds received from Deana Moslander to their managing broker, and *Title 59 O.S. §858-312, Subsection 9 and Title 59 O.S. §858-354 (B)(2)(4)*, in that they failed to advise the Complainants that Deana Moslander received ten (10) days free rent as an early occupancy incentive and failed to collect and deposit the full amount of the security deposit from Deana Moslander.

**Consented:** Respondent **Jerry L. McBride** has consented to payment of an administrative fine of One Thousand Dollars (\$1,000.00) for violating Title 59 O.S. §858-312, Subsections 4 and 9, One Thousand Dollars (\$1,000.00) for violating Title 59 O.S. §858-312, Subsections 6 and 9 and Rule 605:10-13-2(1), and Five Hundred Dollars (\$500.00) for violating Title 59 O.S. §858-312, Subsection 9 and Title 59 O.S. §858-354 (B)(2)(4), for a total of Two Thousand Five Hundred Dollars (\$2,500.00). Further, the Respondent will attend and complete a Fifteen (15) hour Broker-in-Charge course within six (6) months of receipt of the Final Order.

Respondent **Rodney D. Wilson** has consented to payment of an administrative fine of One Thousand Dollars (\$1,000.00) for violating Title 59 O.S. §858-312, Subsections 4 and 9, One Thousand Dollars (\$1,000.00) for violating Title 59 O.S. §858-312, Subsections 6 and 9 and Rule 605:10-13-2(1), and Five Hundred Dollars (\$500.00) for violating Title 59 O.S. §858-312, Subsection 9 and Title 59 O.S. §858-354 (B)(2)(4), for a total of Two Thousand Five Hundred Dollars (\$2,500.00). Further, the Respondent will attend and complete a Fifteen (15) hour Broker-in-Charge course within six (6) months of receipt of the Final Order.

The case against the remaining Respondents McBride and Wilson Properties LLC, Churchill Brown and Associates Incorporated, Judy K. Lindsay, Churchill Brown and Associates (BO) and Lamont K. Churchill, would be closed.

**C-2007-108 – Ladonna Marie Blakey (PSA) – Pocola (Sokolosky):** Violation by Respondent Ladonna M. Blakey: *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-11-1(a)*, in that she began doing business on August 16, 2007 before her license was issued on September 4, 2007.

**Consented:** The Respondent has consented to payment of an administrative fine of Five Hundred Dollars (\$500.00), and attendance and completion of three (3) hours of continuing education in the subject of Rules and Regulations within six (6) months from the date of receipt of Final Order.

### C. HEARING EXAMINER REPORT

**C-2007-060 – Lane Harbison Davis (SA) – Oklahoma City (Kisner):** On March 4, 2008, the Hearing Examiner reported that Respondent Davis was found in violation of *Title 59 O.S. §858-312, Subsection 15*, in that he was convicted in the State of Texas of the felony offense of “Improper Relationship Between Educator and Student”.

**Recommend:** That the Oklahoma Real Estate Sales Associate license of Respondent Lane H. Davis be revoked.

**C-2006-114 – J-Bar Incorporated, Barbara Kuykendall (BM), Machell L. Winters (SA) and Patricia A. Hunnicutt (PSA) – Colbert (Kisner):** On May 15, 2008, the Hearing Examiner reported that Respondent Patricia A. Hunnicutt was found in violation of Title 59 O.S. §858-312, Subsections 8, 9 and 19, in that she entered a plea of No Contest to the charge of Altering/Forging Written Instruments.

The case against the remaining Respondents was closed on April 17, 2008.

**Recommend:** That Respondent Patricia A. Hunnicutt be formally reprimanded, that her Provisional Sales Associate’s license be suspended for a period of six (6) months, but that the imposition of such suspension be suspended, and that she be required to pay an administrative fine of One Thousand Dollars (\$1,000.00).

**C-2006-105 – Homeowners Marketing Realty and Relocation Incorporated and Ellen Stewart (BM) – Sapulpa (Sokolosky):** On February 25, 2008, the Hearing Examiner reported that Respondent Ellen Stewart was found in violation of *Title 59 O.S. §858-312, Subsections 9 and 16 and Rule 605:10-17-4(12)*, in that she commingled her own money with the money of others, and *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-9-4(c)(1)*, in that she failed to disclose in the contract submitted to the complainants that she was an Oklahoma real estate licensee.

No evidence was received to indicate any violation of the Oklahoma Real Estate License Code or the rules of the Commission by Respondent Homeowners Marketing Realty and Relocation Incorporated.

**Recommend:** That Respondent Ellen Stewart be formally reprimanded and ordered to pay administrative fines of One Thousand Five Hundred Dollars (\$1,500.00) for commingling her own money with the money of others, and Five Hundred Dollars (\$500.00) for failure to disclose in the contract submitted to the complainants that she was an Oklahoma real estate licensee. Further, it is recommended that the Respondent be ordered to attend and complete

fifteen (15) hours of continuing education in the subject of Broker-in-Charge within four (4) months from the date of receipt of Final Order. The case against Homeowners Marketing Realty and Relocation Incorporated is dismissed.

**C-2007-032 – Randolph C. Chaney (BP) and Jamie Lee Morris (SA) – Wewoka (Sokolosky):** On May 29, 2008, the Hearing Examiner reported that Respondents Randolph C. Chaney and Jamie L. Morris were found in violation of *Title 59 O.S. §858-312, Subsections 2, 8 and 9*, in that they failed to inform the complainants of the defects in the foundation of the home, and *Title 59 O.S. §858-312, Subsections 8 and 9*, in that they failed to provide a copy of the July 9, 2002 foundation repair estimate to the complainant.

**Recommend:** That Respondent Randolph C. Chaney be ordered to pay an administrative fine of One Thousand Dollars (\$1,000.00) for each violation, for a total of **Two Thousand Dollars** (\$2,000.00), and that Respondent Jamie L. Morris be ordered to pay an administrative fine of One Thousand Dollars (\$1,000.00) for each violation, for a total of **Two Thousand Dollars** (\$2,000.00).

**C-2007-090 – Angela Marie Townsend (SA) – Oklahoma City (Sokolosky):** On May 15, 2008, the Hearing Examiner reported that Respondent Angela M. Townsend was found in violation of *Title 59 O.S. §858-312, Subsections 8 and 9*, in that she submitted an application for a loan which contained false information concerning her income, and *Title 59 O.S. §858-312, Subsections 8, 9, 15 and 19*, in that she entered a plea of Guilty to the charge of Mail Fraud in Case Number CR-07-191M in the United States District Court for the Western District of Oklahoma.

**Recommend:** That the Oklahoma Real Estate Sales Associate's license of Respondent Angela Marie Townsend be revoked.

### III. COMPLAINTS/INVESTIGATIONS

#### A. CASE EXAMINER REPORT/PRELIMINARY INVESTIGATION

**C-2007-091 – Tammy Ranae Heims (SA) – Canadian (Kisner):** Possible violations by Respondent Tammy R. Heims: *Title 59 O.S. §858-312, Subsections 8, 9 and 19*, in that she may have entered a plea of Nolo Contendere in the District Court of Pittsburg County, State of Oklahoma for the crime of embezzlement.

**Recommend:** Set Formal Hearing.

**C-2007-112 – Arlene K. Marsh (SA) – Moore (Kisner):** Possible violation by Respondent Arlene K. Marsh: *Title 59 O.S. §858-312, Subsection 8 and Rule 605:10-17-4(12)*, in that she may have signed documents for a party in a transaction without first establishing a single-party relationship wherein she could perform activities for the benefit of the party, and *Title 59 O.S. §858-351, Subsection 5*, in that she may have operated outside the scope of her relationship as a Transaction Broker by advocating for the benefit of the buyer.

**Recommend:** Set Formal Hearing.

**C-2007-116 – Longhorn Real Estate LLC and Karen Jean Pritchard (BM) – Marlow (Kisner):** Possible violations by Respondents: *Title 59 O.S. §858-312, Subsections 9 and 23*, in that they may have failed to obtain from the Seller a Disclaimer or Disclosure statement that was not dated more than one hundred eighty (180) days prior to the date of receipt of same by the purchasers, and *Title 59 O.S. §858-312, Subsections 9 and 23 and 60 O.S. §836(D)*, in that they may have failed to disclose to the purchasers any defects in the property actually known to them which were not included in the disclosure or any amendment thereto.

**Recommend:** Set Formal Hearing.

**C-2007-124** – Colonial Realty Incorporated, Max Duane Lutke (BM) and Barbara Sue Senn (SA) – Bartlesville (Kisner): No evidence was received to indicate any violation of the Oklahoma Real Estate License Code by the Respondents.

**Recommend:** Close case.

**C-2007-125** – Pryor Enterprises Incorporated, Marolyn F. Pryor (BM) – Mustang; Pryor Enterprises Incorporated (BO) and Keith Alan Taggart (BB) – Oklahoma City (Kisner): No evidence was received to indicate any violation of the Oklahoma Real Estate License Code by the Respondents.

**Recommend:** Close case.

**C-2008-008** – Wagoner Properties Incorporated, Charlotte S. Swenson (BM), Sarah Michelle Jones (SA) and Monica Lorna Medley (SA) – Wagoner (Kisner): No evidence was received to indicate any violation of the Oklahoma Real Estate License Code by the Respondents.

**Recommend:** Close case.

**C-2008-012** – Donald Dean Belcher (SA) – Edmond (Kisner): Possible violations by Respondent Donald D. Belcher: *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12)*, in that he may have forged client's signatures to the Full Cancellation of Listing Agreement Forms.

**Recommend:** Set Formal Hearing.

## **B. INVESTIGATORS REPORT**

**U-2008-001** – Fort Knox Investments Incorporated and Jim Knox – Broken Arrow (Kueffler): Information was obtained by the Commission indicating Fort Knox Investments Incorporated and Jim Knox were offering properties for sale that they did not own. 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-2008-016** – Mull Real Estate LLC, Richard Stuart McLain (BM) and Billie Elaine Presnell (BA) – Oklahoma City (Kueffler): The complainant alleged that Respondent Presnell knew the property she was selling had foundation problems but provided a disclosure statement that said there were no foundation problems. He stated that the disclosure should have been corrected since Respondent Presnell had actual knowledge of the problems. The complainant further alleged the respondents failed to provide him with a brokerage disclosure statement, as he did not know who Respondent Presnell represented in the transaction and he trusted her to act in his behalf and to look out for him.

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-2008-017** – Greenleaf Properties LLC, Dixie F. Reed (BM) and Clark A. (Tony) Venters (SA) – Sallisaw (Kueffler): The Complainant alleged that Respondent Venters failed to disclose a material defect in his home that the complainant purchased from him.

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-2007-018** – Market Setters LLC and Matthew Walter Setters (BM) – Lawton (Kueffler): The Complainant alleged that Respondent Setters failed to pay certain earned commissions due to her, voluntarily. Complainant alleged she was forced to seek payment of her

commissions through district court for which she was awarded a summary judgment of \$513.27.

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-2008-022 – LBWS Owasso Incorporated, Teresa L. Foster (BM), Cherlyn Ellen McLain (SA) and Gloria Darlene Wilkes (SA) – Owasso** (Kueffler): The complainant alleged that Respondents Cherlyn McLain and Gloria Wilkes prepared three different front pages to the contract which caused confusion with the loan documents prepared by the complainant's staff. She further alleged this confusion caused her company to assume a \$700.00 financial loss because the contract purchase price was less than the loan amount.

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-2007-117 – Metro First Realty LLC, Maurice L. Shepherd (BM) and Vernon Laron Darty (SA) – Oklahoma City** (Danley): Complainant Presley alleged that Respondent Darty violated Article 15 of the National Association of Realtors® (NAR) Code of Ethics. He stated that Darty owed his office \$250 in past due MLS dues upon leaving his brokerage for another company. Complainant also stated that Respondent Darty told homeowner Al Johnson that he had been fired by complainant Presley, which complainant stated was false.

The complainant stated that after Respondent Darty transferred to Metro First Realty, LLC, he received a call from Respondent Darty's customer, Juanita Long, who advised him Respondent Darty was assisting her in making \$7,000 worth of repairs to a property the respondent had previously listed. Ms. Long told the complainant that she was unaware of the respondent's brokerage change and that she had been trying to contact Respondent Darty, as there were repairs that had been paid for, but not yet completed.

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-2007-118 – Metro First Realty LLC, Maurice L. Shepherd (BM), Shannon Maria Barton (SA), Tae J. Frederickson (SA), Dawn Marie Reuter (SA) – Oklahoma City** (Danley): Complainant Presley stated Respondents Reuter, Barton and Fredrickson are partners who co-list, sell, and split commission earnings. He stated that Respondent Reuter signed a one year lease for office space at which time he advised her that she had to work from home or out of his office. The complainant stated that Respondent Reuter operates K.A.R. Industries which employs her son, Joe Jr. He also stated that Reuter diverts work to be done on listings to K.A.R., thus diverting money into her own pocket. He also stated Respondent Reuter does not always disclose this information to buyers or sellers.

The complainant stated all of the respondents met with builders Mike Worku and John Gill without his knowledge or consent. As a result both builders cancelled their listings with the complainant's brokerage as Respondents Reuter, Barton and Fredrickson were no longer in the complainants employ. Furthermore, the complainant alleged that Respondent Reuter contacted a longtime contractor associate of his and requested a discount as an associate of Century 21 A Northwest, which the complainant states, she was not, and should not have identified herself as such.

The complainant stated on October 7, 2007 he received a call from Ralph and Barbara Aldridge, the sellers of 3708 N. Markwell Avenue in Bethany, Oklahoma. The property sold on November 29, 2006 and the listing agent was Respondent Reuter. The sellers expressed to the complainant their concern about their interest in a \$12,000 second mortgage they carried for the buyers on said property. They were concerned that the second mortgage had not been recorded, and as a result their interest in the property was not protected.

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-2008-045 – ABWS Tulsa Incorporated, Susan J. Beach (BM) and Sean David Clay (SA) – Tulsa** (Danley): The complainant alleged the respondent tried to circumvent his relationship with selling agent, Debbie Sparks, in that Respondent Clay suggested offers made directly to the listing agent by the buyer would result in an accepted offer. The complainant also alleged that the utilities were ordered disconnected by the respondent before the property inspection, and Respondent Clay refused to remedy the situation. He also alleged Respondent Beach never returned his phone calls.

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-2008-048 – Southwest Inv Realty Incorporated, Steve A. Williams (BM) and Barbara Sue Ottis (SA) – Norman** (Danley): The complainant alleged that the respondents exercised a seventy-two (72) hour kick-out clause without providing her with paperwork that verified a subsequent cash offer was at hand, thereby causing the transaction to fall through.

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**

Financial report as of FY June 2008

#### **V. EDUCATION**

Report from the Education and Licensing Program Director

#### **VI. INDUSTRY UPDATES**

- 1) Report from Rebate Task Force
- 2) Report from Contract Committee
- 3) Report from Errors and Omissions (E&O) Task Force
- 4) Report from Broker Relationship Act Task Force
- 5) Report from Real Estate Research Center Task Force

#### **VII. GENERAL BUSINESS**

- 1) Adoption of Emergency Rules to become effective November 1, 2008:

**The Oklahoma Real Estate Commission has found that an emergency exists based on the passage of HB 2564 that becomes effective November 1, 2008. Due to the passage of HB 2564, the Commission has determined that an imminent peril to the preservation of the public health, safety, welfare or other compelling extraordinary circumstances exists which necessitates the promulgation of emergency rules to:**

- a) **Implement requirements for non-resident applicants to take the state-specific portion of the exam, due to the passage of HB 2564, which has an effective date of November 1, 2008; and**
- b) **due to the Residential Property Condition Disclosure Statement form being amended through the Permanent Rulemaking process, which became effective July 1, 2008, clarifying that disclosure forms that were completed**

**by the Seller prior to July 1, 2008, shall remain in full force and effect until their expiration.**

- 2) Exam Accreditation – authorization to proceed with bid proposal for national examination vendor, to be effective January 1, 2009
- 3) Possibility of the Oklahoma Real Estate Commission switching to a four-day work schedule
- 4) Consideration of items to be discussed at next Commission Meeting

#### **VIII. 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

#### **IX. ACTION ON NEXT MEETING DATE**

September 10, 2008

#### **X. ADJOURNMENT**

**Emergency rules to be Effective November 1, 2008**  
**SUBCHAPTER 7. LICENSING PROCEDURES AND OPTIONS**

**605:10-7-9. Nonresident licensing**

(a) **Nonresident licensed in another state.** A nonresident applicant may apply to the Commission for a license to operate as a nonresident by submitting all appropriate documents as required by the Commission and furnish evidence that the applicant possesses a current active license in their resident state or another state in which the applicant has qualified for a license. All nonresidents shall be required to complete the appropriate examination as required by the Commission. If, in the opinion of the Commission, there is question as to the competence of the nonresident applicant, such individual ~~may~~ shall be required to successfully complete additional educational courses ~~and/or the Oklahoma examination.~~ No inactive license experience may be credited to qualify under this Section. The Commission, at its discretion, may issue a nonresident license if, in the opinion of the Commission, such nonresident has qualified and maintains a license in another state and meets the following qualifications:

(1) A nonresident applicant who has been actively licensed as a sales associate or broker respectively for a minimum of two (2) years out of the previous five (5) years.

(A) A nonresident applicant that applies under this paragraph must complete and submit the following:

(i) Appropriate application ~~along with application fee.~~

(ii) Certificate of licensure from the state(s) in which the applicant has held and/or currently holds a license.

(iii) Examination fee and successfully complete the state law portion of the examination.

(B) Upon the Commission granting approval to the nonresident applicant for licensure in this state, the applicant must complete and submit the following:

(i) Appropriate license application form(s) along with license and education and recovery fund fees.

(ii) Consent for service of jurisdiction form.

(2) A nonresident applicant who has been actively licensed less than two (2) years as a sales associate or broker respectively out of the previous five (5) years must successfully complete the appropriate examination.

(A) A nonresident applicant applying under this paragraph must complete and submit the following:

(i) Appropriate application ~~along with examination fee.~~

(ii) Certificate of licensure from the state(s) in which the applicant has held and/or currently holds a license.

(iii) ~~Successfully~~ Examination fee and successfully complete the entire appropriate examination.

(B) Upon the Commission granting approval to the nonresident applicant for licensure in this state, the applicant must complete and submit the following:

(i) Appropriate license application form(s) along with license and education and recovery fund fees.

(ii) Consent for service of jurisdiction form.

(b) **Nonresident agreement.** The Commission may enter into a nonresident agreement with another state and thereby qualify actively licensed nonresident applicants for licensing in this state provided the Commission determines that the educational and experience requirements of the other state are equivalent or equal to this state.

(c) **Nonresident applicant that is inactive or unlicensed in another state.** A nonresident applicant that holds an inactive license in another state or an applicant who is unlicensed in another state may

apply to the Commission for a license to operate as a nonresident provisional sales associate or broker by submitting all appropriate documents and successfully completing all requirements as required by the Commission.

- (1) The nonresident applicant must complete and submit the following:
  - (A) Appropriate application ~~along with examination fee.~~
  - (B) Qualify as an original applicant by submitting proof of appropriate required education.
  - (C) ~~Successfully~~ Examination fee and successfully complete the entire appropriate examination.
  - (D) If applicable, certificate of licensure from the state(s) in which the applicant has held a license.
- (2) Upon the Commission granting approval to the nonresident applicant for licensure in this state, the applicant must complete and submit the following:
  - (A) Appropriate license application form(s) along with license and education and recovery fund fees.
  - (B) Consent for service of jurisdiction form.

(d) **Consent for service of jurisdiction.** Prior to the issuance of a license to a nonresident, such nonresident shall file with the Commission a designation in writing that appoints the Secretary-Treasurer of the Commission to act as his or her licensed agent, upon whom all judicial and other process or legal notices directed to such licensee may be served. Service upon the agent so designated shall be equivalent to personal service upon the licensee. Copies of such appointment, certified by the Secretary-Treasurer of the Commission, shall be deemed sufficient evidence thereof and shall be admitted into evidence with the same force and effect as the original thereof. In such written designation, the licensee shall agree and stipulate that any notice or instrument which is served upon such agent shall be of the same legal force and validity as if served upon the licensee, and that the authority shall continue in force so long as any liability remains outstanding in this state. Upon receipt of any such process or notice the Secretary-Treasurer shall forthwith mail a copy of the same, by certified mail, to the last known business address of the licensee.

(e) **License history and application requirements.** Prior to the approval of the application, the nonresident must file with the Commission a certificate of licensure from the real estate licensing jurisdiction of the licensee's resident state and/or other state(s) in which the applicant has held or currently holds a license and pay the Commission the same examination fee and license fee as provided in the "~~Code~~" "Rules" for the obtaining of a resident sales associate or broker license in this state. The certificate of licensure shall be valid for sixty (60) days from date of issuance.

(f) **Approved application valid for ninety (90) days.** An approved application shall be valid for ninety (90) days.

(g) **Stipulations.** Nonresident licenses granted under the provisions of this Section shall remain in force, unless suspended or revoked by the Commission for just cause, or for failure to pay the renewal fee, only as long as such nonresident remains licensed in good standing in this state, in his or her resident state and/or any other state in which the nonresident is or has been licensed.

(h) **Co-brokerage arrangements.** A broker of this state may participate in a cooperative brokerage arrangement with a broker of another state provided that each broker conducts real estate activities only in the state in which they are licensed.

(i) **Request for license transfer.** In the event a nonresident Oklahoma licensee desires to transfer the license and obtain a resident Oklahoma license or desires to transfer the license to another state or jurisdiction, the nonresident licensee shall be required to meet all applicable requirements and pay the appropriate change of address fee and submit all appropriate documents as required by the Commission. In the event a resident Oklahoma licensee desires to transfer the license and obtain a nonresident

Oklahoma license, the licensee shall be required to pay the appropriate change of address fee and complete and submit all appropriate documents as required by the Commission.

(j) **Continuing education.** If a nonresident licensee satisfies a continuing education requirement in another state for license renewal, the Commission will exempt the nonresident licensee from the continuing education requirement in this state. In order to qualify for the exemption, the nonresident licensee must file with the license renewal of this state a certificate from the state in which the continuing education was satisfied stating that the nonresident licensee has completed the continuing education requirement for license renewal in that state. The certificate from the state verifying the nonresident's compliance with continuing education in the other state must be received by the Commission within sixty (60) days of issuance by the other state and must be received in conjunction with license renewal.

**605:10-7-10. Resident applicants currently or previously licensed in other states**

(a) **Requirements.** In order to qualify under previously licensed procedures, an applicant must complete and submit all appropriate documents as required by the Commission and furnish evidence that the applicant possesses or has possessed a license in good standing in another state(s). No inactive license experience may be credited to qualify under this Section. The Commission, at its discretion, may issue the applicant a license if such previously licensed applicant meets all of the requirements of either paragraphs (1), (2), (3) or (4) of this subsection:

(1) If a nonresident agreement exists between Oklahoma and the respective state in which the applicant qualified for a license, the Commission shall qualify the licensed applicant through the nonresident agreement. In order to qualify under this paragraph an individual must furnish evidence that the license from the former state has not been inactive more than six (6) months prior to application to this state.

(A) An applicant applying under this paragraph must complete and submit the following:

(i) Appropriate application ~~along with application fee.~~

(ii) License certification from the state(s) in which the applicant has held or currently holds a license.

(iii) Examination fee and successfully complete the state law portion of the examination.

(B) Upon the Commission granting approval to the applicant for licensure in this state, the applicant must complete and submit the appropriate license application form(s) along with license and education and recovery fund fees.

(C) An applicant qualifying under this paragraph will be issued either a sales associate, broker associate or broker license.

(2) If a nonresident agreement does not exist, the applicant shall be required to furnish evidence of two (2) years of active experience respectively as a sales associate or broker out of the previous five (5) years. In order to qualify under this paragraph an individual must furnish evidence that the license from the former state has not been inactive more than six (6) months prior to application to this state.

(A) An applicant applying under this paragraph must complete and submit the following:

(i) Appropriate application ~~along with application fee.~~

(ii) License certification from the state(s) in which the applicant has held or currently holds a license.

(iii) Examination fee and successfully complete the state law portion of the examination.

(B) Upon the Commission granting approval to the applicant for licensure in this state, the applicant must complete and submit the appropriate license application form(s) along with license and education and recovery fund fees.

(C) An applicant qualifying under this paragraph will be issued either a sales associate, broker associate or broker license.

(3) An applicant who does not possess the required two (2) years active experience out of the previous five (5) years respectively as a sales associate or broker, or an applicant who does not meet all of the requirements of either paragraphs (1) or (2) of this subsection, but obtained the appropriate license in the other state within the past five (5) years, shall be required to take and successfully complete the entire appropriate examination.

(A) An applicant applying under this paragraph must complete and submit the following:

(i) Appropriate application ~~along with examination fee~~.

(ii) License certification from the state(s) in which the applicant has held or currently holds a license.

(iii) ~~Successfully~~ Examination fee and successfully complete the entire appropriate examination.

(B) Upon the Commission granting approval to the applicant for licensure in this state, the applicant must complete and submit the appropriate license application form(s) along with license and education and recovery fund fees.

(C) An applicant qualifying under this paragraph will be issued either a sales associate, broker associate or broker license.

(4) An applicant who has not been actively licensed during any portion of the previous five (5) years in the other state shall be regarded as an original applicant; however, if an applicant successfully completed the appropriate real estate course approved in another state for real estate licensure and such course's duration is equivalent to Oklahoma's hourly course requirements, the applicant may be granted to sit for the entire appropriate examination and shall be regarded as an original applicant.

(A) An applicant applying under this paragraph must complete and submit the following:

(i) Appropriate application along with examination fee.

(ii) License certification from the state(s) in which the applicant has held or currently holds a license.

(iii) Qualify as an original applicant by submitting appropriate required education.

(iv) ~~Successfully~~ complete the entire appropriate examination.

(B) Upon the Commission granting approval to the applicant for licensure in this state, the applicant must complete and submit the appropriate license application form(s) along with license and education and recovery fund fees.

(C) An applicant qualifying under this paragraph will be issued either a provisional sales associate, broker associate or broker license.

(b) **May be required to submit to additional requirements.** If, in the opinion of the Commission, there is question as to the competence of the previously licensed applicant, such individual may be required to submit to additional educational courses and/or the Oklahoma examination.

(c) **Application requirements.** Any applicant seeking to transfer his or her license to Oklahoma from another state must pay the required examination and regular license fee, whether or not the examination from the other state is accepted for substitution. Prior to the issuance of any license, the applicant must file with the Commission a certificate of licensure from the state(s) in which the applicant has held or currently holds a license. The certificate of licensure shall be valid for sixty (60) days from date of issuance. No inactive license experience may be credited to qualify under this Section. Such approved application shall be valid for ninety (90) days.

## SUBCHAPTER 15. DISCLOSURES

### **605:10-15-4. Residential Property Condition Disclosure Act forms**

(a) **Development and amendment of forms.** In accordance with Oklahoma Statutes, Title 60, Section 833 the Commission shall develop and amend by rule the forms for the Residential Property Condition Disclosure Statement and Residential Property Condition Disclaimer Statement. Effective ~~November 1, 2003~~ July 11, 2008 the disclosure statement is amended and all disclosure forms executed prior to ~~November 1, 2003~~ July 11, 2008 will remain in force and valid until expiration of the 180 days from the date noted thereon.

(b) **Availability of forms.** The forms shall be available to the public upon request on and after July 1, 1995.

(c) **Copy of form format.** The Residential Property Condition Disclosure Statement as referenced in this section is set out in Appendix A at the end of this Chapter. The Residential Property Condition Disclaimer Statement as referenced in this section is set out in Appendix B at the end of this Chapter.