

**OKLAHOMA REAL ESTATE COMMISSION
AGENDA – BUSINESS MEETING
NOVEMBER 18, 2009**

AGENDA

I. OPENING OF BUSINESS MEETING

- A. Call to Order: 8:30 a.m.
- B. Approval of Minutes from the September 9th regular meeting and the October 14th special 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-2009-027 – JOHN TRUONG (PSA) – OKLAHOMA CITY (SOKOLOSKY): Mr. Truong appeared before the Commission on September 9, 2009, after which time a motion was made, seconded and carried to table a decision on his appeal pending the appearance of a sponsoring broker.

Mr. Truong was administratively denied on July 23, 2009 based on the fact that he disclosed on his application that he had been convicted and is currently “on parole or probation, including a deferred sentence”. Information provided to and gathered by the Investigation Department revealed the following:

CM-2004-2461 (October 28, 2004) Oklahoma County, Oklahoma: Charged with Selling Beer to a Minor and received a one (1) year deferred sentence plus fines and court costs. The deferred sentence was completed on October 27, 2005, but a claim for Intercept of Tax Refund was filed on October 17, 2007;

CF-2005-20 (May 18, 2005) Oklahoma County, Oklahoma: Charged with Uttering two or more bogus checks in the amount of \$1,000.00 or more and received four (4) years deferred sentence, restitution in the amount of \$8,597.02, fines and costs and twenty (20) hours of community service. The deferred sentence and community service were completed May 2009, and he is making monthly payments of \$200.00 on the remaining restitution balance of \$5,101.02;

CF-2005-5434 (March 1, 2006) Oklahoma County, Oklahoma: Charged with uttering two or more bogus checks in the amount of \$1,000.00 or more and received five (5) years supervised deferred sentence until all conditions of the court were fulfilled and was ordered to pay restitution, fines and costs in the amount of \$2,978.00. The five years supervised deferred sentence expires March 2011, and he is making monthly payments of \$100.00 on the remaining restitution balance of \$856.65.

A-2009-026 – **STANLEY ALLEN STEVENS (PSA) – BARTLESVILLE (SOKOLOSKY):** Administratively denied on July 23, 2009 based on the fact that he disclosed on his application that he was “currently on parole or probation, including a deferred sentence”. Information provided to and gathered by the Investigation Department revealed the following:

CF-2008-17 (January 11, 2008) – Washington County, Oklahoma: Charged with Distribution of Controlled Substance, including Possession with Intent, and received a five (5) year deferred sentence with three (3) years supervised probation and \$576.00 in fines and court costs. The deferred sentence is scheduled to end January 6, 2012 and a balance of \$326.00 is still owed, and

CF-2008-33 (January 23, 2008) Washington County, Oklahoma: Charged with two counts of Conspiracy to Distribute Controlled Dangerous Substance and one count of Distribution of Controlled Substance. He received a five (5) year deferred sentence with three (3) years supervised probation, to run concurrent with the sentence received under CF-2008-17. He also received \$1,277.80 in fines and court costs. The deferred sentence is scheduled to end January 6, 2012 and as of July 23, 2009, a balance of \$1,277.80 is still owed.

A-2009-038 – **RUSSELL LEE GAULDING (PSA) – OKLAHOMA CITY (KISNER):** Administratively denied on October 14, 2009 based on the fact that he disclosed on his application that he had “been convicted; was currently under investigation; was on probation or paying restitution; had a license suspended; has an unsatisfied judgment; is in arrears for child support; is currently awaiting trial and has delinquent unpaid student loans.” Information provided to and gathered by the Investigation Department revealed the following:

CF-88-2353 (April 25, 1988) – Oklahoma City, Oklahoma: Charged with Possession of Controlled Dangerous Substance (CDS) and received 120 days in jail due to violation of suspended sentence to run concurrent with CF-92-6350 and CF-92-7252;

CM-92-641 (March 13, 1992) – Oklahoma City, Oklahoma: Charged with Driving Under the Influence (DUI) Liquor or Drugs/Actual Physical Control of a Vehicle (APCV). The charge was reduced to Driving While Suspended, and he received credit for time served and \$30.00 in fines and costs;

CF-92-6350 (November 30, 1992) – Oklahoma City, Oklahoma: Charged with Possession of Crack Cocaine, Possession of Drug Paraphernalia and Unauthorized Use of a Motor Vehicle. He received 120 days in jail to run concurrent with CF-88-2353 and CF-92-7252;

Probation Violation (September 3, 1993) – Oklahoma City, Oklahoma: Amended order issued regarding cases CF-88-2353, CF-92-6350 and CF-92-7252;

CM-94-1063 (April 4, 1994) – Oklahoma City, Oklahoma: Charged with Driving Under the Influence After Former Conviction (DUI AFC). According to documents, this charge was dismissed and re-filed as CF-1994-3408, a Felony. The applicant was sentenced to three (3) years in prison, but was discharged on October 5, 1995;

Probation Violation – Three Counts (July 28, 1994) – Oklahoma City, Oklahoma: No further information available;

CF-05-926 (June 17, 2005) Moore, Oklahoma: Charged with Driving Under the Influence – Liquor or Drugs / APCV, and Transporting an Open Container – Beer. He received a one (1) year suspended sentence, with \$540.00 in fines and court costs;

CF-2008-782 (January 12, 2008) Oklahoma City, Oklahoma: Charged with DUI – Liquor or Drugs / APCV, and received a five (5) year suspended sentence, which is scheduled to end March 2013; and

CF-2008-1442 (March 10, 2008) Oklahoma City, Oklahoma: Charged with Placing Bodily Fluids upon a Government Employee, and received a two (2) year suspended sentence to run concurrent with CF-2008-782.

A-2009-039 – BARBARA JEAN HALE (PSA) – TULSA (KISNER): Administratively denied on October 26, 2009 based on the fact that she disclosed on her application that she had been convicted of a crime. Information provided to and gathered by the Investigation Department revealed the following:

01-CR-036-001 (March 24, 1997) Tulsa, Oklahoma: Charged with Conspiracy to Conceal Assets in a Bankruptcy and was sentenced to five (5) months with the U.S. Bureau of Prisons, three (3) years of supervised release, \$100.00 Assessment and was ordered to pay \$121,338.46 in restitution. The restitution has been paid in full.

A-2009-041 – JOHN NATHAN ROBERTS (PSA) – TULSA (KISNER): Administratively denied on October 29, 2009 based on the fact that he disclosed that although he had never been convicted of a crime, he is currently awaiting sentencing for a Driving under the Influence (DUI) charge. Information provided to and gathered by the Investigation Department revealed the following:

N0902890 (December 4, 2008) Norman, Oklahoma: Charged with Public Intoxication and received six (6) months probation and was ordered to pay \$500.00 in fines and court costs. The fine has been paid in full, but his probation does not end until April 13, 2010.

B. CONSENT AGREEMENT

C-2008-014 – SANDRA LYNN SULLIVAN (SA) – CHOUTEAU (PRESLAR):

Violations by Respondent:

Title 59 O.S. §858-312, Subsections 8,9 and 19, in that she pled “nolo contendere” to Embezzlement by Employee on January 23, 2008 in Mayes County, Oklahoma.

Consented: Respondent Sandra L. Sullivan has consented to the following terms:

- 1)** Continuing to make timely restitution payments as ordered by the District Court of Mayes County, State of Oklahoma;
- 2)** An assessment of probation equal to the terms of her criminal proceeding (January, 2013);
- 3)** Attendance and completion of three (3) hours of Continuing Education in the subject of Professional Standards, and three (3) hours of Continuing Education in the subject of Laws and Rules to be completed within six (6) months from the date of receipt of the final order;

4) Mandatory self-reporting of any probation violation, new arrest(s) and/or charges within ten (10) days of occurrence; and

5) Quarterly updates (one report every four months) to the Oklahoma Real Estate Commission on restitution payment progress, until full restitution has been satisfied.
(On October 5, 2009, documentation was received indicating that Respondent Sullivan's restitution has been paid in full.)

C-2008-066 – ALLIANCE REAL ESTATE GROUP INCORPORATED, REGINA M. YAGER (BM) – OKLAHOMA CITY; ALLIANCE REAL ESTATE GROUP INCORPORATED (BO), CAROL STEPHENS AND NANCY F. KIMBERLING (SA) – EDMOND (PRESLAR):

Violations by Respondent Nancy Kimberling:

Title 59 O.S. §858-312, Subsections 2,8, 9 and 23, Rule 605:10-17-4(12)(13) and Rule 605:10-17-5(2), in that she failed to disclose defects in the heating, air conditioning and air duct system of her home as indicated by the inspection report prepared on her behalf by CastleKeep Home Inspection Service.

Consented: Respondent Nancy Kimberling has consented to the issuance of a formal reprimand and assessment of an administrative fine of Two Hundred Fifty Dollars (\$250.00) for each violation, for a total of **One Thousand Dollars** (\$1,000.00), and the case against Respondents Alliance Real Estate Group Incorporated, Regina Yager, Alliance Real Estate Group Incorporated (BO) and Carol Stephens will be closed.

C-2009-017 – ALAN D. BROCK (BP) – GRAPEVINE, TX (PRESLAR): Violations by Respondent:

1) *Title 59 O.S. §858-312, Subsections 8 and 9,* in that he engaged in conduct which violated a provision of the Oklahoma Real Estate License Code or rules by the Commission by pleading Guilty to Driving While Intoxicated, and

2) *Title 59 O.S. §858-312, Subsection 15,* in that he may have been unworthy to act as a real estate licensee, whether of the same or of a different character, or because he has been convicted or, or pleaded guilty to, a crime involving moral turpitude by pleading Guilty to Driving While Intoxicated.

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

U-2007-002 – BUD PROFFITT (UNLICENSED), PROFFITT ENTERPRISES (UNLICENSED) – TULSA; CASTLE FINDERS LLC, DIANA LYNN GRIEGO (BM) AND CYNTHIA ANN LOLLIS (SA) – ALBUQUERQUE, NM (PRESLAR): On April 22, 2009 the Hearing Examiner reported that Respondents Bud Proffitt and Proffitt Enterprises Incorporated were found in violation of *Title 59 O.S. §858-102, Subsection 2, Title 59 O.S. §858-301 and Title 59 O.S. §858-401,* in that they managed real property for others and received compensation.

Respondents Castle Finders LLC, Diana Griego and Cynthia Lollis did not violate any provision of the Oklahoma Real Estate License Code or the Rules of the Commission.

Prior to the September 9, 2009 regular meeting of the Commission, a consent agreement was reached, wherein Respondents Bud Proffitt and Proffitt Enterprises Incorporated consented to the assessment of an administrative fine in the sum of Two Hundred Fifty Dollars (\$250.00) each, for a total of Five Hundred Dollars (\$500.00).

Consented: Respondents Bud Proffitt and Proffitt Enterprises Incorporated have consented to the assessment of an administrative fine in the sum of Two Hundred Fifty Dollars (\$250.00) each, for a total of **Five Hundred Dollars** (\$500.00). The case against Respondents Castle Finders LLC, Diana Griego and Cynthia Lollis will be dismissed.

C. HEARING EXAMINER REPORT

C-2008-004 – NITA GRIMES AND ASSOCIATES REALTY INCORPORATED, JUANITA F. COOK (BM) – MIDWEST CITY, JEQUETTA SUE COMBS (BP) – CHOCTAW, ROBERT E. HAWKINS (BP) – NEWALLA, AND CAROLE J. LEHMAN (SA) – CHOCTAW (KISNER): On August 28, 2009, the Hearing Examiner reported that Respondent **Carole J. Lehman** was found in violation of the following:

- 1) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-13-2*, in that she failed to turn over rental deposits to her brokers and failed to inform her brokers of her property management activities, and
- 2) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-11-1(a)*, in that she conducted property management activities outside the supervision of her brokers.

Respondent **Robert E. Hawkins** was found in violation of *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(6)*, in that he failed to properly supervise the activities of Respondent Carole J. Lehman.

The case against Respondents Nita Grimes and Associates Realty Incorporated, Juanita Cook and Jequetta Combs was previously closed.

Recommendation: That Respondent Carole J. Lehman shall be required to pay an administrative fine in the sum of Two Hundred Fifty Dollars (\$250.00) for each violation, for a total of **Five Hundred Dollars (\$500.00)**, and that Respondent Robert E. Hawkins shall be required to pay an administrative fine in the sum of **Five Hundred Dollars (\$500.00)**.

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-2008-027 – JAMES M. KELLEY (BA) – BROKEN ARROW (KISNER): On August 25, 2009, the Hearing Examiner reported that Respondent Kelley was found in violation of *Title 59 O.S. §858-312, Subsections 9 and 15*, in that his criminal convictions reflect a pattern of repeated offenses, indicating an indifference to the law.

Recommendation: That Respondent James M. Kelley shall be required to pay an administrative fine in the sum of Five Hundred Dollars (\$500.00).

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-2008-037 – SAMRA GUERRA (BM) – GUYMON (KISNER): On August 25, 2009, the Hearing Examiner reported that the Respondent had not violated any provision of the Oklahoma Real Estate License Code or the Rules of the Commission.

Recommendation: That the case against Respondent Samra Guerra shall be 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-2008-061 – JOHN J. TANNER (BP) AND ELIZABETH ANN LAWLEY (SA) –TULSA (KISNER): On August 25, 2009, the Hearing Examiner reported that Respondent Elizabeth Lawley was found in violation of:

- 1) *Title 59 O.S. §858-312, Subsection 8 and Rule 605:10-17-4(6)*, in that she failed to act in marketing her property with the same good faith as when acting in the capacity of a real estate licensee, and
- 2) *Title 59 O.S. §858-312, Subsection 23 and Rule 605:10-17-5(2)*, in that she failed to disclose to the complainant the foreclosure proceedings and pending Sheriff's sale.

Respondent John Tanner did not violate any provision of the Oklahoma Real Estate License Code or the Rules of the Commission.

Recommendation: That Respondent Elizabeth Lawley shall be required to pay an administrative fine in the sum of **One Thousand Dollars** (\$1,000.00), and that the case against John J. Tanner shall be 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-2008-068 – MCGRAW DAVISSON STEWART INCORPORATED, C. VINSON REED (BM), MCGRAW DAVISSON STEWART INCORPORATED (BO), LORI CHARLENE MORGAN (BB), PREETI WAAS (SA) – TULSA (KISNER): On August 25, 2009, the Hearing Examiner reported that Respondent Preeti Waas was found in violation of *Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-17-4(9)*, in that she failed to submit a written response to the complaint filed in this matter.

Recommendation: That the Oklahoma Real Estate Sales Associate license of Respondent Preeti Waas shall be **revoked**. *(The case against McGraw Davisson Stewart Incorporated, C. Vinson Reed, McGraw Davisson Stewart Incorporated (BO) and Lori C. Morgan was previously closed.)*

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.

U-2008-009 – MIKE MERRIFIELD (UNLICENSED) – MOORE (KISNER): On August 26, 2009, the Hearing Examiner reported that Respondent Merrifield was found in violation of *Title 59 O.S. §858-102; Title 59 O.S. Subsection 2; Title 59 O.S. §858-301 and Title 59 O.S. §858-401*, in that he conducted real estate activities in the State of Oklahoma while unlicensed to do so.

Recommendation: That Respondent Mike Merrifield shall be ordered to pay an administrative fine in the sum of **Five Thousand Dollars** (\$5,000.00).

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.

UC-2009-003 – CHRISTIE LYNN RENEGAR (UNLICENSED), NASON VALJEAN RENEGAR (UNLICENSED), AMERICAN DREAM REALTY LLC AND CLAUDIA RENEA ROBERTS (BM) – DURANT (KISNER): On August 26, 2009, the Hearing Examiner reported that Respondent Christie Renegar was found in violation of *Title 59 O.S. §858-101(2) and §858-401*, in that she conducted property management activities without having an active real estate license.

Respondent Nason Renegar did not violate any provision of the Oklahoma Real Estate License Code or the Rules of the Commission.

Recommendation: That Respondent Christie Renegar shall be required to pay an administrative fine in the sum of **Two Hundred Dollars** (\$200.00), and that the case against Nason Renegar shall be dismissed. *(The case against American Dream Realty LLC and Claudia Renea Roberts was previously closed.)*

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.

UC-2008-003 – ORA WILLIAMS (UNLICENSED), WATERS BROTHERS CORPORATION, BRANDON J. THARP (BM) AND RHIANNON ROSE WILKINSON (SA) – OKLAHOMA CITY (KISNER): On August 26, 2009, the Hearing Examiner reported that Respondent Rhiannon Rose Wilkinson was found in violation of:

- 1) *Title 59 O.S. §858-312, Subsections 4, 8 and 9 and Title 59 O.S. §858-301*, in that she conducted real estate activities, including accepting commissions from someone other than the broker with whom she was associated, through an unlicensed entity, and
- 2) *Title 59 O.S. §858-312, Subsection 21*, in that she paid commissions to Respondent Williams, an unlicensed individual.

Respondent Ora Williams was found in violation of *Title 59 O.S. §858-301*, in that she engaged in licensable real estate activities without a license.

The case against Respondents Waters Brothers Corporation and Brandon Tharp was closed on August 8, 2008.

Recommendation: That Respondents Ora Williams and Rhiannon Wilkinson each shall be required to pay an administrative fine in the sum of Five Hundred Dollars (\$500.00), for a total of **One Thousand Dollars** (\$1,000.00).

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-2007-061 – ABWS TULSA INCORPORATED, SHERRY LEWIS (BB), ABWS TULSA INCORPORATED (BO), SUSAN BEACH (BM) AND ANGELA BAYSINGER (SA) – TULSA:

At the July 8, 2009 Commission meeting in Oklahoma City, Respondent Baysinger, through her Attorney John Thompson, consented to a Modified Final Administrative Order wherein she would pay an administrative fine of Four Thousand Dollars (\$4,000.00), and her license would be suspended for ninety (90) days.

In addition to the Modified Order, the Commissioners also ordered that the case be sent back for further investigation into possible violation(s) by Respondents ABWS Incorporated, Sherry L. Lewis, ABWS Incorporated (BO) and Susan J. Beach.

Upon further review, it was determined that Respondents ABWS Incorporated, Sherry L. Lewis, ABWS Incorporated (BO) and Susan J. Beach had not violated any provision of the Oklahoma Real Estate License Code or the Rules of the Commission, and that this case be brought before the Commission for approval of the Hearing Examiner's initial recommendation.

Recommendation: Dismiss case against Respondents ABWS Incorporated, Sherry L. Lewis, ABWS Incorporated (BO) and Susan J. Beach.

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-2007-052 – JAMES D. WELCH (BP) – HOLDENVILLE (KISNER): No evidence was received to indicate that the Respondent committed any violation of the Oklahoma Real Estate License Code or the Rules of the Oklahoma Real Estate Commission.

Recommendation: Close case.

C-2007-114 – ASSET ONE REALTY ADVISORS LLC, THOMAS W. EAGLESON JR. (BM) AND JOEL O. WALKER (SA) – OKLAHOMA CITY (KISNER): No evidence was received to indicate that the respondents committed any violation of the Oklahoma Real Estate License Code or the Rules of the Oklahoma Real Estate Commission.

Recommendation: Close case.

C-2009-005 – MARION GROUP REAL ESTATE INCORPORATED AND WALTER L. MARION (BA) – LAWTON (KISNER):

Possible violations by Respondents:

- 1) *Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-17-2(b)*, in that they may have failed to submit a written response to the complaint in this matter within the fifteen (15) day period;
- 2) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-9-3*, in that they may have used the trade name Marion Group Development Company in connection with real estate activities, a trade name that has not been registered with the Oklahoma Real Estate Commission;
- 3) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(9)*, in that they may have failed to provide the documents requested in writing by the Oklahoma Real Estate Commission;
- 4) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-13-1(d)(e)*, in that they may have failed to deposit the \$7,000.00 escrow funds into a trust account

before the end of the third banking day following acceptance of an offer, and failed to maintain such funds in said account until the transaction was consummated and proper accounting made, and

5) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-13-1(h)*, in that they may have failed to refund the earnest money to the complainant when the transaction did not consummate, upon demand therefore.

Recommendation: Set Formal Hearing.

B. INVESTIGATOR REPORT

C-2008-088 – **BANTA REALTY ADVISORS INCORPORATED AND GREG C. BANTA (BM) – PIEDMONT (KUEFFLER)**: Complainant alleged that Respondent Banta made substantial misrepresentations in the conduct of business, provided misleading information about delays in finishing a building, and commingled their earnest money with his personal funds and refused to refund the money.

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-2009-022 – **WIGGINS AUCTIONEERS LLC, BEVERLY DEAN WIGGINS (BM), CECIL PERRY WIGGINS JR. (BA) AND ADAM WALTER MARTENS (SA) – ENID (DANLEY)**: Complainant alleged that prior to his auction purchase of the approximately 160 acre parcel of land, the respondents warranted that crop insurance existed and would be transferred after closing. The Complainant called the respondents numerous times after closing to get the insurance transferred; he subsequently suffered a crop loss and alleged that because of the respondent's failure to transfer the insurance, he was unable to receive an insurance settlement.

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-2009-025 – **RONTON INCORPORATED, TONUA L. HULETTE (BM) AND JUDY A. HESTER (SA) – OKLAHOMA CITY (DANLEY)**: Complainant alleged that Respondent Hester did not follow his or his wife's required wishes related to the transaction, and that the Respondent was not involved in the new home sale, which potentially opened him up to fraud. Complainant also alleged that Respondent Hester sent misleading and incorrect photos of the property, as the complainant and his wife were out-of-town buyers.

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-2008-039 – MCGRAW DAVISSON STEWART INCORPORATED, C. VINSON REED (BM) – TULSA; MCGRAW DAVISSON STEWART INCORPORATED (BO) AND DARRYL G. BASKIN (BB) – BROKEN ARROW (BAKER): The Investigations Department received information indicating that Respondent Darryl Baskin was advertising on homebuyers.com, wherein his broker reference was not prominent and conspicuous. It also appeared that the homes he had listed on his website were “for sale by owner” and not listed with a real estate company.

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-2008-063 – SHANE SWEENEY (BP) AND TONJA LOUISE WEAVER (BM) – ADA (BAKER): Complainant alleged that Respondent Weaver had set up a branch office for Sweeney Real Estate in the office of Mathis Appraisals in Holdenville, Oklahoma. The complainant stated the respondent met customers at this office, had a desk set up in the office and that licensees picked up keys at the location to show listed properties in the Holdenville area. Complainant stated that there was a Sweeney

Real Estate sign posted in front of the office and provided pictures she stated were taken the week of July 22, 2008.

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-2008-065 – PROFESSIONAL REALTY GROUP LLC, VICTORIA VAN HORN CALDWELL (BM), RUTH BOSS (BA) AND FRANCIS JOSEPH SCHUSTER (SA) – EDMOND (BAKER): Complainant alleged that the respondents did not represent him well in this purchase. The complainant stated that he should have been told to sign the counteroffer he was given from the seller, instead of making another offer when a second offer on the property was presented. He stated that he was forced into a bidding competition with the other buyers.

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-2008-070 – CLASSIC REALTY & ASSOCIATES LLC, REBECCA A. ZARECKI (BM) AND PAUL FORREST GERNER (SA) – BROKEN ARROW (BAKER): The complainant alleged that the respondents acted unethically and did not present his offer to the seller. Complainant stated that he asked Respondent Gerner several times if his offer was the only offer on the property. The complainant stated he believed his offer was held until another offer came in on the property, and only that offer was submitted to the seller.

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-2008-082 – NORMA J. RHODES (BP) AND TYLER COLE THOMPSON (SA) – ADA (BAKER): Complainant alleged that the respondents falsely advertised a home as real property when it should have been advertised as a mobile 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.

C-2008-087 – MCGRAW DAVISSON STEWART INCORPORATED, C. VINSON REED (BM), MCGRAW DAVISSON STEWART INCORPORATED (BO), THOMAS L. FORBES (BB) AND BARBARA DARLENE BATSON (BA) – TULSA (BAKER): Complainant alleged that the respondents were steering potential buyers away from her property. She stated she had friends pose as potential buyers asking about her home. Complainant stated that Respondent Batson asked the buyers if they really wanted to see that house or acted like she did not know anything about the house. Complainant stated that Respondent Batson has shown her home on several occasions but other homes or lots in the development were purchased by the people who viewed her 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.

C-2008-095 – MAUREEN REALTY INCORPORATED, CHRISTOPHER COWLBECK (BM) AND CLAUDIA CHAPPELL KITTRELL (BA) – ARDMORE (BAKER): Complainant alleged that the respondents did not reduce their offer to writing to be presented to the seller. Complainant wanted to offer \$1,000.00 over the highest bid both times she was told to place an offer.

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.

IV. FINANCIAL AND FISCAL

- 1) FY 2011 Budget Request report
- 2) Final accounting of FY 2009 income v. expenditures
- 3) Report on historical license statistics and projected future renewals

V. EDUCATION

- 1) Report from the Education and Licensing Program Director

VI. PERSONNEL

Employee longevity pin award presented to the following personnel for their years of dedicated service to the State of Oklahoma and the Oklahoma Real Estate Commission:

- Anne Woody – 35 years
- Connie King – 30 years
- Janice Pierson – 30 years
- Diane Foote – 25 years
- Sherry Kueffler – 10 years

VII. INDUSTRY UPDATES

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

VIII. GENERAL BUSINESS

- 1) Discussion on proposed rule changes for July 1, 2010
- 2) 2010 legislative issues
 - a. Formal opinion request regarding those who are in the business of managing property for others (i.e. nightly rentals). Also, determining Commissioner's position and guidance to the OREC staff on the subject of pursuing legislative action, upon rendering of said opinion
 - b. Discussion of legislation regarding:
 - Landlord/Tenant Act (Title 41, §113) – disclosure to tenant of methamphetamine manufacturing in a residence, lead-based paint, environmental hazards, psychological factors, etc.)
 - Psychologically impacted properties (Title 59, §858-513 – disclosure to buyer/tenants)
 - Authority for investigators to attend CLEET training to become certified peace officers (Title 59, §858-208)
 - Amending the Residential Property Condition Disclosure Act
 - c. Discussion of other 2010 legislative issues
- 3) Implementation of postcards in the advance renewal notification process
- 4) Guest speaker Monica Wittrock (First American Title Insurance) and her presentation on pertinent RESPA information – scheduled for 1:30 p.m.

IX. NEW BUSINESS

Any new business not known about, or which could not have been reasonably foreseen prior to the time of posting of the agenda

X. ACTION ON NEXT MEETING DATE

- 1) Cancellation of December 9th meeting
- 2) Next meeting scheduled for January 13, 2010

XI. ADJOURNMENT