

**OKLAHOMA REAL ESTATE COMMISSION  
AGENDA – BUSINESS MEETING  
November 28, 2007**

Preliminary Agenda

**I. OPENING OF BUSINESS MEETING**

- A. Call to Order – 8:30 a.m.**
- B. Approval of Minutes from the October 10<sup>th</sup> regular meeting**
- C. Public Participation (Open Topic)**
- D. The Commission May Vote to Approve, Disapprove or Take Other Action on Any Item Listed on this Agenda**

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

**A. APPLICANT APPEAL**

**A-2007-100** – **John Mack Butler** (PSA) – Tulsa (Kisner): Administratively denied on August 17, 2007 based on the fact that he disclosed on his June 2004 application that he had had miscellaneous traffic citations issued against him and that over thirty years ago he was fined \$100.00 for discharging a firearm in public. He also indicated on his application that he has had an outstanding complaint with the Oklahoma Bar Association for over three (3) years, but does not anticipate any action in the matter.

Information obtained from the Oklahoma Bar Association (OBA) revealed that the complaint filed against the applicant alleges eight (8) counts of professional misconduct in violation of the Oklahoma Rules of Professional Conduct. The allegations within the complaint center around misappropriation of funds, untrustworthiness and neglect of the applicant to respond to formal requests from the OBA in reference to numerous complaints filed against him.

On October 10, 2006 the applicant was contacted to see if he was still interested in pursuing his application, and if so he would need to submit a summary about the Oklahoma Bar Association findings. At that time, the applicant indicated that he would send in the requested documents. On May 25, 2007 he contacted the Education and Licensing Director and advised her that the situation had been resolved, the documents pertaining to the case had been sealed and that he would be submitting information regarding the case, however, as of August 10, 2007, the applicant has made no further contact with this office and has not submitted the requested documents.

**A-2007-104** – **Michelle Marie Wilson** (PSA) – Shawnee (Kisner): Administratively denied on August 29, 2007, based on the fact that she disclosed on her application that she had been incarcerated for forgery (embezzlement) and tax evasion. She also disclosed she is on probation until May 9, 2008. Information provided by the applicant revealed the following:

**Case Number CR-02-118-01-A (December 17, 2002)**: Charged with Forgery – Class A Felony (Count 1) and Filing a False Income Tax Return – Class E Felony (Count 2) and was sentenced into the custody of the United States Bureau of Prisons for 33 months on each Count to run concurrently. Upon release from prison in May 2005, she received 3 (three) years supervised release on each count to run concurrently, community service for one year at the rate of 4 hours per week while employed full time and 20 hours per week while employed less than full time. She was ordered to pay \$200.00 assessment costs and \$878,263.06 in restitution with payments of \$300.00 per month to the U.S. District Court Clerk's Office beginning July 1, 2005 and continuing until total amount has been paid. Although time has elapsed for the community service and the assessment cost has been paid in full, she is on probation until May 9, 2008.

**A-2007-105** – **Olatokunbo Michael Isiaka** (PSA) – Oklahoma City (Sokolosky): Administratively denied on August 29, 2007, based on the fact that he disclosed on his application that he had two convictions in Oklahoma County for CDS with Intent, and that he is on probation until 2026. Information provided by the applicant revealed the following:

Case Number CF-2005-6347 (November 4, 2005): Charged with Possession of Controlled Dangerous Substance (CDS) w/intent – Cocaine (Count 1), Possession of CDS w/intent – Marijuana (Count 2), Marijuana “Misdemeanor” as amended (Count 3), Possession of Proceeds (Count 4) and Possession of Drug Paraphernalia (Count 5). On Count 1, he received a 20 year suspended sentence, except for five (5) years served at the Department of Corrections and \$45.00 VCA; On Count 2, he received a 10 year suspended sentence, except for first five (5) years served at the Department of Corrections and \$45.00 VCA; On Counts 3 and 5 he received one (1) year at the Department of Corrections and on Count 4 he received five (5) years at the Department of Corrections, with all sentences to run concurrent with Case Number CF-2005-1537. He was ordered to supervised probation upon release and assessed for alcohol and drug treatment as directed, and to complete DOWC or similar therapeutic program. He was released to unsupervised probation in August 2007, but while unsupervised he must pay remaining fines to the Oklahoma County court clerk. His case expires August 15, 2026.

Case Number CF-2005-1537 (March 24, 2005): Charged with Possession of Controlled Dangerous Substance (CDS) w/intent – Valium (Count 1), Possession of CDS w/intent – Heroin (Count 2) and Possession of CDS w/intent – Cocaine (Count 3). On Count 1, he received a 20 year suspended sentence except for five (5) years served at the Department of Corrections and \$45.00 VCA, and on Counts 2 and 3 he received a 10 year suspended sentence except for first five years to do at the Department of Corrections and \$45.00 VCA, with all sentences to run concurrent with Case Number CF 2005-6347. He was ordered to supervised probation upon release and assessed for alcohol and drug treatment as directed, and to complete DOWC or similar therapeutic program. He was released to unsupervised probation in August 2007, but while unsupervised he must pay remaining fines to the Oklahoma County court clerk. His case expires August 15, 2026.

**A-2007-109** – **Fredrick Ray Nash** (PSA) – Tulsa (Sokolosky): Administratively denied on October 29, 2007, based on the fact that he disclosed on his application that he had a 1993 conviction in Tulsa County for misdemeanor assault and battery and misdemeanor violation of a protective order. Information provided to and gathered by the Investigations Department revealed the following:

CM-TU-1994-33 (March 25, 1994): Charged with Driving While Impaired (Misdemeanor), and was committed to the custody of the Tulsa County Sheriff for six (6) months. The sentence was completed and all fines and costs were paid in full.

CM-TU-1993-1362 (October 19, 1993): Charged with Violation of Protective Order, and was sentenced to Ninety (90) days suspended. The suspended sentence was completed and all fines and costs were paid in full.

CM-1993-696 (June 3, 1993): Charged with Violation of Protective Order – Count 1, and Assault and Battery – Count 2. Received a six (6) month suspended sentence consecutive with case number CM-93-311 on Count 1 and a three (3) month suspended sentence on Count 2. The suspended sentences were completed and all fines and costs were paid in full.

CM-1993-311 (April 12, 1993): Charged with Assault and Battery, and received a Ninety (90) day suspended sentence to run concurrent with case number CM-1991-1130. The suspended sentence was completed and all fines and costs were paid in full.

CM-1991-1130 (April 12, 1993): Complaint of Postponement of Payment Due for Services, and received a one (1) year suspended sentence to run concurrent with case number CM-1993-311. The suspended sentence was completed and all fines and costs were paid in full.

## **B. HEARING EXAMINER REPORT**

**C-2006-012 – McGraw Davisson Stewart Incorporated, Joseph R. McGraw, Jr. (BA) - Tulsa, McGraw Davisson Stewart Incorporated (BO), Jay D. Menger (BB) - Jenks, Patricia L. Zahoran (BA) and Michael C. Vance (SA) - Tulsa (Kisner):** On September 26, 2007, the Hearing Examiner reported that Respondent Patricia Zahoran was found in violation of Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605: 10-17-4(12), in that she failed to keep the Complainant fully informed regarding the transaction.

No evidence was received to indicate that Respondent Michael Vance violated any provision of the Oklahoma Real Estate License Code.

This case was closed on September 5, 2007 as to Respondents McGraw Davisson Stewart Incorporated, Joseph McGraw Jr., McGraw Davisson Stewart Incorporated (BO) and Jay Menger.

**Recommend:** That Respondent Patricia L. Zahoran is ordered to pay an administrative fine of Two Hundred Fifty Dollars (\$250.00).

**C-2006-089 – John Hausam Incorporated, John Louis Hausam (BM), Scott Carter (SA), Dennis Carroll Phillippo (SA) and Gail Lynne Phillippo (SA) – Tulsa; John Hausam Incorporated (BO), David Glenn Watson (BB), Melody Spring Ryles (SA) and Angela Marie Whitfield (PSA) – Broken Arrow (Sokolosky):** On August 28, 2007, the Hearing Examiner reported that Respondent Angela Whitfield was found in violation of the following:

Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605: 10-17-4(b), in that she failed to file a written response to the Complaint;

Title 59 O.S. §858-312, Subsections 3 and 9 and Rule 605: 10-17-4(12), in that she failed to exercise reasonable skill and care regarding the Complainant's application for the Seller's Security Program in order to ensure that the Complainant was advised that her property did not qualify for such program;

Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605: 10-11-2(g), in that she failed to notify the Commission of the change in her home address within ten (10) days of such change.

No evidence was received to indicate that Respondents John Hausam Incorporated, John L. Hausam, Scott Carter, Dennis C. Phillippo, Gail L. Phillippo, John Hausam Incorporated (BO), David G. Watson and Melody S. Ryles violated any provision of the Oklahoma Real Estate License Code, and their case was closed on April 24, 2007.

**Recommend:** That the Oklahoma Real Estate Provisional Sales Associate License of Angela Marie Whitfield be revoked and that she be ordered to pay an administrative fine of One Thousand Dollars (\$1,000.00).

**C-2006-110 – Bob L. Linn and Associates Incorporated, Robert Lee Linn (BM) and Jose Francisco Acosta (SA) – Oklahoma City (Sokolosky):** On September 28, 2007 the Hearing Examiner reported that Respondent Jose Acosta was found in violation of Title 59 O.S. §858-312, Subsection 6, in that he commingled his own money with the money of others; Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-11-1(a), in that he failed to perform all real estate acts in the name of his broker, and Title 59 O.S. §858-312, Subsections 6, 8 and 9 and Rule 605:10-13-2(1), in that he failed to turn over all monies deposited and payments made to his broker.

The case against Respondents Bob L. Linn and Associates Incorporated and Robert L. Linn was closed on September 5, 2007.

**Recommend:** That Respondent Jose Francisco Acosta be formally reprimanded and that he be required to pay an administrative fine of Six Hundred Dollars (\$600.00) for each violation, for a total of One Thousand Eight Hundred Dollars (\$1,800.00).

**C-2006-120 – Melinda Riggs (BP), William E. Ford Jr. (SA) and Robbie A. Philpot (SA) – Sallisaw (Sokolosky):** On September 26, 2007, the Hearing Examiner reported that Respondents Melinda Riggs, William Ford Jr. and Robbie Philpot were found in violation of Title 59 O.S. §858-312 Subsections 3 and 9 and Rule 605:10-17-4(12), in that they failed to provide the proper Broker Relationship disclosures for each party of the transaction between Margaret Graham and Jason and Ann Barnard;

Respondent Robbie Philpot was found in violation of Title 59 O.S. §858-312 Subsections 8 and 9 and Rule 605:10-17-4(12), in that he failed to notify either the Complainant or Respondent William Ford until July 5, 2006 that the Buyers had failed to deposit the purchase price with Valley Land Title Company.

**Recommend:** That for violating Title 59 O.S. §858-312 Subsections 3 and 9 and Rule 605:10-17-4(12), Respondents Melinda Riggs, William E. Ford Jr. and Robbie A. Philpot each be ordered to pay an administrative fine of Two Hundred Fifty Dollars, for a **total** of Seven Hundred Fifty Dollars (\$750.00) and that Respondent Robbie A. Philpot be ordered to pay an additional administrative fine of Five Hundred Dollars (\$500.00) for violating Title 59 O.S. §858-312 Subsections 8 and 9 and Rule 605:10-17-4(12).

**C-2007-004 – Bob L. Linn and Associates Incorporated, Robert Lee Linn (BM) and Jose Francisco Acosta (SA) – Oklahoma City (Sokolosky):** On September 28, 2007, the Hearing Examiner reported that Respondent Jose Francisco Acosta was found in violation of Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-9-4(c)(1), in that he failed to disclose in writing on the Apartment Lease Agreement entered into with the Complainant on January 6, 2006, that he was a real estate licensee, and Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(9), in that he failed to file a written response to the complaint in this matter.

The case against Respondents Bob L. Linn and Associates Incorporated and Robert L. Linn was closed on September 5, 2007.

**Recommend:** That Respondent Jose Francisco Acosta be formally reprimanded and that he be required to pay an administrative fine of Five Hundred Dollars (\$500.00) for each violation, for a total of One Thousand Dollars (\$1,000.00).

**C-2007-008 – Tommy Ray Chestnutt (BP) and Joan Marie Burns (SA) – Ponca City (Sokolosky):** On September 26, 2007, the Hearing Examiner reported that Respondent Chestnutt 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 Joan Marie Burns, and Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-9-1(d), in that he allowed Joan Marie Burns to maintain an office away from the office maintained and registered in his name.

Respondent Joan Marie Burns was found in violation of Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12), in that she operated as Burns Property Management outside the supervision of her broker and maintained an office at her home address; Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(14), in that she acted in the capacity of a broker without possessing the license of a broker; Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-11-1(a), in that she operated under the name of Burns Property Management, and Title 59 O.S. §858-312, Subsections 6 and 9 and Rule 605:10-13-2(1), in that she collected security deposits and rents from others and deposited same into accounts not registered or maintained by her managing broker.

**Recommend:** That Respondent Tommy Ray Chestnutt be required to pay administrative fines of One Thousand Dollars (\$1,000.00) for failure to properly supervise the activities of Joan M. Burns, and Five Hundred Dollars (\$500.00) for allowing Burns to maintain an office away from the office maintained and registered in his name (a total of One Thousand Five Hundred Dollars [\$1,500.00]), and that the broker's license of Tommy Ray Chestnutt be suspended for a period of one (1) year, with the suspension being suspended. It is further recommended that Respondent Joan Marie Burns be required to pay an administrative fine of

Five Hundred Dollars (\$500.00) for each of the four (4) violations, for a total of Two Thousand Dollars (\$2,000.00), and that the sales associate's license of Joan Marie Burns be revoked.

**C-2007-031 – Tommy Ray Chestnutt (BP) and Joan Marie Burns (SA)** – Ponca City (Sokolosky): On September 26, 2007, the Hearing Examiner reported that Respondent Chestnutt 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 Joan M. Burns, and Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-9-1(d), in that he allowed Joan M. Burns to maintain an office away from the office maintained and registered in his name.

Respondent Joan Marie Burns was found in violation of Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12), in that she operated as Burns Property Management outside the supervision of her broker and maintained an office at her home address; Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(14), in that she acted in the capacity of a broker without possessing the license of a broker; Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-11-1(a), in that she operated under the name of Burns Property Management, and Title 59 O.S. §858-312, Subsections 6 and 9 and Rule 605:10-13-2(1), in that she collected security deposits and rents from others and deposited them into accounts not registered or maintained by her managing broker.

Both Respondents were found in violation of Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-17-4(9), in that they failed to file a written response to the complaint in this matter.

**Recommend:** That Respondent Tommy Ray Chestnutt be required to pay administrative fines of One Thousand Dollars (\$1,000.00) for failing to properly supervise the activities of Joan M. Burns, Five Hundred Dollars (\$500.00) for allowing Burns to maintain an office away from the office maintained and registered in his name, and Five Hundred Dollars (\$500.00) for failure to file a written response to the Complaint (total: \$2,000.00). Also, that the broker's license of Tommy Ray Chestnutt be suspended for a period of one (1) year, with the imposition of the suspension being suspended, and running concurrent with the suspension imposed in Case Number C-2007-008. It is further recommended that Respondent Joan Marie Burns be required to pay an administrative fine of Five Hundred Dollars for each of the five (5) violations, for a total of Two Thousand Five Hundred Dollars (\$2,500.00), and that the sales associate's license of Joan Marie Burns be revoked.

**C-2007-045 – Leadership Real Estate Investments Incorporated, Terry E. Pufahl (BM) and Kelly Colvin Mann (SA)** – Oklahoma City (Sokolosky): On September 28, 2007, the Hearing Examiner reported that Respondents Leadership Real Estate Investments Incorporated and Terry Pufahl did not violate any provision of the Oklahoma Real Estate License Code or the Rules of the Commission. Kelly Mann was found in violation of Title 59 O.S. §858-312, Subsections 8, 9 and 15, in that she took prescription drugs from the home of a Seller.

**Recommend:** That the case against Respondents Leadership Real Estate Investments Incorporated and Terry Pufahl be dismissed, and that the sales associate's license of Kelly C. Mann be revoked. It is further recommended that Respondent Kelly C. Mann be required to pay an administrative fine of Two Thousand Dollars (\$2,000.00).

**C-2007-010 – Eufaula Lake and Land Real Estate LTD Company and Robert Bruce Henry (BM)** – Eufaula (Kisner): On September 26, 2007, the Hearing Examiner reported that the Respondents were found in violation of Title 59 O.S. §858-312 Subsections 8 and 9 and Rule 605:10-17-4(3), in that they failed to disclose to the Complainant an existing survey which revealed an encroachment by Complainant's shed upon adjacent property.

**Recommend:** That Respondents Eufaula Lake and Land Real Estate LTD Company and Robert Bruce Henry each be ordered to pay an administrative fine of Two Hundred Fifty Dollars, for a **total** of Five Hundred Dollars (\$500.00).

### III. COMPLAINTS/INVESTIGATIONS

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

**U-2007-003** – **Paramount Property Group LLC, Becky L. Peek, David K. Peek, Melissa Wheeler, Robin Johnson, Sunny Heusman and Angela Ayling** – Oklahoma City (Holmes): Possible violations by Respondents Paramount Property Group LLC, Becky Peek, David Peek, Melissa Wheeler, Robin Johnson, Sunny Heusman and Angela Ayling:

Title 59 O.S. §858-102(2), 858-301, 858-401, Title 59 O.S. §858-312 Subsection 8 and 9 and Rule 605:10-17-4(12), in that they may have engaged in unlicensed activities, operated an unlicensed business and conducted real estate transactions, which require an active license.

**Recommend:** Set Formal Hearing.

**U-2007-006** – **Amy J. Deaver** – Tulsa (Holmes): No evidence was received to indicate that Respondent Amy J. Deaver violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Close case.

**C-2007-053** – **NAI Sullivan Group and Robert Lee Sullivan (BM)** – Oklahoma City (Jones): No evidence was received to indicate that Respondents NAI Sullivan Group and Robert Sullivan violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Close case with a letter of caution, to Respondent Sullivan with regard to exercising reasonable care when a contract has expired and discussions continuing without an extension or counteroffer.

**C-2007-060** – **Lane Harbison Davis (SA)** – Oklahoma City (Jones): Possible violation by Respondent Lane Davis:

Title 59 O.S. §858-312 (15), in that he was charged with two (2) counts of Indecency with a Child and two (2) counts of Improper Relationship Between Educator and Student, and pled guilty to one (1) count of Improper Relationship Between Educator and Student.

**Recommend:** Set Formal Hearing.

**C-2007-075** – **Sooner Traditions Realty LLC, Bart Hunter Miller (BM) and Judy L. Miller (SA)** – Norman (Jones): Possible violations by Sooner Traditions Realty LLC and Bart Miller:

Title 59 O.S. §858-312, Subsections 1,3,8,15 and 23; Title 60 O.S. §833(C) and Rule 605:10-15-1(a), in that they may have failed to disclose beneficial interest in the selling entity and gave Complainant a Disclaimer signed more than 180 days prior to being given to the Complainant.

No evidence was received to indicate that Respondent Judy Miller violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Set Formal Hearing on Sooner Traditions Realty LLC and Bart Hunter Miller; Close case on Judy L. Miller.

**C-2007-087** – **J and D Presley LLC, John D. Presley (BM) and Virginia Elizabeth Gadsden (SA)** – Oklahoma City (Jones): No evidence was received to indicate that Respondents J and D Presley LLC, John Presley and Virginia Gadsden violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Close case with a letter of caution, to Respondent Gadsden with regard to keeping her managing broker informed of disgruntled clients.

**C-2007-059 – Leadership Real Estate Investments Incorporated, Terry E. Pufahl (BM) and Rita Conception Cook (SA)** – Oklahoma City (Day): No evidence was received to indicate that Respondents Leadership Real Estate Investments Incorporated, Terry E. Pufahl and Rita Conception Cook violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Close case.

**C-2007-066 – Land Rush Property Management LLC, Corey Allan Pogue (BM) and Neil Thomas Hamilton (SA)** – Oklahoma City (Day): Possible violations by Respondent Neil Hamilton:

Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-17-2(b), in that he may have failed to file a written response to the Complaint in this matter, and Rule 605:10-9-1(d), in that he may have had a real estate office.

*Possible violations by Respondents Land Rush Property Management LLC and Corey Pogue:*

Rule 605:10-9-1(a), in that they may have failed to maintain a specific place of business which is available to the public during reasonable business hours; Rule 605:10-9-5(a), in that they may have failed to notify the Commission of a change in business address within ten (10) days of such change; Rule 605:10-9-7, in that they may have failed to comply with the requirements for cessation of real estate activities, and Rule 605:10-9-8, in that they may have failed to comply with the requirements of branch office closings.

*Possible violations by Respondent Corey Pogue:*

Rule 605:10-9-1(a), in that he may have failed to be available to supervise his brokerage practice, and Rule 605:10-9-5(c), in that he may have failed to notify the Commission of a change in his home address within ten (10) days of such change.

**Recommend:** Set Formal Hearing.

**C-2007-067 – Rackley Real Estate Incorporated, Ricky L. Rackley (BM) and Anh Middleman (PSA)** – Oklahoma City (Day): No evidence was received to indicate that Respondents Rackley Real Estate Incorporated, Ricky L. Rackley and Anh Middleman violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Close case.

**C-2007-074 – Lecye Katherine Doolen (SA)** – Edmond (Day): Possible violations by Respondent Doolen: Title 59 O.S. §858-312, Subsections 8 and 9, in that she pled guilty on June 6, 2007, to the charge of willfully and knowingly operating a motor vehicle while under the influence of alcohol.

**Recommend:** Set Formal Hearing.

**C-2007-090 – Angela Marie Townsend (SA)** – Oklahoma City (Day): Possible violations by Respondent Townsend:

Title 59 O.S. §858-312, Subsections 8 and 9, in that she may have submitted a loan application for the purchase of a home for her personal use which contained false information concerning her income, and Title 59 O.S. §858-312, Subsections 8, 9, 15 and 19, in that she pled guilty to the charge of mail fraud.

**Recommend:** Set Formal Hearing.

**C-2006-112 – Brandon L. Baum (SA)** – Joplin, MO, **Teresa Marie Therrien (SA)** – Edmond and **Timothy James McDaniel (SA)** – Enid (Sokolosky): Possible violations by Respondent Brandon Baum:

Title 59 O.S. §858-312, Subsections 8, 9, and 19, in that he was convicted in the United States District Court for the Western District of Oklahoma (Case Number CR-2006-264) of

thirteen (13) counts of Wire Fraud, Aiding and Abetting and Engaging in a Monetary Transaction in Criminally Derived Property.

*Possible violations by Respondent Teresa Therrien:*

Title 59 O.S. §858-312, Subsections 8, 9, and 19, in that she was convicted in the United States District Court for the Western District of Oklahoma (Case Number CR-2006-264) of one (1) count of Wire Fraud and Engaging in a Monetary Transaction in Criminally Derived Property.

*Possible violations by Respondent Timothy McDaniel:*

Title 59 O.S. §858-312, Subsections 8, 9, and 19, in that he entered a plea of Guilty in the United States District Court for the Western District of Oklahoma (Case Number CR-2006-264) to one (1) count of Wire Fraud.

**Recommend:** Set Formal Hearing.

**C-2007-019** – **The Alliance Real Estate Group Incorporated, Judith Davis (BM)** – Oklahoma City, **The Alliance Real Estate Group Incorporated (BO), Linda L. Davidson (BA)** – Edmond, **Peggy J. Pitts (BA), CB Advantage Real Estate LLC, Philip Y. Odom (B) and Brandon L. Baum (SA)** – Oklahoma City (Sokolosky): No evidence was received to indicate that Respondents The Alliance Real Estate Group Incorporated, Judith Davis, The Alliance Real Estate Group Incorporated (BO), Linda L. Davidson, Peggy J. Pitts, CB Advantage Real Estate LLC, Philip Y. Odom and Brandon L. Baum violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Close case.

**C-2007-043** – **Easley Enterprises Incorporated, Phillip J. Easley (BM) and Eric Gordon Thompson (SA)** – Midwest City (Sokolosky): Possible violations by Respondent Eric G. Thompson:

Title 59 O.S. §858-312, Subsection 8 and Rule 605:10-17-4(15), in that he may have discouraged the Complainant from obtaining an inspection on the property the Complainant was purchasing.

No evidence was received to indicate that Respondents Easley Enterprises Incorporated and Phillip J. Easley violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Set Formal Hearing on Eric G. Thompson, close case against Easley Enterprises Incorporated and Phillip J. Easley.

**C-2007-054** – **Real Estate Sales Professionals Incorporated, W.A. “Lon” Parks Jr. (BM), Laura Byrd (BA), Crossroads Realty of Lawton Incorporated, John Kinder (BM) and John Jay Kinder (BA)** – Lawton (Sokolosky): No evidence was received to indicate that Respondents Real Estate Sales Professionals Incorporated, W.A. Parks Jr., Laura Byrd, Crossroads Realty of Lawton Incorporated, John Kinder and John Jay Kinder violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Close case.

**C-2007-062** – **Southwest Investment Realty Incorporated, Steve A. Williams (BM) and Peggy Jo Darr (BA)** – Norman (Sokolosky): No evidence was received to indicate that Respondents Southwest Investment Realty Incorporated, Steve William and Peggy Jo Darr violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Close case.

**C-2007-070** – **Action Real Estate LLC, Karla V. Yates (BM) and Leslie Frederick Green (BA)** – Oologah (Sokolosky): No evidence was received to indicate that Respondents Action Real Estate LLC, Karla Yates and Leslie Green violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Close case.

**C-2007-072** – **Crossroads Realty of Lawton Incorporated, John Kinder (BM), John Jay Kinder (BA), Connie J. Kinder (SA) and Carla Jo Romo (SA)** – Lawton (Sokolosky): No evidence was received to indicate that Respondents Crossroads Realty of Lawton Incorporated, John Kinder, John Jay Kinder, Connie J. Kinder and Carla Jo Romo violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Close case.

**C-2007-073** – **Kelley and Company Incorporated and Cherrye L. Kelley (BM)** – Piedmont (Sokolosky): No evidence was received to indicate that Respondents Kelley and Company Incorporated and Cherrye L. Kelley violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Close case.

**C-2007-076** – **CB Advantage Real Estate LLC, Judy K. Lindsay (BM) and Jonathan Chad McCann (SA)** – Oklahoma City (Sokolosky): No evidence was received to indicate that Respondents CB Advantage Real Estate LLC, Judy K. Lindsay and Jonathan McCann violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Close case.

**C-2007-078** – **McGraw Davisson Stewart Incorporated, C. Vinson Reed (BM), McGraw Davisson Stewart Incorporated (BO), Rodney Lee McCalman (BB) and Bill J. Ballard (SA)** – Tulsa (Sokolosky): No evidence was received to indicate that Respondents McGraw Davisson Stewart Incorporated, C. Vinson Reed, McGraw Davisson Stewart Incorporated, Rodney Lee McCalman and Bill J. Ballard violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Close case.

**C-2007-081** – **Terry Glen Gartside (B), Paulla Jean Catlett (BA), Glenda Joyce Evans (BA)** – Sand Springs; **Chinowth and Cohen LLC, Sheryl A. Chinowth (BM) and Christopher Kurt VanDenhende** – Tulsa (Sokolosky): No evidence was received to indicate that Respondents Terry G. Gartside, Paulla J. Catlett, Glenda J. Evans, Chinowth and Cohen, Sheryl A. Chinowth and Christopher K. VanDenhende violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Close case.

**C-2007-084** – **Bob and Jo Realty, Gina Alvis Watts (BM) and Gale Roy VanDeventer (PSA)** – Pryor (Sokolosky): Possible violations by Respondents Bob and Jo Realty Incorporated, Gina Watts and Gale VanDeventer:

Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12), in that they may have acted in bad faith by refusing to release the listing agreement after they stopped all marketing efforts on the property and after the listing agreement contract was cancelled by mutual agreement.

**Recommend:** Set Formal Hearing.

**C-2007-086** – **The Alliance Real Estate Group Incorporated, Regina M. Yager (BM)** – Oklahoma City; **The Alliance Real Estate Group Incorporated (BO), Carol Stephens (BB), Tonya D. Coffman (SA) and Judith L. Langdon (SA)** – Edmond (Sokolosky): Possible violations by The Alliance Real Estate Group Incorporated, Regina Yager, The Alliance Real Estate Group Incorporated (BO), Carol Stephens, Tonya Coffman and Judith Langdon:

Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-17-2(b), in that they may have failed to file an adequate written response to the Complaint filed in this matter.

*Possible violations by Respondent Regina Yager:*

Title 59 O.S. §858-312, Subsections 8 and 9 and 16 and Rule 605:10-17-4(9), in that she may have failed to timely furnish to the Commission the requested documentation concerning the transaction involved.

**Recommend:** Set Formal Hearing.

**C-2006-105 – Homeowners Marketing Realty and Relocation Incorporated and Ellen Stewart (BM)** – Sapulpa (Kisner): Possible violations by Respondents Homeowners Marketing Realty and Relocation Incorporated and Ellen Stewart:

Title 59 O.S. §858-312, Subsections 9 and 16 and Rule 605:10-17-4(12), in that they may have commingled their own money with the money of others which is received and held by the licensee, in that Respondent Stewart received a \$1,000.00 check from complainants and cashed said check through her personal bank account; and

Title 59 O.S. §858-312, Subsections 3 and 9, Title 59 O.S. §858-353 and Rule 605:10-17-4(12), in that they may have failed to inform the complainants in writing when their offer was made that they would be expected to pay certain closing costs, brokerage service costs and the approximate amount of said costs.

*Possible violations by Ellen Stewart:*

Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-9-4(c)(1), in that she may have failed to disclose in the Contract submitted to the complainants that she was an Oklahoma real estate licensee.

**Recommend:** Set Formal Hearing.

**C-2007-032 – Randolph C. Chaney (BP) and Jamie Lee Morris (SA)** – Wewoka (Kisner): Possible violations by Respondents Randolph Chaney and Jamie Lee Morris:

Title 59 O.S. §858-312, Subsections 2, 8 and 9, in that they may have been aware of defects in the foundation of the home and failed to inform the Complainant thereof, and

Title 59 O.S. §858-312, Subsections 8 and 9, in that they may have failed to provide a copy of the July 9, 2002, foundation repair estimate to the Complainant.

**Recommend:** Set Formal Hearing.

**C-2007-033 – Mark V Realty and Investments Incorporated, David Dean Weiss, Chad Michael Black and Eli Garritt Davis** – Edmond (Kisner): No evidence was received to indicate that Respondents Mark V Realty and Investments Incorporated, David Weiss, Chad Black and Eli Davis violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Close case.

**C-2007-035 – Marion Group Real Estate Incorporated and Walter L. Marion (BM)** – Lawton (Kisner): Possible violations by Respondents Marion Group Real Estate Incorporated and Walter L. Marion:

Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-17-2(b), in that they may have failed to timely file a written response to the complaint in this matter;

Title 59 O.S. §858-312, Subsection 8 and 9 and Title 59 O.S. §858-363, in that they may have disclosed as a transaction broker for themselves as Sellers and thus advocated for their benefit to the potential detriment of the complainant buyers;

Title 59 O.S. §858-312, Subsection 8, 9 and 12, in that they may have paid or offered to pay Complainant's buyers' closing costs and may have permitted complainant buyers to use a moving van owned by Respondents for the purpose of influencing a prospective purchaser;

Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-9-3, in that they may have used trade names in connection with real estate activities which were not registered with the Commission.

**Recommend:** Set Formal Hearing.

**C-2007-037 – Marion Group Real Estate Incorporated and Walter L. Marion (BM) – Lawton (Kisner):** Possible violations by Respondents Marion Group Real Estate Incorporated and Walter L. Marion:

Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-17-2(b), in that they may have failed to timely file a written response to the complaint in this matter;

Title 59 O.S. §858-312, Subsection 8 and 9 and Title 59 O.S. §858-363, in that they may have disclosed as a transaction broker for themselves as Sellers and thus advocated for their benefit to the potential detriment of the complainant buyers;

Title 59 O.S. §858-312, Subsection 8, 9 and 12, in that they may have paid or offered to pay complainant buyer's closing costs for the purpose of influencing a prospective purchaser, and

Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-9-3, in that they may have used trade names in connection with real estate activities which were not registered with the Commission.

**Recommend:** Set Formal Hearing.

**C-2007-047 – Green Meadow Realty Incorporated, Linda A. McElroy (BM) – Oklahoma City, Green Meadow Realty Incorporated (BO) and Curtis K. Clanton (BB) – Newcastle (Kisner):** No evidence was received to indicate that Respondents Green Meadow Realty Incorporated, Linda McElroy, Green Meadow Realty Incorporated (BO) and Curtis Clanton violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Close case.

**C-2007-051 – Green Meadow Realty Incorporated, Linda A. McElroy (BM) – Oklahoma City, Green Meadow Realty Incorporated (BO), Casey Lee Cook (BB) and Shelly A. Pickard (BA) – Midwest City (Kisner):** No evidence was received to indicate that Respondents Green Meadow Realty Incorporated, Linda McElroy, Green Meadow Realty Incorporated (BO), Casey Cook and Shelly Pickard violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Close case with a letter of caution, regarding compliance with the provisions of Title 60 O.S. §834 and 836 and Title 59 O.S. §858-312 (23).

**C-2007-056 – Diamonds Realty Incorporated, Hollis Gene Lloyd (BM) and Melodie Irene Moore (SA) – Midwest City (Kisner):** No evidence was received to indicate that Respondents Diamonds Realty Incorporated, Hollis G. Lloyd and Melodie I. Moore violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Close case.

**C-2007-058 – Richard J. James (BP) – Oklahoma City (Kisner):** No evidence was received to indicate that Respondent Richard James violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Close case.

**C-2007-077 – Terri L. Simmons (BP) – Watonga (Kisner):** No evidence was received to indicate that Respondent Terri L. Simmons violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Close case.

**C-2007-082 – Dean Lemons (BP)** – Oklahoma City (Kisner): No evidence was received to indicate that Respondent Dean Lemons violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Close case.

**C-2007-083 – Premier Realty LLC, Kent D. McVey (BM) and Claudine Marie Blank (SA)** – Chandler (Kisner): No evidence was received to indicate that Respondents Premier Realty LLC, Kent McVey and Claudine Blank violated any provision of the Oklahoma Real Estate License Code.

**Recommend:** Close case with a letter of caution, for failing to keep respective parties fully informed regarding the transaction.

**IV. FINANCIAL AND FISCAL**

- 1) Final financial report for FY-07

**V. PERSONNEL**

Personnel longevity recognition award for Lisa Hays – Business Manager (10 years) and Marc Spain – Data Processing (15 years)

**VI. EDUCATION**

Report from the Education and Licensing Program Director

**VII. INDUSTRY UPDATES**

- 1) Report from Rebate Task Force
- 2) Contract Committee Update
- 3) Letter from ORCIA regarding hot water heater installation and home safety

**VIII. GENERAL BUSINESS**

- 1) Program offered by EXIT Realty
- 2) Proposed 2008 Legislation amendments
- 3) Proposed 2008 Permanent Rule amendments
- 4) Consideration of items to be discussed at next Commission Meeting

**IX. NEW BUSINESS**

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

**X. ACTION ON NEXT MEETING DATE**

January 9, 2008

**XI. ADJOURNMENT**