

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:

**DECEMBER 8, 2010 – 8:30 A.M.
OKLAHOMA REAL ESTATE COMMISSION
2401 NW 23RD STREET, SUITE 18
OKLAHOMA CITY, OKLAHOMA**

AGENDA

I. OPENING OF BUSINESS MEETING

- A. Call to Order: 8:30 a.m.**
- B. Approval of Minutes from the October 13th 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

NONE

B. CONSENT AGREEMENT

C-2009-013 – MARK V REALTY & INVESTMENTS INCORPORATED, DAVID DEAN WEBB (BM) AND KIRSTEN ELIZABETH WEBB (SA) – EDMOND (PRESLAR):

Violations by Respondents **Mark V Realty & Investments Incorporated and David D. Webb:**

- 1) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(6)*, in that they failed to properly supervise the activities of Respondent Kirsten Webb, in that they failed to ensure that she referenced her broker in a classified newspaper advertisement, and failed to ensure that Respondent Kirsten Webb registered her name change with the Commission in 2005.

Violations by Respondent **Kirsten Elizabeth Webb:**

- 2) *Title 59 O.S. §858-312, Subsections 9 and 15*, in that she entered a plea of Guilty on February 29, 2004, to the misdemeanor charge of Engaging in Reckless Conduct While Possessing a Firearm (Case Number CM-203-4447 – District Court of Oklahoma County, Oklahoma);

- 3) *Title 59 O.S. §858-312, Subsections 1 and 9*, in that she made a materially false or fraudulent statement on an application, in that she stated on her 2004 and 2007 license renewal applications that she had no criminal convictions;
- 4) *Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-9-4(b) (1) (3)*, in that she advertised a home for rent in a classified newspaper advertisement under her name, with no reference to her sponsoring broker, and
- 5) *Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-7-5*, in that she failed to file a name change with the Commission until May 2009, although she married in 2005 and began using her married name at that time.

Consented: Respondents Mark V Realty & Investments Incorporated have consented to an assessment of a formal reprimand and an administrative fine of Five Hundred Dollars (\$500.00), and Respondent Kirsten Webb has consented to an assessment of a formal reprimand and an administrative fine of One Thousand Dollars (\$1,000.00).

C-2009-014 – SUSAN L. RHODES (BP) AND PAMELA K. WALTZ (SA) – MIAMI (PRESLAR):

Violations by Respondent **Susan L. Rhodes:**

- 1) *Title 59 O.S. §858-312, Subsection 6 and Rule 605:10-13-1(L)*, in that she failed to maintain a copy of the Residential Property Condition Disclosure related to a transaction, and
- 2) *Title 59 O.S. §858-312, Subsection 9 and Rule 10-17-4(6)*, in that she failed to ensure her associate maintained all documents related to this transaction.

Violations by Respondent **Pamela K. Waltz:**

- 3) *Title 59 O.S. §858-312, Subsection 6 and Rule 605:10-13-2(2)*, in that she failed to deliver a copy of the Residential Property Condition Disclosure to complainants prior to consummation, and
- 4) *Title 59 O.S. §858-312, Subsection 23*, in that she failed to obtain and make available to the purchaser a disclosure statement required by the Residential Property Condition Disclosure Act prior to the acceptance of an offer to purchase.

Consented: Respondents Susan Rhodes and Pamela Waltz have consented to an assessment of an administrative fine in the amount of Five Hundred Dollars (\$500.00) each, for a total of One Thousand Dollars (\$1,000.00).

C-2009-029 – DAVID M. LEGRAND (B) – BETHANY (PRESLAR):

Violations by respondent:

- 1) *Title 59 O.S. §858-312, Subsections 9 and 15*, in that he entered a plea of Guilty to the charge of Domestic Abuse in Case Number CM-2000-1457 in the District Court of Oklahoma County, Oklahoma, and
- 2) *Title 59 O.S. §858-312, Subsections 1, 8 and 9*, in that he made materially false or fraudulent statements in his application for license, in that his 2003 and

2006 renewal applications indicated that he had neither criminal convictions nor any pending charges.

Consented: Respondent David LeGrand has consented to the voluntary surrender of his Oklahoma Real Estate broker license.

C-2009-036 – BILL LANCASTER (BP), BILL LANCASTER (BO) AND CYRINA M. LANG (BB) – WAGONER (PRESLAR):

Violations by Respondent **Bill Lancaster (BP):**

- 1) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(6)*, in that he failed to properly supervise the activities of Respondent Cyrina Lang, in that he failed to ensure that Respondent Lang appropriately disclosed material defects personally known to her regarding the subject property; that he failed to ensure that Respondent Lang made available to the purchaser a copy of the Residential Property Condition Disclosure Statement prior to his offer being accepted by the seller and failed to ensure that Respondent Lang properly maintained office records.

Violations by Respondents **Bill Lancaster (BO) and Cyrina Lang:**

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

Consented: Respondents Bill Lancaster (BP) and Bill Lancaster (BO) have consented to an assessment of a formal reprimand and an administrative fine in the amount of Five Hundred Dollars (\$500.00).

Respondent Cyrina Lang has consented to the assessment of a formal reprimand, an administrative fine in the amount of One Thousand Dollars (\$1,000.00), and completion of a three (3) hour Continuing Education Course on the subject of Disclosure Laws.

C-2009-072 – GWENDOLYN TRACY REAGAN (SA) – PARK HILL (PRESLAR):

Violations by respondent:

- 1) *Title 59 O.S. §858-312, Subsections 1 and 9*, in that she made a materially false or fraudulent statement on an application for license in that she indicated on her 2009 renewal application that she had not been convicted of a crime, and
- 2) *Title 59 O.S. §858-312, Subsections 9 and 15*, in that she has repeated convictions for Driving Under the Influence (DUI) and Driving While Suspended.

Consented: Respondent Gwendolyn Reagan has consented to the assessment of an administrative fine of Five Hundred Dollars (\$500.00), the placing of her sales

associate license on probation, with the term to run concurrent with the term of her criminal probation (CF-2009-0006), and will report to the Commission the completion of her probation and/or any violation that should occur.

C-2009-088 – ROSINELY P. RUIZ (SA) – OKLAHOMA CITY (PRESLAR):

Violations by respondent:

- 1) *Title 59 O.S. §858-101, Title 59 O.S. §858-301, Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12)*, in that her license was placed on inactive status on November 30, 2009 and she continued to engage in real estate activities which require an active license, continued to act in the capacity of a real estate licensee and continued to facilitate the real estate activities of Jorge Gamboa, whose real estate license was summarily suspended by the Commission on October 14, 2009.

Consented: Respondent Ruiz has consented to the six (6) month suspension of her sales associate license, with credit for time served from April 22, 2010, and will attend and complete three (3) hours of continuing education in the subject of Prohibited Acts.

C. HEARING EXAMINER REPORT

C-2009-043 – LEWIS R. HEINTZELMAN (BP) – MIDWEST CITY (SOKOLOSKY):

On September 10, 2010 the Hearing Examiner reported that the respondent was found to be in violation of:

- 1) Title 59 O.S. §858-354(A) and Title 59 O.S. §858-312, Subsection 9, in that he failed to enter into a written brokerage agreement prior to providing services as a single party broker to the complainant.

Recommendation: Respondent Lewis R. Heintzelman be assessed an administrative fine 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-2009-004 – SOONER TRADITIONS REALTY LLC, BART HUNTER MILLER (BM) AND STEVEN DALE WARD (SA) – NORMAN (KISNER):

Respondents Sooner Traditions Realty LLC and Bart Miller entered into a Consent Agreement regarding this case on October 13, 2010.

On November 8, 2010 the Hearing Examiner reported that Respondent **Steven Ward** was found to be in violation of the following:

- 1) *Title 59 O.S. §858-312, Subsections 9 and 23*, in that he failed to furnish to the complainant, prior to complainant's offer being accepted by the seller, a copy of the Residential Property Condition Disclosure Statement;
- 2) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12)*, in that he acted in signing or having signed by someone other than the complainant, the name of the complainant (E. Nunez), to the Residential Property Condition Disclosure Statement;
- 3) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rules 605:17-4(14) and 605:10-9-1(d)*, in that he acted in the capacity of a real estate broker while not licensed as a real estate broker, and
- 4) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(9)*, in that he failed and refused to appear for follow-up interviews with the Oklahoma Real Estate Commission investigator.

Recommendation: The Oklahoma Real Estate sales associate license of Respondent Steven D. Ward be revoked.

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

C-2009-051 – WORX COMPANY LLC, JOHNNY RAY SPENCE (BM) AND MINA L. SPENCE (SA) – EDMOND (KISNER):

On September 10, 2010 the Hearing Examiner reported that Respondents **WORX Company LLC** and **Johnny Ray Spence** were found to be in violation of the following:

- 1) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-13-1(L)*, in that they failed to maintain all records and files for a minimum of five (5) years after the termination of the transaction, in that they failed to ensure that Mina L. Spence kept all emails related to the transaction;
- 2) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-15-1(a)(2)*, in that they failed to disclose in writing that HomeWorx Mortgage is owned by Johnny Ray Spence, and
- 3) *Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-17-4(6)*, in that they failed to properly supervise the activities of Respondent Mina L. Spence.

Respondent **Mina L. Spence** was found to be in violation of the following:

- 4) *Title 59 O.S. §858-312, Subsection 9 and Rule 605:10-17-4(9)*, in that she failed to produce and maintain a copy of the email which purportedly contained invoices related to the transaction, and

- 5) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-15-1(a)(2)*, in that she failed to disclose in writing that HomeWorx Mortgage is owned by Johnny Ray Spence.

Recommendation: Respondents WORX Company LLC and Johnny Ray Spence be ordered and required to pay an administrative fine in the sum of One Thousand Five Hundred Dollars (\$1,500.00; \$500.00 for each violation), and that Respondent Mina L. Spence be ordered and required to pay an administrative fine in the sum of One Thousand Dollars (\$1,000.00; \$500.00 for each violation).

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

C-2009-044 – RONTON INCORPORATED, TONUA L. HULETTE (BM), DEBRA LYNN PATTON (SA) AND RUTH ELLEN JOHNSON (SA) – OKLAHOMA CITY (KISNER):

On September 10, 2010 the Hearing Examiner reported that no evidence was presented to indicate that the respondents violated any provision of the Oklahoma Real Estate License Code or the Rules of the Commission.

Recommendation: Dismiss case against Respondents Ronton Incorporated, Tonua L. Hulette, Debra Lynn Patton and Ruth Ellen Johnson.

- *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-2008-077 – CAROLYN HARRIS REALTY LLC, CAROLYN R. HARRIS-BECK (BM), PAMELA DENISE VALLANDINGHAM (BA) AND MERRILY DARLENE SHORT (SA) – SHAWNEE (SOKOLOSKY)

Possible violations by Respondents **Carolyn Harris Realty LLC** and **Carolyn Beck**:

- 1) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12)*, in that they may have failed to advise the complainant of discrepancies known to them concerning the size of the acreage which complainant was purchasing;

- 2) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(3)*, in that they may have failed to inform themselves of pertinent facts concerning the property for which they were performing services, in that they failed to ascertain the correct size of the acreage, even though they were aware of discrepancies regarding same, and
- 3) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(6)*, in that they may have failed to properly supervise the activities of Pamela Vallandingham and Merrily Short.

Possible violations by Respondent **Pamela Vallandingham**:

- 4) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12)*, in that she may have failed to advise the complainant of discrepancies known to her concerning the size of the acreage which complainant was purchasing, and
- 5) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(3)*, in that she may have failed to inform herself of pertinent facts concerning the property for which she was performing services, in that she failed to ascertain the correct size of the acreage even though she was aware of the discrepancies regarding same.

Possible violations by Respondent **Merrily D. Short**:

- 6) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12)*, in that she may have failed to advise the complainant of discrepancies known to her concerning the size of the acreage which complainant was purchasing, and
- 7) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(3)*, in that she may have failed to inform herself of pertinent facts concerning the property for which she was performing services, in that she failed to ascertain the correct size of the acreage even though she was aware of the discrepancies regarding same.

Recommendation: Set Formal Hearing.

C-2009-082 – LANCE E. COCHRAN (SA) – MEDFORD (SOKOLSKY)

Possible violations by respondent:

- 1) *Title 59 O.S. §858-312, Subsections 9 and 15*, in that he may have entered a plea of Guilty to the crime involving moral turpitude, in that he entered a plea of Guilty to Obscenity by Telephone or Other Electronic Communication in Case Number CF-2008-22 in the District Court of Grant County, Oklahoma, and
- 2) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-2(b)*, in that he may have failed to submit a written response within fifteen (15) days of receiving notice of the complaint in this case.

Recommendation: Set Formal Hearing.

C-2009-084 – OAK TREE PROPERTY COMPANY LLC AND GLENNELA P. DOSS (BM) – TULSA (SOKOLOSKY)

Possible violations by respondents:

- 1) *Title 59 O.S. §858-312, Subsections 2 and 9 and Rule 605:10-17-5(2)*, in that they may have made substantial misrepresentations in the conduct of business which were intended to influence, persuade or induce others in that Respondent Doss failed to disclose to the buyer the gas leak in the home, which leak had been cited in a previous inspection report of which she had knowledge, and which constitutes a known material defect;
- 2) *Title 59 O.S. §858-312, Subsections 3 and 9*, in that Respondent Doss may have failed to comply with the requirements of Title 59 O.S. §858-351 through 858-363, in that she failed to disclose pertinent information regarding the gas leak;
- 3) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(13)*, in that Respondent Doss may have failed to act in marketing her own property with the same good faith as when acting in the capacity of a real estate licensee, in that she failed to disclose to the buyer that a gas leak was present in said home, and
- 4) *Title 59 O.S. §858-312, Subsections 9 and 23*, in that Respondent Doss may have violated the Residential Property Condition Disclosure Act in that she failed to deliver to the buyer a new or amended Residential Property Disclosure Statement disclosing the gas leak, a material defect of which she had knowledge.

Recommendation: Set Formal Hearing.

C-2010-013 – CASEY LEE GRIFFIN (SA) – OOLOGAH (SOKOLOSKY)

Possible violations by respondent:

- 1) *Title 59 O.S. §858-312, Subsections 9 and 15*, in that he may have entered a plea of Guilty to crimes involving moral turpitude, in that he entered a plea of Guilty to the crime of Possession of a Controlled Substance and Unlawful Possession of Paraphernalia on July 10, 2002, in the District Court of Tulsa County, Oklahoma (Case Number CM-2002-2983). On January 20, 2009, respondent entered a plea of Guilty to the crime of Driving under the Influence – Liquor or Drugs, Unsafe Lane Use and Leaving the Scene of an Accident Involving Damage in the District Court of Tulsa County, Oklahoma (Case Number CM-2008-5826);
- 2) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(9)*, in that he may have failed to produce and furnish to the Commission, in response to written demands for, certain documents relating to his plea of Guilty as described above, and
- 3) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-2(b)*, in that he may have failed to submit a written response to the complaint in this matter which was mailed to him at his last known address on February 26, 2010.

Recommendation: Set Formal Hearing.

C-2009-047 – REAL SOLUTIONS REALTY LLC, MARY GARDNER POINTON (BM) AND WILLIAM TRAVIS POINTON (SA) – NEWALLA (KISNER)

Possible violation by Respondents **Real Solutions Realty LLC** and **Mary G. Pointon**:

- 1) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(6)*, in that they may have failed to properly supervise the activities of William Travis Pointon, in that they allowed Respondent William Pointon to perform real estate related activities which were not done in the name of his sponsoring broker.

Possible violation by Respondent **William T. Pointon**:

- 2) *Title 59 O.S. §858-312, Subsection 4*, in that he may have received and accepted a commission or other valuable consideration from Real Estate Magic LLC, who was not the broker with whom he was associated, as compensation for negotiating a lease/purchase agreement dated August 22, 2007, between Real Estate Magic LLC and Ana Romero.

Recommendation: Set Formal Hearing.

C-2009-060 – RENE MAURICIO CHAVEZ (SA) – MOORE (KISNER)

Possible violations by respondent:

- 1) *Title 59 O.S. §858-312, Subsections 9 and 15*, in that he may have, on February 20, 2008, entered a plea of Guilty in the District Court of Oklahoma County, Oklahoma under Case Number CF-2007-1577, to a felony charge of Sexual Battery, and
- 2) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12)*, in that he may have committed illegal acts while performing real estate related activities.

Recommendation: Set Formal Hearing.

UC-2009-006 – RENTAL OKC, CHRIS STONER (UNLICENSED), GREEN MEADOW REALTY INCORPORATED, LINDA MCELROY (BM) AND TRUDY LANAE STONER (SA) – OKLAHOMA CITY (KISNER)

Possible violation by Respondents **Rental OKC** and **Chris Stoner**:

- 1) *Title 59 O.S. §858-401*, in that they may have engaged in licensable real estate activities while not possessing an Oklahoma Real Estate license and may have received and accepted a commission or other valuable consideration from such activities, in that they marketed, solicited and negotiated for lease and/or rental properties which they did not own.

Possible violation by Respondents **Green Meadow Realty Incorporated** and **Linda A. McElroy**:

- 2) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(6)*, in that they may have failed to properly supervise the activities of Respondent Trudy L. Stoner, in that they may have allowed her to refer consumers to unlicensed

persons and entities (Chris Stoner and Rental OKC) to handle licensable real estate activities.

Possible violation by Respondent **Trudy L. Stoner**:

- 3) *Title 59 O.S. §858-312, Subsections 8 and 9 and Rule 605:10-17-4(12)*, in that she may have referred consumers to unlicensed persons and entities (Chris Stoner and OKC Rental) to handle licensable real estate activities.

Recommendation: Set Formal Hearing.

B. INVESTIGATOR REPORT

C-2009-071 – TIMOTHY ABELL MORGAN (SA) – TULSA (KUEFFLER): The Investigations Department received information indicating that Respondent Morgan made an appointment with sellers and their listing agent to show a property. According to a video made by the sellers of the property, Respondent Morgan was at the home alone, but no prospective buyers were present, and during that time it appeared that Respondent Morgan rifled through the personal property of the homeowners.

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the respondent.

Recommendation: Close case with a letter of caution to Respondent Morgan for misrepresenting to a homeowner and his supervising broker that he would be entering property with potential purchasers with the intention of showing the property, yet entered the property alone.

C-2009-010 – CENTURION INCORPORATED, KAREN LYNNE POWELL (BM) AND ROBIN R. LINDSAY (SA) – EDMOND (DANLEY): Complainant alleged that Respondent Lindsay listed her home for sale and did everything she could to keep the home from selling by way of advertising the home with minimal effort and exposure, and swaying potential buyers with misrepresentations about the condition of the property.

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the respondents.

Recommendation: Close case.

C-2009-074 – JESSE DALE NASH (BP) – LAWTON (DANLEY): Complainant alleged that Respondent Nash mismanaged a rental property she owns at 4610 SE Brighton Drive in Lawton, Oklahoma, and that the respondent owes her \$14,540.00 for damages caused to the property by a former tenant. The complainant stated that the respondent promised to take the tenant to court for failure to pay back rent, and he caused her to receive notices from the City of Lawton regarding trash on the property. Complainant also alleged that her property was used by the tenants to sell illegal narcotics.

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-2009-086 – REAL ESTATE PROFESSIONALS INCORPORATED, W.A. “LON” PARKS JR. (BM) AND JEANNE F. ROCK (BA) – LAWTON (DANLEY): Complainant alleged that Respondent Rock managed a rental property located at 6415 N.W. Arrowhead Drive in Lawton, Oklahoma. One week prior to moving from the residence the complainant paid to have the yard mowed and to have the carpet professionally cleaned. However, she was held responsible for repairs and services performed after vacating the property, for which her \$600.00 security deposit was withheld. The complainant alleged that the assessed costs for cleaning, yard work, repairs and carpet damages and replacement were bogus.

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the respondents.

Recommendation: Close case.

C-2010-002 – SANDY DITTO INCORPORATED AND SANDRA K. DITTO (BM) – OKLAHOMA CITY (DANLEY): Complainant alleged that the respondent took advantage of her mother by listing and selling her condominium located at 3200 West Britton Road in Oklahoma City, Oklahoma. Complainant stated she had Durable Power of Attorney for her mother at the time the listing agreement was executed, and that her mother, who suffers from Alzheimer’s disease, did not have the capacity to enter into a listing agreement.

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the respondents.

Recommendation: Close case.

C-2010-026 – MCGRAW REALTORS, C. VINSON REED (BM), MCGRAW REALTORS (BO) AND JOHN D. SIPES (SA) – TULSA (DANLEY): Complainant alleged that he leased a property located at 523 West Toledo Place in Broken Arrow, Oklahoma, owned by Respondent John Sipes. He stated the respondent failed to respond to repeated plumbing repair requests, which eventually led to approximately 4” – 6” of raw sewage accumulating in the crawl space. On March 18, 2010 the complainant stated he learned that the respondent had not paid taxes on the property in four years and it was scheduled to go to auction in June 2010.

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the respondents.

Recommendation: Close case with a letter of caution to Respondent Sipes advising him to treat all parties with honesty and to exercise reasonable skill and care.

C-2010-039 – NOTTINGHAM REALTY INCORPORATED, DAVID ARNOLD NOTTINGHAM (BM) AND HOME FINDERS OF LAWTON INCORPORATED – LAWTON (DANLEY):

Complainant alleged that Respondent David Nottingham managed a rental property in Lawton, Oklahoma, which she leased from March 10, 2009 to April 1, 2010. Complainant stated that she informed the respondent to deduct the carpet cleaning costs from her security deposit, but she was unfairly billed for costs associated with cleaning the unit after she moved out. Complainant disputes the charges and the condition of the property as determined by the respondent after she moved out.

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the respondents.

Recommendation: Close case.

C-2010-043 – INDEPENDENT REALTY INCORPORATED AND SARAH L. MCKINNEY (BM) – OKLAHOMA CITY (DANLEY):

Complainant alleged that he hired Respondent McKinney to place a bid on a HUD owned property in Oklahoma City. On May 25, 2010 the respondent called the complainant while he was on vacation in Las Vegas, NV to inform him that he was awarded the bid. Respondent McKinney then faxed the required paperwork to the complainant, which had to be returned within two (2) business days. Within twenty-four hours of informing the complainant that he had won the bid, Respondent McKinney called him back to inform him that he had **not** been awarded the bid.

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the respondents.

Recommendation: Close case with a letter of caution to Respondent McKinney, advising her to keep herself informed of pertinent facts concerning the property to which she is performing services.

C-2009-001 – GORDONA DUCA INCORPORATED, GORDONA ANN DUCA (BA), RADERGROUP INCORPORATED, SAMUEL A. RADER (BM), LEE MARK COHEN (BA), RICHERT PROPERTIES INCORPORATED AND WILLIAM F. RICHERT (BM) – TULSA (BAKER): The complainant alleged that Respondent Cohen represented him in a land transaction that caused damages in excess of \$1,000,000.00. He stated Respondent Cohen performed duties as his agent while he lived in Arizona. The complainant stated he signed a listing agreement that reflects Respondent Cohen was a transaction broker. The complainant stated the respondents claimed they had no duties to him because they were acting as transaction brokers.

The complainant alleged both Respondent Cohen and Respondent Richert knew the value of the property, concealed the value of the property, and they both profited from a conspiracy against him. The complainant alleged Respondent Cohen and Respondent Richert are using their licenses to defraud Oklahoma land owners. A civil action was filed in the District Court in and for Tulsa County, Oklahoma.

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the respondents.

Recommendation: Close case.

C-2009-034 – WATERFRONT REALTY INCORPORATED, MARTIN J. DYER (BB) AND LAKETA A. LANGLEY (SA) – GROVE (BAKER): Mr. Fuerst stated he and his wife moved to Grove, Oklahoma in December 2008, as a result of an employment transfer from Ohio. He stated the strong arm tactics utilized by Respondent Langley, owner and builder of the subject property at 1634 Dilar Drive, was at best unprofessional and rude.

The complainant stated the rent amount went from \$4,300.00 per month to \$4,500.00 per month at the last moment and they were intimidated into accepting a home that was incomplete with unfinished repairs that were never corrected. Mr. Fuerst understood he and his wife signed the lease purchase contract but felt taken advantage of, misled and victimized. He stated the terms for the contract were outrageous. Mr. Fuerst stated they were grossly misrepresented by their agent and believes their agent represented the respondent and not them. He stated that Langley Quality Homes failed to show evidence they deposited the \$15,000.00 payment in an FDIC insured escrow account as required by the lease purchase contract.

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the respondents.

Recommendation: Close case.

C-2009-046 – MCGRAW REALTORS, C. VINSON REED (BM), MCGRAW REALTORS (BO), THOMAS L. FORBES (BB) AND LINDA KAYE EAVES-VEASPASIAN (SA) – TULSA (BAKER):

The complainant stated she went to pack up her mother's home because there was a contract on the house. The complainant stated when she arrived she found the buyer inside the house with a work crew and Respondent Vespasian had let them all in. She alleged the workman tore up the carpet in the living area and pulled it back. There was only a contract signed to purchase the home, it had not closed yet. The complainant stated she asked them to leave and they did not leave for another thirty minutes. She stated neither she nor her realtor Lance Willard were ever contacted about the buyer and Respondent Vespasian being in the home.

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the respondents.

Recommendation: Close case.

C-2009-080 – KEN OAKLEY GROUP LLC AND KENNETH DALE OAKLEY JR. (BM) – MUSTANG (BAKER): The complainant alleged that the respondent owed him several thousand dollars in past due rent before relocating his office to another building without any notice. The complainant stated after a heated conversation the respondent advised him of his exclusive listing agreement on the lots in the Fawn Trails Addition with the developer Jerry Speed. The complainant stated to his knowledge the agreement was

between Mr. Speed and himself and he was the one building and marketing in Fawn Trails. The complainant alleged the respondent entered the listing agreement with Mr. Speed while representing him at the same time. The complainant stated he had been the exclusive builder in the development for two years and neither party discussed the change with him.

The complainant alleged the respondent divulged information about his business operations to Mr. Speed to obtain the exclusive listing and to damage the working relationship between Mr. Speed and the complainant. The complainant stated the respondent had a discussion with Mr. Speed regarding how the complainant priced the lots. He stated Mr. Speed was upset because the complainant marked the price of the lots up. The complainant also alleged that the respondent said inappropriate things about him during a homeowner's association meeting.

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-2009-093 – SELECT MANAGEMENT GROUP LLC, SAMUEL A. RADER (BM), SELECT MANAGEMENT GROUP LLC (BO), GLORIA ALLRED (BB) AND CARI ANN MILLER (SA) – TULSA (BAKER): The complainant stated on August 7, 2009, they were scheduled to close on the sale of their home and then close on the purchase of their new home right after that. The complainant stated the home was completely vacant and clean, with the exception of a few things in the garage, when the buyer and Respondent Miller arrived at the home for a final walk through. The complainant stated the buyer and Respondent Miller went into the house and in a few minutes came back out.

The complainant stated Respondent Miller told him the buyer thought the house was too dirty and she did not want to purchase it any more and the buyer left the property. He stated he received a phone call shortly after they left and was told the buyer would continue with the purchase if he would pay \$500.00 for the home to be cleaned. The complainant would not pay \$500.00 and they negotiated the amount down to \$200.00. The complainant stated Respondent Miller told him they needed to keep this between them and not put it on the closing papers so he wrote the buyer a check.

The complainant alleges Respondent Miller and the buyer extorted funds from him. The complainant stated he felt like he had no other choice than to pay the money. He believes this is not only improper, but possibly illegal and certainly not the type of actions expected of a real estate professional.

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the respondents.

Recommendation: Close case.

C-2010-003 – LEADER GROUP REALTY LLC, KRISTY RENAY BALCH (BM) – MCALESTER; 1ST CHOICE REALTY IN OKLAHOMA LLC – KREBS; SILVIA ANSELL (SA) AND ETTA MAE TOONE (BA) – MCALESTER (BAKER): Complainants stated that Respondent Ansell represented them in the sale of their ranch. The Complainants

alleged that they loaned \$20,000.00 to Respondent Ansell after the closing of their property and have not been able to contact her regarding repayment of the loan. A promissory note was signed by all parties with a repayment date of December 31, 2009, but the complainants advised that they have only received \$1,500.00 from the respondent.

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the respondents.

Recommendation: Close case.

C-2010-012 – MULINIX INCORPORATED, MARI JANETTE MULINIX (BM) AND DEBORAH JEAN WHARFF (SA) – NORMAN (BAKER): Complainant stated that Respondent Wharff rented a property to her for three (3) years and did not return her security deposit. Complainant alleged that respondent did not keep the security deposit in an escrow account as required by the Landlord Tenant Act.

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the respondents.

Recommendation: Close case.

C-2010-024 – METRO PROPERTIES LLC AND ANGELA M. PENRY (BA) – OKLAHOMA CITY (BAKER): Complainant stated that Respondent Penry was the property manager of his rental property. He alleged when Respondent Penry ceased being the manager she would not provide him with copies of documents, was difficult to contact and would not release the tenant's security deposit to the new property manager.

On April 13, 2010, the complainant sent in a request to withdraw his complaint because he had received the requested documents from the respondent and had made arrangements on some other issues.

After review of the allegations, there was no evidence received to indicate a violation of the Oklahoma Real Estate License Code and Rules that would sustain a complaint against the respondents.

Recommendation: Close case with a letter of caution to Respondent Penry for failing to promptly disperse funds to a party after the closing of a transaction.

IV. GENERAL BUSINESS

- 1) Presentation and discussion of Draft of Permanent Rules for 2011
- 2) 2011 Legislative Update
- 3) Consideration of items to be discussed at next Commission Meeting

V. FINANCIAL AND FISCAL

- 1) Distribution and review of the Oklahoma Real Estate Commission's 61st Annual Report for Fiscal Year 2010
- 2) Approval to print and distribute Commission Comment newsletter from the Education and Recovery Fund, at an approximate cost of \$10,000.00
- 3) Authorization of travel for Commissioner Martin VanMeter to the ARELLO Leadership Symposium and Board of Directors Meeting (Scottsdale, Arizona January 4 – 7, 2011)

VI. EDUCATION

- 1) Report from the Education and Licensing Department (no motion needed)
- 2) Appointment of Commission members to the Education Advisory Committee (**2 vacancies**)

VII. INDUSTRY UPDATES

- 1) Report from Broker Relationships Act (BRA) Task Force
- 2) Report from Contract Committee

VIII. PERSONNEL

No action

IX. NEW BUSINESS

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

X. ACTION ON NEXT MEETING DATE

Next scheduled meeting date: **January 12, 2011**

XI. ADJOURNMENT