STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD

OFFICIAL MINUTES

January 9, 2013
Date

245
Number

The Real Estate Appraiser Board, established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, held it's regularly scheduled meeting January 9, 2013 at 9:35 a.m. The Meeting was held in the Public Meeting Room of the offices of the Oklahoma Insurance Department at 5 Corporate Plaza, 3625 NW 56th Street, Suite 100, Oklahoma City, Oklahoma. In compliance with the Open Meeting Act, 25 O.S. § 301 et seq., the agenda for this meeting was posted at the main entrance of the Oklahoma Insurance Department at 3625 NW 56th Street, Suite 100, Oklahoma City, Oklahoma on Monday, January 7, 2013 at 9:00 a.m., and was mailed or hand delivered to the offices of the Board members on Wednesday, January 2, 2013 and posted to the REAB website on Monday, January 7, 2013. The agenda is attached as Exhibit A.

I. **CALL TO ORDER.** Vice-Chairperson Lee R. Caesar, Jr. called the meeting to order at 9:30 a.m. The roll of Board members was called to establish a quorum.

Board members present were: Lee R. Caesar, Jr.;
Patti L. Fisher;
Betty J. Cagle;
P. Lane Wheeler
Stephen C. Walton;
Shelley Pruitt; and
John P. Smithson

Board members excused were: John D. Doak, Chairperson

Based on the result of the roll call, a quorum was declared present by the Chair.

Others in attendance were: Christine McEntire, Director; William Combs, Counsel for Commissioner John D. Doak; Bryan Neal, Assistant Attorney General, Rebecca Keesee, Legal Secretary, and Eric Schoen, Board Secretary. Others present were: Stephen McCaleb; Brett Robinson; Mike Cordell; Glenda Cordell; and Joe Garnand.

II. **READING AND APPROVAL OF MINUTES.** (Exhibit B) Mr. Wheeler moved that the reading of the minutes of the December 7, 2012 session be waived and approved as published and distributed. The Motion was seconded by Ms. Fisher. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Pruitt	Yes
	Mr. Smithson	Yes
	Mr. Caesar	Yes

THE RESULT WAS SEVEN VOTES IN THE AFFIRMATIVE AND NONE OPPOSED. THE MOTION WAS AGREED TO.

Commission Doak joined the meeting at 9:35 a.m.

At this point, Agenda Item VI C was taken out of order, by order of the Chair.

VI. **COMMITTEE REPORTS:**

C. **Legislation and Rules Committee.** Legislative Liaison Brett Robinson presented his oral report.

III. **DISCUSSION AND POSSIBLE ACTION REGARDING A CONSENT ORDER IN THE MATTER OF MICHAEL W. BARNES AND GENA M. TERRRILL, COMPLAINT #12-017; TO INCLUDE ANY ASSOCIATED MATTERS OR MOTIONS.** (Exhibit C)

Mr. Caesar recused himself from consideration of Agenda Item III due to Probable Cause Committee service.

Upon recusal of Mr. Caesar, Mr. Wheeler moved that Ms. Fisher be nominated as interim Vice-Chairperson. The Motion was seconded by Mr. Smithson. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Pruitt	Yes
	Mr. Smithson	Yes
	Mr. Caesar	Recused

THE RESULT WAS SIX IN THE AFFIRMATIVE, NONE OPPOSED AND ONE RECUSED. THE MOTION WAS AGREED TO.

Mr. Wheeler made a Motion to accept the Consent Order as presented. The Motion was seconded by Ms. Fisher. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Pruitt	Yes
	Mr. Smithson	Yes
	Mr. Caesar	Recused

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE, NONE OPPOSED AND ONE RECUSED. THE MOTION WAS AGREED TO.

IV. **DISCUSSION AND POSSIBLE ACTION REGARDING BOARD ORDER #12-021 IN THE MATTER OF JEFFREY D. PHILLIPS; COMPLAINT #11-080; AS TO A REQUEST FOR MODIFICATION OF THE BOARD'S ORDER AS IT PERTAINS TO THE ORDERED PROBATION TO BEGIN IMMEDIATELY UPON THE COMPLETION OF THE ORDERED SUSPENSION, TO INCLUDE ANY ASSOCIATED MATTERS OR MOTIONS**. (Exhibit D)

Mr. Caesar recused himself from consideration of Agenda Item IV due to Probable Cause Committee service.

Ms. Fisher made a Motion that the Order be amended as presented. Mr. Wheeler seconded this Motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Pruitt	Yes
	Mr. Smithson	Yes
	Mr. Caesar	Recused

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE, NONE OPPOSED AND ONE RECUSED. THE MOTION WAS AGREED TO.

V. **CHAIRPERSON'S REPORT.** The Chairperson offered no report.

VICE-CHAIRPERSON'S REPORT. The Vice-Chairperson offered no report.

DIRECTOR'S REPORT.

A. Discussion and possible action regarding suspension of individuals for non-payment of annual fees due on October 31, 2012. (Exhibit E)

Ms. Fisher made a Motion and it was seconded by Mr. Wheeler to issue an order to suspend individuals listed in Agenda Item V, Director's Report A. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Pruitt	Yes
	Mr. Smithson	Yes
	Mr. Caesar	Yes

THE RESULT WAS SEVEN VOTES IN THE AFFIRMATIVE AND NONE OPPOSED. THE MOTION WAS AGREED TO.

B. Discussion and possible action regarding approval of renewal applications due by February 28, 2013 and authority to issue certificates. (Exhibit F)

Ms. Fisher made a Motion and it was seconded by Mr. Wheeler to approve Board staff to issue renewal certificates to the individuals listed in Agenda Item V, Director's Report B. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Pruitt	Yes
	Mr. Smithson	Yes
	Mr. Caesar	Yes

THE RESULT WAS SEVEN VOTES IN THE AFFIRMATIVE AND NONE OPPOSED. THE MOTION WAS AGREED TO.

C. Discussion and possible action regarding approval of original certificates of registration for Appraisal Management Companies. (Exhibit G)

Ms. Fisher made a Motion and it was seconded by Mr. Wheeler to issue a certificate of registration to the company listed in Agenda Item V, Director's Report C. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Pruitt	Yes
	Mr. Smithson	Yes
	Mr. Caesar	Yes

THE RESULT WAS SEVEN VOTES IN THE AFFIRMATIVE AND NONE OPPOSED. THE MOTION WAS AGREED TO.

D. Discussion and possible action regarding approval of AMC renewal applications due by February 28, 2013 and authority to issue certificates. (Exhibit H)

Ms. Fisher made a Motion and it was seconded by Mr. Wheeler to issue a certificate of registration to the company listed in Agenda Item V, Director's Report D. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes

Mr. Walton	Yes
Ms. Pruitt	Yes
Mr. Smithson	Yes
Mr. Caesar	Yes

THE RESULT WAS SEVEN VOTES IN THE AFFIRMATIVE AND NONE OPPOSED. THE MOTION WAS AGREED TO.

VI. COMMITTEE REPORTS:

A. Standards and Disciplinary Procedures Committee. No report.

B. Education, Experience and Testing Committee:

1. Discussion and possible action regarding approval of course submittals. (Exhibit I)

Ms. Fisher made a Motion and it was seconded by Mr. Wheeler to approve the recommendation as presented in Agenda Item VI. B 1. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Pruitt	Yes
	Mr. Smithson	Yes
	Mr. Caesar	Yes

THE RESULT WAS SEVEN VOTES IN THE AFFIRMATIVE AND NONE OPPOSED. THE MOTION WAS AGREED TO.

2. Discussion and possible action regarding approval or disapproval of various applications received and authority to issue certificates. (Exhibit J)

2(A) Ms. Fisher made a Motion and it was seconded by Mr. Wheeler to allow staff to be given authority to issue reciprocal licenses to the individuals listed in Agenda Item VI B 2(A). The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Pruitt	Yes
	Mr. Smithson	Yes
	Mr. Caesar	Yes

THE RESULT WAS SEVEN VOTES IN THE AFFIRMATIVE AND NONE OPPOSED. THE MOTION WAS AGREED TO.

2(B) Ms. Fisher made a Motion and it was seconded by Mr. Wheeler to deny the application for reciprocity for the individual listed in Agenda Item VI B 2(B). The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Pruitt	Yes
	Mr. Smithson	Yes
	Mr. Caesar	Yes

THE RESULT WAS SEVEN VOTES IN THE AFFIRMATIVE AND NONE OPPOSED. THE MOTION WAS AGREED TO.

3. Discussion and possible action regarding approval or disapproval of experience documentation of applicants. No action.

D. Probable Cause Committee.

1. Discussion and possible action regarding appointment of volunteers and/or committee members to assist Probable Cause Committee.

2. Discussion and possible action regarding standing operating procedures for the Probable Cause Committee. No action.

3. Discussion and possible action regarding Probable Cause Committee disciplinary recommendations. (Exhibit K)

Following discussion of Grievance 12-049, a Motion was made by Mr. Wheeler that the matter be pended against Respondent's license and that a letter be issued to Respondent acknowledging the violations of the Act and USPAP and advising that this matter is pended against his license. Ms. Fisher seconded the Motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	Yes
	Mr. Caesar	Recused

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE, NONE OPPOSED AND ONE RECUSED. THE MOTION WAS AGREED TO.

Following discussion of Grievance 12-052, a Motion was made by Ms. Fisher that a non-disciplinary letter of concern be issued to the Respondent, the file closed and no further action be taken. Mr. Walton seconded the Motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	Yes
	Mr. Caesar	Recused

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE, NONE OPPOSED AND ONE RECUSED. THE MOTION WAS AGREED TO.

Following discussion of Grievance 12-053, a Motion was made by Ms. Fisher that the matter be forwarded to prosecution for further handling with respect to the CRA and pended against the suspended TRA's license should she apply for reinstatement. Mr. Wheeler seconded the Motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	Yes
	Mr. Caesar	Recused

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE, NONE OPPOSED AND ONE RECUSED. THE MOTION WAS AGREED TO.

Following discussion of Grievance 12-054, a Motion was made by Mr. Wheeler that the matter be forwarded to prosecution for further handling with respect to the CRA and pended against the suspended TRA's license should she apply for reinstatement. Ms. Fisher

seconded the Motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	Yes
	Mr. Caesar	Recused

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE, NONE OPPOSED AND ONE RECUSED. THE MOTION WAS AGREED TO.

Following discussion of Grievance 12-055, a Motion was made by Mr. Wheeler that the matter be forwarded to prosecution for further handling. Ms. Fisher seconded the Motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	Yes
	Mr. Caesar	Recused

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE, NONE OPPOSED AND ONE RECUSED. THE MOTION WAS AGREED TO.

Following discussion of Grievance 12-057, a Motion was made by Mr. Wheeler that the matter be dismissed, the file closed and no further action be taken. Ms. Fisher seconded the Motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	Yes
	Mr. Caesar	Recused

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE, NONE OPPOSED AND ONE RECUSED. THE MOTION WAS AGREED TO.

At this point, Agenda Item VI D1 was taken out of order, by order of the Chair.

VI. COMMITTEE REPORTS:

D. Probable Cause Committee.

1. Discussion and possible action regarding appointment of volunteers and/or committee members to assist Probable Cause Committee.

A Motion was made by Mr. Wheeler that Lee Caesar Jr. continue to serve as Chair of the Probable Cause Committee; that Jerry Jones retain her current position; and that Jimmy Burton and Don Justice be replaced by Kathy Mathis-Fogle of Cleveland County and Tom Allen of Tulsa County. The Motion was seconded by Ms. Cagle. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Pruitt	Yes
	Mr. Smithson	Yes
	Mr. Caesar	Yes

THE RESULT WAS SEVEN VOTES IN THE AFFIRMATIVE AND NONE OPPOSED. THE MOTION WAS AGREED TO.

VII. **NEW BUSINESS.** No new business.

VIII. **ADJOURNMENT.** The Board adjourned by general consent.

OFFICIAL MINUTES.

The action taken by the Oklahoma Real Estate Appraiser Board on the items for consideration after Motion duly made and seconded has been noted herein and made a part of these minutes. The Board caused the entire proceeding of the meeting, excepting any executive sessions, to be recorded on a digital audio recording device to be retained as a record in the office of the Board. Exhibits are A through K.

INSURANCE COMMISSIONER
STATE OF OKLAHOMA

LEE R. CAESAR JR., VICE-CHAIRPERSON
OKLAHOMA REAL ESTATE APPRAISER BOARD

ERIC M. SCHOEN, BOARD SECRETARY
OKLAHOMA REAL ESTATE APPRAISER BOARD