

**BEFORE THE REAL ESTATE APPRAISER BOARD
STATE OF OKLAHOMA**

In the Matter of GREGORY L. GOODPASTURE,)	
ANNEMIEKE E. ROELL, and OAKCREST)	Complaint #12-060
APPRAISAL ACADEMY,)	
)	
Respondents.)	

**BOARD'S DECISION AS TO
DISCIPLINARY HEARING PANEL RECOMMENDATION**

ON THE 5th day of March, 2014, the above numbered and entitled cause came on before the Oklahoma Real Estate Appraiser Board (the "Board") following a disciplinary hearing held on the 14th day of January, 2014. The Board was represented by a Disciplinary Hearing Panel composed of three (3) members, Kelly R. Bridges of Elgin, Oklahoma, Kelly A. Davis of El Reno, Oklahoma, and Pamela K. Fegley of Tulsa, Oklahoma. Kelly R. Bridges was elected and served as Hearing Panel Chairman at the hearing. Said panel was represented by the Board's attorney, Assistant Attorney General Bryan Neal. The case was prosecuted by the Board's prosecutor, Stephen L. McCaleb. On behalf of the Board, Mr. McCaleb elected to have this matter recorded by electronic device and to rely on the electronic recording.

The Respondents, Gregory L. Goodpasture of Terlton, Oklahoma (the "Respondent Goodpasture") and Annemieke E. Roell, of Terlton, Oklahoma (the "Respondent Roell") and Oakcrest Appraisal Academy located in Terlton, Oklahoma ("Oakcrest"), having collectively been mailed a copy of the Notice of Disciplinary Proceedings and Appointment of Hearing Panel with an attached Exhibit "A" (the January 31, 2012, filing by the Respondents Goodpasture and Roell, that included the specific criteria for the course) (collectively called the "Notice") by first class U.S. certified mail with return receipt requested to their last known address, on October 24, 2013, pursuant to the Oklahoma Certified Real Estate Appraisers Act, 59 O.S. § 858-724, and the

Administrative Procedures Act, 75 O.S. §§250-323, each appeared in person pro se and neither Respondent Goodpasture nor Respondent Roell were represented by an attorney at the hearing. Based upon the business records of the Board, of which judicial notice is hereby taken, Oakcrest is owned by the Respondent Goodpasture and the Respondent Roell serves as the Registrar of Oakcrest. The Respondent Goodpasture and Respondent Roell both elected to have this matter recorded by electronic device and to rely on the electronic recording.

As the Board's prosecutor, Mr. McCaleb presented his opening statement on behalf of the Board and the Respondent Roell, on her own behalf and on behalf of Respondent Goodpasture (who deferred to Respondent Roell), reserved the right to present an opening statement thereafter at the time Respondent Goodpasture and Respondent Roell presented their defense.

Respondent Goodpasture, in the course of Respondent Roell presenting the defense for herself and Respondent Goodpasture, simply deferred to Respondent Roell and provided no opening statement or testimony at any time. Mr. McCaleb presented two witnesses to testify in the presentation of the Board's case while the Respondent Roell presented one witness to testify in addition to her own testimony.

PRELIMINARY MATTERS AND EVIDENCE IDENTIFIED

While neither the Respondents Goodpasture and Roell, nor the Board's prosecutor, presented any preliminary matters to the duly appointed Disciplinary Hearing Panel of the Board for consideration, the Board's prosecutor did invoke the rule of sequestration or witness exclusion after which all of the witnesses excused themselves from the hearing room except for the Respondent Roell who remained.

Initially the Board's prosecutor moved for the admission of three (3) exhibits for the Board (marked as Exhibits 11, 12 and 13, respectively) in connection with the testimony of the Board

prosecutor's first witness, Harold "Hal" A. Hartsock 11454CGA, to which three exhibits there was no objection and all three such Board exhibits were admitted into evidence. The Board's prosecutor subsequently presented an evidence notebook consisting of thirteen (13) exhibits to the duly appointed Disciplinary Hearing Panel of the Board (including the aforesaid Exhibits 11, 12 and 13).

Exhibit 11 consists of the handwritten notes of Hal Hartsock on Section 1 of his National USPAP Course, 7-Hour, Student Manual. Exhibit 12 is the lunch receipt of Hal Hartsock from the Five Star BBQ and Steakhouse, Stroud, Oklahoma, dated September 20, 2012 at 2:26.01 p.m. for the Thursday Special and Peach Cobbler. Exhibit 13 is Pike pass Statement for Hal Hartsock from September 15, 2012 through September 29, 2012.

Exhibit 1 was the Oakcrest Request for Approval of Course for Qualifying Education Credit received by the Board on January 31, 2012, Exhibit 2 was the Course Announcement Form (OREAB CE-9) for Oakcrest for the September 20, 2012, 2012-2013 USPAP Update Course, Exhibit 3 was the Oakcrest Course Completion Roster received by the Board on October 16, 2012, and Exhibit 4 was the Response to the Grievance submitted by Respondents Goodpasture and Roell received by the Board on January 22, 2013. Exhibits 1 through 4 were each admitted without objection. Exhibit 5 was a December 18, 2012 e-mail from Rick High to the Board. While there was a tentative objection to Exhibit 5 by Respondents Goodpasture and Roell, Exhibit 5 was ultimately admitted without objection.

Exhibit 6 was an AQB Certified Instructor Bulletin entitled "Bringing a copy of USPAP to class; why is that required, and what does that mean?", Exhibit 7 was an AQB Certified USPAP Instructor Performance Agreement (IPA) Revised: May 13, 2011, and Exhibit 8 was an AQB Certified USPAP Instructor Program Frequently Asked Questions (FAQs) updated February 1, 2012. Exhibits 6 through 8 were each admitted without objection. Exhibit 9 was a Non-Disciplinary

Letter of Warning to Oakcrest c/o Respondent Goodpasture arising from Complaint #11-036 dated July 26, 2012, and Exhibit 10 was a Non-Disciplinary Letter of Warning to Oakcrest c/o Respondent Roell arising from Complaint #11-036 dated July 26, 2012. While there was a tentative objection to Exhibits 9 and 10 by Respondents Goodpasture and Roell, Exhibits 9 and 10 were each ultimately admitted without objection.

Subsequently during the Hearing, Mr. McCaleb moved for the admission of three (3) more exhibits, Exhibits 14, 15 and 16, respectively, to which there was no objection. Exhibit 14, was a copy of the Notice of Disciplinary Proceedings and Appointment of Hearing Panel from a previous case before the Board in Complaint #11-036 (See Exhibits 9 and 10 above) styled as "In the Matter of GREGORY L. GOODPASTURE, ANNEMIEKE E. ROELL, and OAKCREST APPRAISAL ACADEMY, Respondents". Exhibit 15, was a copy of the Appraiser Licensure Information for Respondent Goodpasture maintained in the Board's files, and Exhibit 16 is the first page of an Application for Real Estate Appraiser Licensure or Certification for Tracy Scott Vibbert, 12696CRA, a witness for Respondents Goodpasture and Roell, formerly a licensed Certified Residential Appraiser.

The Respondents Goodpasture and Roell moved to admit an exhibit as Respondent's Exhibit #1, which was an unsigned and undated letter from Tracy Scott Vibbert, which upon authentication by Tracy Scott Vibbert as its author was admitted into evidence. Later in the hearing, the Respondents Goodpasture and Roell offered to submit another exhibit into evidence due to a question from a Hearing Panel Member, to which document the Board's prosecutor objected and to which objection the Board's Counsel sustained on grounds of relevancy.

No party to these proceedings requested that a court reporter record this matter.

No proposed findings of fact were submitted to the Board by any party to these proceedings.

WITNESSES AND EVIDENCE PRESENTED

The Board's prosecutor presented two (2) witnesses in support of the case against the Respondents Goodpasture and Roell: Harold "Hal" A. Hartsock , a certified general appraiser licensed as 11454CGA, of Oklahoma City, Oklahoma, and Christine McEntire, the Board's Director.

Upon being duly sworn, Harold "Hal" A. Hartsock testified that he was a Certified General Appraiser licensed as 11454CGA, that is has been an appraiser for nineteen and one-half (19.5) years, that he knows the Respondents Goodpasture and Roell, and that he lives in Oklahoma City, Oklahoma. Mr. Hartsock further testified that he was a student in the 7-Hour USPAP Update course held at a winery in Stroud, Oklahoma, on September 20, 2012, that it was about 65 miles to Stroud from his home in Oklahoma City via the turnpike, driveway to driveway, that the Respondents Goodpasture and Roell had posted the beginning and ending times on their website for the USPAP Update course as 9:00 a.m. to 5:00 p.m. and that he arrived for the course at 8:45 a.m. or 8:50 a.m. and that the class did not really begin until the students opened their Student Manual workbooks at approximately 10:29 a.m. (noted on September 20, 2012, by Mr. Hartsock in his handwritten notes on Section I of his National USPAP Course, 7-Hour, Student Manual in Exhibit 11), said Exhibit 11 was admitted into evidence without objection.

Continuing, Mr. Hartsock testified that the class broke for lunch at approximately 12:45 p.m., a little before 1:00 p.m., that the Respondent Goodpasture and all three students drove about two miles from the winery to the Five Star BBQ and Steakhouse, in Stroud, Oklahoma, for lunch despite having been informed by letter that lunch would be provided on site at the winery, that Respondent Roell was not present for the class or the lunch, that he keeps all of his receipts as he itemizes for tax purposes to the IRS, and that he received a receipt when he paid for his lunch

(Exhibit 12) that indicated that the lunch lasting well over one hour ended at 2:26:01 p.m. that day. Exhibit 12 was admitted without objection.

Mr. Hartsock further testified that the length of the class was less than seven (7) hours as provided in the Course Announcement Form (Exhibit 2), that the class ended before 4:30 p.m. rather than the announced ending time of 5:00 p.m. (Exhibit 2), and that his turnpike receipt as provided in a document entitled "Statement Detail" for his return trip to his Oklahoma City home documented that he exited the turnpike at the Pennsylvania Exit Plaza (expressed in terms of military time) at 17:25:52 or 5:25:52 p.m. (Exhibit 13). Exhibit 13 was admitted without objection. Continuing, Mr. Hartsock testified that neither he nor any other student received a copy of USPAP from Respondent Goodpasture or Respondent Roell or from Oakcrest as required by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation in the materials for the National Uniform Standards of Professional Appraisal Practice (USPAP) Update Course (Exhibit 1, page 6), that while he had purchased a copy of USPAP on his own separately from the class that he had left that copy at home that morning making it unavailable to him during the class, that Respondent Goodpasture had an electronic copy displayed on an overhead during the class, that he was formerly a certified USPAP Instructor six (6) years ago and as such he was generally familiar with the requirements on USPAP Instructors from the AQB at that time and that he knew at that time that each student was required to have a copy of USPAP for the USPAP Update Course.

Due to his concerns that the 7-Hour National USPAP Course offered by the Respondents Goodpasture and Roell on September 20, 2012, was not properly conducted for the required length of time, Mr. Hartsock testified that he attended a subsequent 7-Hour National USPAP Course offered by another AQB Qualified Instructor later in 2012 and secured another course completion certificate.

Upon being duly sworn, the second witness presented by the Board's prosecutor, Christine McEntire, testified that she has been the Board's Director for about three (3) years, that prior to that time that she had been the Board's legal secretary for four (4) years, that appraisers are required by statute and rule to take continuing education as provided by the Appraiser Qualifications Board (the "AQB") (defined as such in 59 O.S. 858-703(4)) of the Appraisal Foundation (the "Foundation"), that the 7-Hour National USPAP Course is a required course, that such course is the Foundation's course to update changes in USPAP and that such courses are certified through the AQB.

Continuing, Ms. McEntire identified Exhibit 1 (already admitted) as the Request for Approval of Course for Qualifying Education Credit from the Respondents Goodpasture and Roell for their 7-Hour National USPAP Course on September 20, 2012, that included page 3 thereof as the CAP approval (Course Approval Program) which is an e-mail confirming AQB approval for Respondent Goodpasture to teach the course, the Overview on page 6 of Exhibit 1, the second paragraph of which she read into the record that stated that "[i]n addition to the student manual, each student is to have a copy of the 2012-2013 USPAP, USPAP Advisory Opinions, USPAP Frequently Asked Questions, and a Master Index, all bound in the same publication for use in all USPAP courses", and the Course Schedule on page 8 of Exhibit 1.

Director McEntire proceeded to identify Exhibit 2 (already admitted) as the Course Announcement Form stating the class time for the September 20, 2012, class as beginning at 9:00 a.m. and ending at 5:00 p.m. and to identify Exhibit 3 (already admitted) as the Course Completion Roster received by the Board on October 16, 2012. Next, Ms. McEntire identified Exhibit 4 (already admitted) as the Response to the grievance filed with the Board by the Respondents Goodpasture and Roell on January 22, 2013, and to identify Exhibit 5 (already admitted) as an e-mail from an Appraiser named Rick R. High 10850CRA of Walters, Oklahoma, that the Board

received on December 18, 2012, documenting that in a another 7-Hour National USPAP Course presented by the Respondents Goodpasture and Roell through Oakcrest during 2012, the Respondents Goodpasture and Roell provided a PDF version of the 2012-2013 USPAP book to its students on December 14, 2012, after the class was conducted on December 11, 2012, rather than providing the 2012-2013 USPAP book to the students during the class as required.

Ms. McEntire identified Exhibit 6 (already admitted) as an Instructor Bulletin from the Foundation dated April 23, 2012, and entitled "Bringing a copy of USPAP to class; why is that required, and what does that mean?". Continuing, Ms. McEntire read into the record certain passages from the aforesaid Instructor Bulletin (questions and answers nos. 1 through 3) that require that each student have a copy of the 2012-2013 version of USPAP and a copy of the 2012-2013 version of the 7-Hour National USPAP Course Student Manual (answer to question 1), that instructors per the Performance Agreement, are required to ensure that each student has the required course material at the beginning and through the completion of the course, that the Performance Agreement requires that instructors ensure that each student has the appropriate course materials made available to them and has all of these materials during the non-exam portion of the course, that the Performance Agreement further requires that instructors ensure that each student possesses a copy of the USPAP edition that corresponds to the course being offered and that the Performance Agreement requires that instructors ensure that each student has continuous searchable access to their copy of USPAP during the non-exam portion of the course, which the student may retain upon completion of the course (answer to question 2), and from the answer to question number 3 that it should be made clear in the provider's communications to its students that if a student is required to bring course materials to class (because the provider is not furnishing it) and they do not, that the student will not be allowed to take the course.

Director McEntire identified Exhibit 7 (already admitted) as a copy of an AQB Certified USPAP Instructor Performance Agreement (IPA) referred to above in Exhibit 6 as the Performance Agreement revised May 13, 2011, that is required to be entered into by all AQB Certified USPAP Instructors including Respondent Goodpasture. Continuing, Ms. McEntire read certain requirements of all AQB Certified USPAP Instructors including Respondent Goodpasture from Exhibit 7, page 2 of the required Performance Agreement number VI including, in pertinent part, as follows: (a) that such instructors "... adhere to the AQB instructional standards, which require at least 50 minutes of actual instruction time for each course hour"; ... (f) that such instructors "...ensure that each student has the appropriate course materials made available to them and has these materials available during the non-exam portion of the course"; (g) that such instructors "...ensure that each student possesses a copy of the USPAP edition that corresponds to the course being offered and has continuous and ready searchable access to a copy of USPAP during the non-exam portion of the course and which the student may retain upon completion of the course"; and, "(h)... that a successful course completion certificate not be provided to any student that has not had continuous and ready searchable access to the course material and to USPAP as specified in f and g above".

Ms. McEntire identified Exhibit 8 (already admitted) as an AQB Certified USPAP Instructor Program Frequently Asked Questions (FAQs) updated February 1, 2012. Next Director McEntire identified Exhibit 9 as a Non-Disciplinary Letter of Warning to Oakcrest c/o Respondent Goodpasture arising from Complaint #11-036 dated July 26, 2012, and Exhibit 10 as a Non-Disciplinary Letter of Warning to Oakcrest c/o Respondent Roell arising from Complaint #11-036 dated July 26, 2012. While there was a tentative objection to Exhibits 9 and 10 by Respondents Goodpasture and Roell, Exhibits 9 and 10 were each ultimately admitted without objection.

In addition to the thirteen (13) exhibits provided in the Board prosecutor's evidence

notebook, the Board's prosecutor presented two more exhibits (Exhibits 14 and 15) to Ms. McEntire for identification including Exhibit 14, which is a copy of the Notice of Disciplinary Proceedings and Appointment of Hearing Panel from a previous case before the Board in Complaint #11-036 styled as "In the Matter of GREGORY L. GOODPASTURE, ANNEMIEKE E. ROELL, and OAKCREST APPRAISAL ACADEMY, Respondents", and Exhibit 15, which is a copy of the Appraiser Licensure Information for Respondent Goodpasture maintained in the Board's files. At this point the Board's prosecutor rested.

Upon being sworn in, the Respondents' first witness was Tracy Scott Vibbert, who testified that he had been a Certified Residential Appraiser (12696CRA), that he surrendered his appraiser license last October, that he had been a student in the September 20, 2012, 7-Hour National USPAP Course offered by the Respondents Goodpasture and Roell in Stroud, Oklahoma, that he arrived for the class at 8:45 a.m., that Respondent Goodpasture arrived about then as well, that they discussed the course materials at about 9:05 a.m. and general appraisal stuff after that, that he did not know exactly when the USPAP update began but it was not long before the USPAP update began, that they broke for lunch at 12:15 p.m. or 12:30 p. m., that they all went to lunch at a restaurant one and one-half to two miles away, that the lunch lasted about one-half hour, that he could guarantee that the lunch was not a two-hour lunch although he could not remember when they left to return to class and that he remembered that the class ended at approximately 4:45 p.m. because he remembered arriving in Sapulpa for an appointment after the class at 5:45 p.m. that day. Mr. Vibbert identified a letter (Respondent's Exhibit #1) that was undated and unsigned as being written by him around April 2013, that stated that the class he attended on September 20, 2012, went for the full scheduled time and that he remembered that because of another commitment that was scheduled that he barely made on time, which Respondent's Exhibit #1 was admitted without objection. Continuing, Mr.

Vibbert testified that while he was a friend to the Respondents Goodpasture and Roell that he was not close friends with the Respondents Goodpasture and Roell, and that years ago when he first arrived in Oklahoma that he had performed one or two assignments for Oakcrest and the Respondents Goodpasture and Roell. Upon questioning by the Board's prosecutor, Mr. Vibbert identified Exhibit 16 as the first page of an Application for Real Estate Appraiser Licensure or Certification for Tracy Scott Vibbert, 12696CRA , and that Exhibit 16 listed Oakcrest as his firm or trade name under which he anticipated doing business. In his testimony, Mr. Vibbert stated that he never changed the firm name in his Application in Exhibit 16 even though his association with Oakcrest and the Respondents Goodpasture and Roell ended after about one month from the date of his Application.

Upon being duly sworn, Respondent Roell testified that the Respondents Goodpasture and Roell had made mistakes, that they were fairly unconventional in their teaching techniques, that they now require students to bring their own USPAP book or to bring their own computer with an electronic version of USPAP to class for the 7-Hour National USPAP Course, that they have corrected their mistakes by requiring the students to bring a book to their class, that the 7-Hour National USPAP Course is boring, that it only takes about an hour to cover the changes to USPAP, that they include real life issues as part of their USPAP instruction and admitted that they made a lot of mistakes.

Respondent Roell stated that the Foundation conducted a hearing by phone about their teaching of USPAP, that she could not testify about the AQB hearing as she was not a party to the hearing as she was not a USPAP Instructor, that as a result of mainly poor paper work that Respondent Goodpasture was suspended from teaching USPAP for two (2) months, that the AQB encouraged Respondent Goodpasture to re-certify as an AQB Certified USPAP Instructor after his

suspension and that Respondent has now been reinstated. Ms. Roell indicated that the AQB had already dealt with this matter, that the violations were not deemed by the AQB to be very serious as they were basically only the result of poor paperwork and Respondent Goodpasture was only suspended from teaching for two (2) months and had now been reinstated as an AQB Certified USPAP Instructor.

In response to a question from a Hearing Panel Member about whether the Respondent Goodpasture had any documentation about his teaching suspension, Ms. Roell mentioned that Respondent Goodpasture had received a letter from the AQB (Foundation) that documented his suspension. At that point Ms. Roell moved to admit the purported AQB letter as an exhibit, to which exhibit the Board's prosecutor, upon examination of such purported AQB letter, objected as to its relevancy. The Board's hearing panel counsel sustained the objection on the grounds of relevancy and due to the fact that the question from the Hearing Panel Member was simply whether such paper work existed, not that the Hearing Panel Member wanted to see a copy of such paperwork.

Ms. Roell testified that on September 20, 2012, she was there at the winery in Stroud for the 7-Hour National USPAP Course for only about ten or fifteen minutes, that she did not attend the lunch, that the lunch at Stroud was held off the premises of the winery where their 7-Hour National USPAP Course was being offered, that while they usually do provide lunch as part of their educational courses that their letter response to the grievance (Exhibit 4, Allegations #2 response) was in error on this point as they did not provide dinner (lunch) on September 20, 2012. As to their tentative objection to the admission of Exhibits 9 and 10, Respondent Roell testified that while the mailing address for the Respondents Goodpasture and Roell on each Non-Disciplinary Letter of Warning to Oakcrest (Exhibits 9 and 10) was current, that she and Respondent Goodpasture had no

recollection of receiving such Non-Disciplinary Letters of Warning to Oakcrest. Continuing Ms. Roell admitted and agreed that on September 20, 2012, the students did not have a 2012-2013 USPAP book.

In response to a question directed to Respondent Roell about the integrity of the grievant Harold "Hal" A. Hartsock, Respondent Goodpasture spoke up urging Ms. Roell to testify as to her reasons why she did not have a very high opinion of Mr. Hartsock's integrity. The Board's prosecutor objected to the relevancy of such testimony this late in the proceedings, which objection was sustained by the Board's hearing panel counsel due to its not being offered until such a late stage in the proceedings and due to Mr. Hartsock's absence from the proceedings, having answered all questions asked of him from the Respondents Goodpasture and Roell as well as all others and that he was no longer present due his release from the Board's subpoena. At this point, Respondents Goodpasture and Roell rested.

In his closing, the Board's prosecutor presented a one page document entitled "FAQ#9 USPAP Compliance as an Instructor" that provided that in teaching appraisal courses, an appraiser is engaged in appraisal practice as defined in USPAP and that while USPAP does not include Standards Rules for teaching assignments, that appraisers must observe applicable requirements in the PREAMBLE, the ETHICS RULE, the COMPETENCY RULE and the JURISDICTIONAL EXCEPTION RULE. The Board's prosecutor asked that the Hearing Panel take judicial notice of the document referred to as the Board's Closing Exhibit 1, which the Board's hearing panel counsel did and there was no objection.

In her closing, Ms. Roell said that the Harold "Hal" A. Hartsock testimony was that the books were not opened until 10:29 a.m., not that class didn't start until 10:29 a.m., that the respondents Goodpasture and Roell made mistakes and that the AQB already dealt with this matter

through its two (2) month suspension of the Respondent Goodpasture for poor paperwork who has already been reinstated.

On February 10, 2014 an Entry of Appearance was filed with the administrative office of the Board by attorney, Stephen Modovsky, on behalf of the Respondents, concurrently with his Request for Oral Argument. Thereafter a Brief in Response to the Request for Oral Argument was filed eliciting a Response and Motion to Strike by the Board's prosecutor, Stephen McCaleb. An Order Granting Motion to Strike Portions of Reply of Respondents was entered by Bryan Neal, Assistant Attorney General on February 26, 2014, as Board counsel pursuant to the authority granted under OAC 600:15-1-6.

On March 5, 2014 both counsel of the Respondents, Stephen Modovsky and the Board's prosecutor, Stephen McCaleb, appeared before the Board and presented oral argument.

JURISDICTION

1. The OREAB has the duty to carry out the provisions of the Oklahoma Certified Real Estate Appraisers Act as set forth at Title 59 of the Oklahoma Statutes, §§858-701, *et seq.* and to establish administrative procedures for disciplinary proceedings conducted pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act.

2. The OREAB has promulgated rules and regulations to implement the provisions of the Oklahoma Certified Real Estate Appraisers Act in regard to disciplinary proceedings as set forth at the Oklahoma Administrative Code, 600:15-1-1 thru 600:15-1-22, including administrative hearings.

3. The Respondent GREGORY L. GOODPASTURE is a Certified Residential Appraiser in the State of Oklahoma, holding certificate number 11855CRA and was first licensed

with the Oklahoma Real Estate Appraiser Board on July 2, 1998; and an approved instructor in accordance with OAC 600:10-1-8(a)(6).

4. The Respondent ANNEMIEKE E. ROELL is a Certified Residential Appraiser in the State of Oklahoma, holding certificate number 12775CRA and was first licensed with the Oklahoma Real Estate Appraiser Board on December 3, 2007; and is the Registrar of Oakcrest.

5. The OAKCREST APPRAISAL ACADEMY is an approved education provider that provides educational courses as a secondary course provider in accordance with OAC 600:10-1-8.

FINDINGS OF FACT

The Board adopts in full the Findings of the Hearing Panel and that the following Facts were proven by clear and convincing evidence:

1. The Respondent GREGORY L. GOODPASTURE is a Certified Residential Appraiser in the State of Oklahoma, holding certificate number 11855CRA and was first licensed with the Oklahoma Real Estate Appraiser Board on July 2, 1998; and an approved instructor in accordance with OAC 600:10-1-8(a)(6).

2. The Respondent ANNEMIEKE E. ROELL is a Certified Residential Appraiser in the State of Oklahoma, holding certificate number 12775CRA and was first licensed with the Oklahoma Real Estate Appraiser Board on December 3, 2007; and is the Registrar of Oakcrest.

3. The OAKCREST APPRAISAL ACADEMY is an approved education provider that Provides educational courses as a secondary course provider in accordance with OAC 600:10-1-8.

4. On January 31, 2012, Respondents Goodpasture and Roell filed with the Board a

Request for Approval of Course for Continuing Education Credit, for a course described as 2012-2013 National USPAP Update (Exhibit 1, page 1). This class was approved by the Appraiser Qualifications Board (“AQB”), which establishes educational criteria (Exhibit 1, page 3). 59 O.S. §858-720(4). Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 requires that state certified appraisers must meet the minimum qualifications set by the AQB. *Id.* Further, continuation education renewal requirements are also promulgated by the AQB. 59 O.S. §858-722(B).

5. The AQB criteria was attached to the January 31, 2012, filing by the Respondents Goodpasture and Roell (Exhibit 1, beginning at page 2) and included the specific criteria for the course, which was attached to the Notice as Exhibit “A” and was incorporated by reference in the Notice.

6. On August 26, 2012, Oakcrest filed with the Board Course Announcement Form (REA-CE9 1108), announcing a class titled *2012-2013 USPAP Update*, that was scheduled to occur between 9:00 a.m. and 5:00 p.m. on September 20, 2012 (Exhibit 2). This course is a mandatory 7-hour course (Exhibit 1, pages 3 and 6). The Board Course Announcement Form (REA-CE9 1108) submitted by the Respondents Goodpasture and Roell (Exhibit 2) contained a false advertisement of the class times.

7. According to the grievant Harold “Hal” A. Hartsock however, the scheduled course did not begin until the students opened their books at approximately 10:29 a.m. (documented contemporaneously on September 20, 2012, by Mr. Hartsock in his handwritten notes on Section 1 of his National USPAP Course, 7-Hour, Student Manual in Exhibit 11), and the scheduled course concluded at 4:25 p.m. (See Exhibit 13 Pikepass Statement for Hal Hartsock from September 15, 2012 through September 29, 2012). Mr. Hartsock, as well as the

other appraisers in attendance, received a course completion certificate for a full 7 hours of course credit (Exhibit 3).

8. As part of the AQB course guidelines (Exhibit 1, page 6), each student was to have a copy of the 2012-2013 USPAP, USPAP Advisory Opinions, USPAP Frequently Asked Questions, and Master Index, all bound in the same publication for use in all USPAP courses. According to the testimony of the grievant Harold "Hal" A. Hartsock, the students did not have this requirement as to course materials during the class.

9. According to the grievant Harold "Hal" A. Hartsock, the lunch break that began at approximately 12:45 p.m. and ended after 2:26 p.m. (*See Exhibit 12 lunch receipt of Hal Hartsock from the Five Star BBQ and Steakhouse, Stroud, Oklahoma, dated September 20, 2012 at 2:26.01 p.m.*), lasted well over one hour, in conflict with the AQB criteria (Exhibit 1, page 7). The response of the Respondents Goodpasture and Roell to the grievance dated January 18, 2013 (Exhibit 4), contains a false statement that the lunch in Stroud on September 20, 2012, was provided in-house on the premises of the class.

10. On October 16, 2012, Oakcrest filed with the Board a Course Completion Roster (Exhibit 3).

CONCLUSIONS OF LAW

The Board adopts in the full the Conclusions of Law as determined by the Hearing Panel below:

1. The Respondents Goodpasture and Roell have violated 59 O.S. §858-723(C)(1): "Procuring or attempting to procure a certificate pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act by knowingly making a false statement, knowingly

submitting false information, refusing to provide complete information in response to a question in an application for certification or through any form of fraud or misrepresentation."

2. The Respondents Goodpasture and Roell have violated 59 O.S. §858-723(C)(2), thru 59 O.S. §858-720(4) and 59 O.S. §858-722(B): "Failing to meet the minimum qualifications established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act."

This includes, but is not limited to, the following:

- A. Respondents Goodpasture and Roell failed to properly administer the continuing education course attendance requirements as submitted by the course owner and approved by the Appraiser Qualification Board and the OREAB; and
- B. Respondents Goodpasture and Roell failed to properly administer the continuing education course schedule requirements as submitted by the course owner and approved by the Appraiser Qualification Board and the OREAB.

3. The Respondents Goodpasture and Roell have violated 59 O.S. §858-723(C)(5) through the commission of an act(s) or omission(s) involving dishonesty or misrepresentation with the intent to substantially benefit the certificate holder or another person.

4. The Respondents Goodpasture and Roell have violated 59 O.S. §858-723(C)(9): "Willfully disregarding or violating any of the provisions of the Oklahoma Certified Real Estate Appraisers Act or the regulations of the Board for the administration and enforcement of the provisions of the Oklahoma Certified Real Estate Appraisers Act."

5. The Respondents Goodpasture and Roell have violated 59 O.S. §858-723(C)(13), in that Respondents Goodpasture and Roell in part violated 59 O.S. §858-732(A)(1): "An appraiser must perform ethically and competently and not engage in conduct that is unlawful, unethical or improper..."

FINAL ORDER

WHEREFORE, having adopted in full the Findings of Fact and Conclusions of Law entered by the Disciplinary Hearing Panel, the Board issues its Final Order, modifying in part the Disciplinary Hearing Panel Recommendation as follows:

1. The approval by the Board of Oakcrest Appraisal Academy by Respondent Gregory L. Goodpasture and/or Respondent Annemieke E. Roell as an education provider that provides educational courses pursuant to OAC 600:10-1-8 shall be **WITHDRAWN** with no right to reapply to the Board to be an education provider pursuant to OAC 600:10-1-8 for a period of **ONE (1) YEAR**.

2. Respondent Gregory L. Goodpasture shall be placed on **PROBATION** for a period of **ONE (1) YEAR** from the date of this final order issued by the Board. During the period of probation, Respondent Gregory L. Goodpasture shall provide an appraisal log on REA Form 3 to the administrative office of the Board no later than the fifth working day of each month detailing all his appraisal activity during the preceding month. The Board may select and require samples of work product from these appraisal logs be sent for review.

3. Respondent Annemieke E. Roell shall be placed on **PROBATION** for a period of **ONE (1) YEAR** from the date of this final order issued by the Board. During the period of probation, Respondent Annemieke E. Roell shall provide an appraisal log on REA Form 3 to the administrative office of the Board no later than the fifth working day of each month detailing all her appraisal activity during the preceding month. The Board may select and require samples of work product from these appraisal logs be sent for review.

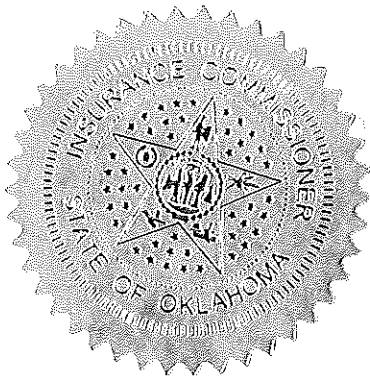
4. Respondent Gregory L. Goodpasture and Respondent Annemieke E. Roell shall collectively pay the costs expended by the Board for legal fees and travel costs incurred in this matter. The Board staff will provide a statement of the costs incurred to Respondent Gregory L. Goodpasture and Respondent Annemieke E. Roell with the final order. Costs shall be paid in accordance with 59 O.S. § 858-723(B).

5. Failure by Respondent Gregory L. Goodpasture to comply with any requirement of this order shall result in his appraisal credential being suspended instanter, with notification forwarded immediately to Respondent Gregory L. Goodpasture by Certified U. S. mail, return receipt requested.

6. Failure by Respondent Annemieke E. Roell to comply with any requirement of this order shall result in her appraisal credential being suspended instanter, with notification forwarded immediately to Respondent Annemieke E. Roell by Certified U. S. mail, return receipt requested.

THE BOARD WISHES TO ADVISE THE RESPONDENTS THAT THEY HAVE THIRTY (30) DAYS TO APPEAL THIS ORDER WITH THE APPROPRIATE DISTRICT COURT.

IT IS SO ORDERED this 5th day of March, 2014. .



By: *Eric M. Schoen*
ERIC SCHOEN, Board Secretary

By: *Bryan Neal*
BRYAN NEAL, Assistant Attorney General
Counsel to the Board

CERTIFICATE OF MAILING

I, Christine McEntire, hereby certify that on the // day of March, 2014 a true and correct copy of the above and foregoing Board's Decision as to Disciplinary Hearing Panel Recommendation was placed in the U.S. Mail, with postage pre-paid, by certified mail, return receipt requested to:

Stephen J. Modovsky
MODOVSKY LAW OFFICE
1204 South Cheyenne
Tulsa, Oklahoma 74119
Attorney for Respondents

7012 2210 0000 8959 7883

and that copies were forwarded by first class mail to the following:

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El Reno, OK 73036

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