



STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD

OFFICIAL MINUTES

March 4, 2005
Date

154
Number

The Real Estate Appraiser Board, established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, held its One Hundred Fifty Fourth regular meeting March 4, 2005 at 9:30 a.m. The Meeting was held in the Boardroom of the offices of the Oklahoma Insurance Department at 2401 Northwest 23rd Street, Suite 28, Oklahoma City, Oklahoma. In compliance with the Open Meeting Act, 25 O.S. § 301 et seq, this agenda for this meeting was posted at the main entrance to the offices of the Oklahoma Insurance Department on Tuesday, February 22, 2005 at 11:00 a.m. This Agenda was posted on the Insurance Department website at (www.oid.state.ok.us) on February 22, 2005. Copies of this Agenda were delivered or e-mailed by the undersigned to the office of the aforementioned members on Tuesday, February 22, 2005. The Agenda is attached as **Exhibit A**

I. **CALL TO ORDER.** Lee R. Caesar Jr., Vice-Chairman, 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 Caesar, Jr.;
Jimmie R. Burton;
Travis L. Parsons;
Harold J. Snyder III;
Patti L. Fisher; and
James W. Hoyt

Excused were:

Kim Holland, Chairman; and
Jana S. Barker, Member

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

Others in attendance were: Karl Kramer, Department Counsel, Oklahoma Insurance Department; George R. Stirman, III, Director; Donna G. Hope, Board Secretary; and John Story.

An Open Meetings Act Compliance Statement was presented by Donna G. Hope, Board Secretary.

II. **READING AND APPROVAL OF MINUTES.** The Chair asked for approval of the minutes as presented from the Board meeting held on February 4, 2005. Mr. Hoyt moved to accept the minutes as printed and distributed. Ms. Fisher seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Burton	Yes
	Mr. Parsons	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	Yes

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

III. **CHAIRMAN'S REPORT.** The Chairman was excused.

VICE-CHAIRMAN'S REPORT. No report given.

By order of the chair, **Agenda Item VII** was considered by the Board at this point in the session.

VII. OLD BUSINESS.

0501 Discussion and possible action regarding disciplinary hearing panel recommendation in the Matter of James A. Boring, case Numbers 02-0547-DIS and 02-0548-DIS, Complaints Number 02-001 and 02-019, to include hearing of oral argument under the provisions of OAC 600:15-1-17.

Possible Executive Session as authorized by 25 O.S. 2001 §307 (B)(8), regarding the above matter and in order for the Board to discuss legal matters related to this action with its attorney.

Mr. Caesar recused himself from considering the matter due to his participation in the PCC.

Mr. Hoyt moved that Mr. Snyder be appointed as Vice Chairman Pro-Tem for the purpose of consideration of this item. The motion was seconded by Ms. Fisher. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Parsons	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Yes
	Mr. Burton	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	Recuse

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

Copies of the panel recommendation, the Respondent's Brief, and the Petitioner's Brief are attached as **Exhibit's D, E, and F.**

David Kisner presented oral argument on behalf of Respondent James A. Boring.

James A. Boring made a statement on his own behalf.

Steve McCaleb presented oral argument on behalf of Petitioner

Mr. Parsons made a motion to go to executive session. The motion was seconded by Mr. Burton. The chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Parsons	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Yes
	Mr. Burton	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	Recuse

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

The board returned from executive session. Mr. Hoyt moved, seconded by Ms. Fisher, to accept the panel recommendations as regards findings of fact and conclusions of law, and to amend Panel's disciplinary sanctions to read as follows: 1. Respondent's license be suspended for three months. 2. Within six months of the date of this letter, Respondent must complete the initial 75 hours of qualifying appraisal course work: 30 hours of appraisal principles, 30 hours tested hours of appraisal practices and 15 hours of National USPAP courses. Said courses to be approved by the board excluding the provider of the Respondents initial qualifying course work with copies of certificate of course completion while with the administrative office of the board. 3. From the date of this order Respondent must be supervised in all appraisal activities by a supervisory appraiser for 2000 hours with the qualifications and in the manner provided by OAC 600 10-1-16 with the original report of supervisory relationship the REA form 8 filed with the Administrative office of the board. 4. Respondent shall be required to submit an appraisal log every 90 days to the director of the board outlining the hours for each appraisal completed during the supervisory period. The hours of required education will be counted toward Respondent's continuing education. 5. Failure to comply with the terms of the boards order will result in further disciplinary action up to and including revocation of the Respondent's license. The chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Parsons	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Yes
	Mr. Burton	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	Recused

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

At this point the Board returned to regular order.

III. **DIRECTOR'S REPORT.** The Director, George R. Stirman III, offered a written report, a copy of which is attached as **Exhibit B**.

A. Discussion and possible action regarding revocation of individuals for non-payment of annual fees.

Mr. Parsons made a motion to accept the recommendation to revoke individuals for non-payment of annual fees. The motion was seconded by Mr. Burton. The chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Parsons	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Yes
	Mr. Burton	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	Yes

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

B. Discussion and possible action regarding revocation of individuals for failure to complete the National USPAP Update Course.

Mr. Hoyt made the motion to dismiss those listed for the failure to complete the National USPAP Update Course. The motion was seconded by Mr. Snyder. The chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Parsons	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Yes
	Mr. Burton	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	Yes

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

C. Discussion and possible action regarding approval of renewal applications due in April 2005 and authority to issue certificates.

Mr. Hoyt made the motion to accept Director's report regarding approval of renewal applications due in April 2005 and authority to issue certificates. The motion was seconded by Ms. Fisher. The chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Parsons	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Yes
	Mr. Burton	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	Yes

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

IV. BOARD MEMBERS REPORTS.

- A. Disciplinary Procedures Committee.** No report given.
- B. Education, Experience & Testing Committee.**
 - 1. Discussion and possible action regarding course submittals approval.

Mr. Hoyt moved to approve all items included in **Exhibit C**. The motion was seconded by Ms. Fisher. The chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Parsons	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Excused
	Mr. Burton	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE EXCUSED 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.

Mr. Hoyt moved to accept **Agenda item IV (B)(2)** as prepared and approve the issuance of certificates. The motion was seconded by Ms. Fisher. The chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Parsons	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Excused
	Mr. Burton	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE EXCUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

- 3. Discussion and possible action regarding approval or disapproval of experience documentation of applicants.
- 4. Discussion and possible action regarding policy and procedures of EET Committee.

C. Legislation & Rules Committee. No reports given.

D. Probable Cause Committee. No reports given.

- 1. Discussion and possible action regarding Probable Cause Committee disciplinary recommendations.

Mr. Hoyt moved to approve Board Member Reports D, attached as **Exhibit G**, to ratify complaints and agree to a date, time and place for hearings. The motion was seconded by Ms Fisher. The chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Parsons	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Excused
	Mr. Burton	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE EXCUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

- 2. Discussion and possible action regarding standing operating procedures for the Probable Cause Committee. No report given.
- 3. Discussion and possible action regarding appointment of volunteers and/or committee members to assist Probable Cause Committee.

Ms. Fisher moved that John Story become the next past board member for the next three months for the PCC. The motion was seconded by Mr. Parsons. The chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Parsons	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Excused
	Mr. Burton	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE EXCUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

By order of the chair, **Agenda Item VI** was considered by the Board at this point in the session.

VI. Discussion and possible action regarding attendance at AARO and SRAG Conferences April 8-11, 2005.

Mr. Burton moved to approve the recommendation that the St. Louis meeting include anyone who wants to go. The motion was seconded by Mr. Parsons. The chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Parsons	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Excused
	Mr. Burton	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE EXCUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

By order of the chair, **Agenda Item VIII** was considered by the Board at this point in the session.

VIII. New Business. The Chair opened the floor for new business. A discussion was presented to put all disciplinary action on the website.

The Chairman moves this item to be address in the next Board Meeting.

V. Discussion and possible action regarding proposed changes to the Oklahoma Real Estate Appraisers Act and the Board's disciplinary procedures.

Mr. Parsons moved to accept recommendation, **attached as Exhibit H**, to send it to disciplinary committee for overview and to the Legislation and Rules Committee and have it brought before the board in the May board meeting. The motion was seconded by Ms. Fisher. The chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Parsons	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Excused
	Mr. Burton	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE EXCUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

IX. Adjournment.

Mr. Burton moved to adjourn the board meeting. The motion was seconded by Ms. Fisher. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Parsons	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Excused
	Mr. Burton	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE EXCUSED AND NONE OPPOSED. THE MOTION WAS AGREED TO.

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 an audio recording device with audiotape to be retained as a record in the office of the Board.

EXHIBITS are A through H.

In witness we have hereunto set our hand and caused the Seal of the State of Oklahoma to be affixed by the Board Secretary, at the City of Oklahoma City, State of Oklahoma, this 4th day of February, 2005.



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



DONNA G. HOPE, SECRETARY
OKLAHOMA REAL ESTATE APPRAISER BOARD