



STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD

OFFICIAL MINUTES

May 6, 2005
Date

156
Number

The Real Estate Appraiser Board, established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, held its one hundred fifty sixth regular meeting on May 6, 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., the agenda for this meeting was posted in the main entrance to the offices of the Oklahoma Insurance Department on April 26, 2005 at 11:00 a.m. An addendum to this agenda was posted at the main entrance to the Offices of the Oklahoma Insurance Department on April 29, 2005 at 10:00 a.m. This addendum was posted to the Insurance Department website, and was mailed and emailed to the members of the Board on April 29, 2005. The Agenda and addendum are attached as **Exhibit A**.

I. **CALL TO ORDER.** Vice-Chairman Lee 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, Vice-Chairman;
Jimmie R. Burton;
Jana S. Barker;
Harold Snyder;
Patti L. Fisher; and
James W. Hoyt.

Excused were: Travis L. Parsons, member; and
Kim Holland, Chairperson.

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

Others in attendance were: James A. Pratt; Jimmy F. Allen; James S. Matthews Jr.; Robert Cole; Stephen L. McCaleb, Board Prosecutor; Charles Barnes; Debra Schwarz, Assistant Attorney General; Joann Stevenson, Board Counsel; Karl Kramer, Assistant General Counsel, Oklahoma Insurance Department; Donna Gayle Hope, Legal Assistant; and Rod Stirman, Board Director.

II. **READING AND APPROVAL OF MINUTES.** Mr. Hoyt moved that the reading of the minutes of the previous session be waived and that they stand approved as published and distributed. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Burton	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Yes
	Ms. Barker	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 Chairperson was not in attendance.

VICE-CHAIRMAN'S REPORT. The Vice-Chairman offered no report.

DIRECTOR'S REPORT.

A. **Discussion and possible action regarding revocation of individuals for non-payment of annual fees.** See Exhibit B (1). Mr. Caesar moved that the list of individuals presented by the Director as failing to pay their annual fees due February 28, 2005 be revoked. The motion was seconded by Ms. Fisher. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Burton	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Yes
	Ms. Barker	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 authority to issue certificates to those due to renew their licenses by June 30, 2005. See Exhibit B (2). A motion was made by Mr. Caesar and seconded by Ms. Fisher to approve issuance of certificates to those renewing by June 30, 2005.the list of renewals.

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

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

At this point in the session, by order of the Chair, Agenda Item V was taken out of order and offered for consideration.

V. DISCUSSION AND POSSIBLE ACTION REGARDING COMPLAINT NO. 02-075, IN THE MATTER OF CHAD F. STITES, SUPPLEMENTAL RESPONSE AND MOTION TO DISMISS BY CHAD STITES TO COMPLAINT AND NOTICE.

Ms. Fisher and Mr. Hoyt recused themselves from consideration of this matter due to their service on Probable Cause Committees dealing with this matter. Mr. Burton recused himself from consideration of this matter due to his geographic location with respect to the Respondent. Ms. Stevenson recused herself from acting as counsel to the Board in this matter and was replaced by Assistant Attorney General Debra Swartz.

The Director announced that in anticipation of recusals, the Office of the Governor of Oklahoma had made two appointments of Board Members Pro Tempore. The individuals appointed were Mr. James A. Pratt and Mr. Jimmy F. Allen, both of Oklahoma City. Copies of their appointments, Oaths of Office, and Loyalty Oaths are attached as Exhibits D (1) and D (2), respectively.

Mr. James S. Matthews Jr. announced his appearance on behalf of the Respondent and asked that the court reporter furnished by the Respondent be acknowledged and approved, and that the transcript be accepted by the Board as the official record of the proceedings with respect to this agenda item.

A motion was made by Mr. Snyder to approve and acknowledge the court reporter furnished by the Respondent and Ms. Barker seconded the motion. The Chair ordered a roll call vote on the matter and concurrently as a roll call of members present.

ROLL CALL VOTE	Mr. Snyder	Yes
	Ms. Barker	Yes
	Mr. Allen	Yes
	Mr. Pratt	Yes
	Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE AND NONE OPPOSED.
THE MOTION WAS AGREED TO AND A QUORUM RECOGNIZED.

The Chair recognized Mr. Matthews, who presented oral argument on behalf of the Respondent. A copy of the motion is attached as Exhibit E.

The Chair recognized Mr. Stephen McCaleb, Board Prosecutor. Mr. McCaleb presented oral argument opposing the motion. A copy of Mr. McCaleb's Reply Brief is attached as Exhibit F.

Ms. Barker moved that the Board go into executive session. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE	Mr. Snyder	Yes
	Ms. Barker	Yes
	Mr. Allen	Yes
	Mr. Pratt	Yes
	Mr. Caesar	Yes

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

Ms. Barker moved that the Board return to regular session. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE	Mr. Snyder	Yes
	Ms. Barker	Yes
	Mr. Allen	Yes
	Mr. Pratt	Yes
	Mr. Caesar	Yes

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

A motion was made by Ms. Barker to grant the motion to dismiss Case No. 02-075, In the Matter of Chad F. Stites, without prejudice. The motion was seconded by Mr. Snyder. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE	Mr. Snyder	Yes
	Ms. Barker	Yes
	Mr. Allen	Yes
	Mr. Pratt	Yes
	Mr. Caesar	Yes

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

At this point, the Chairman ordered that Agenda Item IX be taken out of order and offered for consideration.

IX. NEW BUSINESS.

Ms. Barker moved that a formal complaint be filed under the authority granted under 59 O.S. § 858-723C(3) and direct the complaint go directly to the prosecutor who will investigate a direct complaint. Mr. Snyder seconded this motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE	Mr. Snyder	Yes
	Ms. Barker	Yes
	Mr. Allen	Yes
	Mr. Pratt	Yes
	Mr. Caesar	Yes

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

At this point the Board returned to regular order by order of the Chair. The pro-tem members were discharged and the regular members reseated. The roll of Board members was called to establish a quorum.

Board members present were: Lee R. Caesar, Vice-Chairman;
Jimmie R. Burton;
Jana S. Barker;
Harold Snyder;
Patti L. Fisher; and
James W. Hoyt.

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 appraiser education items as reported in Exhibit C. The motion was seconded by Ms. Barker. The chair ordered a roll call vote with the following results:

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

THE RESULT WAS SIX 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.

Mr. Hoyt moved to accept the recommendations contained in Agenda item IV (B)(2), Exhibit C(2), as reported. The motion was seconded by Ms. Barker. The Chair ordered a roll call vote with the following results:

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

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

C. Legislation & Rules Committee. No reports given.

D. Probable Cause Committee.

1. Discussion and possible action regarding Probable Cause Committee disciplinary recommendations. See Exhibit G.

Mr. Stirman announced that the committee had not met since the last meeting, but that there were actions required with respect to ratification of certain actions as formal complaints and approval of the date, time and place for the hearing. Mr. Stirman further noted that there were recusals involved to the extent that pro-tem members would need to be reelected.

The Chair ordered the pro-tems reelected.

A. Complaint Number 02-041, In the Matter of Devin R. Gordon and Loyal T. Plumb. Mr. Hoyt recused as the responsible PCC member. Mr. Burton recused due to geographic proximity.

A motion was made by Ms. Fisher to accept Complaint Number 02-041, In the Matter of Devin R. Gordon and Loyal T. Plumb, as a formal complaint and that the date, time, and place for the hearing as indicated in the Notice of Hearing at Exhibit G (1) be approved. The motion was seconded by Mr. Snyder. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Mr. Snyder	Yes
	Ms. Barker	Yes
	Mr. Caesar	Yes
	Mr. Pratt	Yes
	Mr. Allen	Yes

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

B. Complaint Number 04-054, In the Matter of Christopher S. Turner. Ms. Fisher recused as the responsible PCC member. Mr. Burton recused due to geographic proximity.

A motion was made by Ms. Barker to accept Complaint Number 04-054, In the Matter of Christopher S. Turner, as a formal complaint and that the date, time, and place for the hearing as indicated in the Notice of Hearing at Exhibit G (2) be approved. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Snyder	Yes
	Ms. Barker	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	Yes
	Mr. Pratt	Yes
	Mr. Allen	Yes

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

C. Complaint Number 04-024, In the Matter of Bryce Gaden. Mr. Hoyt and Ms. Fisher recused as the responsible PCC members. Mr. Burton recused due to geographic proximity.

A motion was made by Ms. Barker to accept Complaint Number 04-024, In the Matter of Bryce Gaden, as a formal complaint and that the date, time, and place for the hearing as indicated in the Notice of Hearing at Exhibit G (3) be approved. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Snyder	Yes
	Ms. Barker	Yes
	Mr. Caesar	Yes
	Mr. Pratt	Yes
	Mr. Allen	Yes

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

At this point, the members of the Board pro-tempore were once again excused.

A motion was offered by Ms. Fisher to appoint Mr. Snyder to the Probable Cause Committee, replacing Mr. Hoyt. The term of service would be June, July and August 2005. Mr. Hoyt seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

VI. DISCUSSION AND POSSIBLE ACTION REGARDING FIELD REVIEW REPORT OF THE APPRAISAL SUBCOMMITTEE AND WRITTEN RESPONSE BY REAB.

A motion was made by Ms. Barker to approve the draft letter of response to the Sub-Committee at Exhibit H. The motion was seconded by Mr. Snyder. The Chair ordered a roll call vote with the following results:

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

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

VII. DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF BUDGET FOR REAL ESTATE APPRAISER BOARD FOR FISCAL YEAR 2006.

A motion was offered by Ms. Barker to approve the proposed budget for FY 2006. A copy of the budget proposal is at Exhibit I. The motion was seconded by Ms. Fisher. The Chair ordered a roll call vote with the following results:

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

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

VIII. DISCUSSION AND POSSIBLE ACTION REGARDING REINSTATEMENT OF TRAINEE APPRAISER CERTIFICATE OF RYAN D. BARNES 90251TRA.

A Motion was made by Mr. Hoyt to deny the request of Mr. Barnes reinstatement and seconded by Mr. Burton. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Burton	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Yes
	Ms. Barker	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	No

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE AND ONE OPPOSED.
THE MOTION WAS AGREED TO.

VIII(A). DISCUSSION AND POSSIBLE ACTION REGARDING REINSTATEMENT OF CERTIFIED RESIDENTIAL APPRAISER CERTIFICATE OF WILLIAM D. PIELSTICKER 11131CRA.

My Hoyt moved that the request for reinstatement by Mr. Pielsticker be denied. This motion was seconded by Mr. Hoyt. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Burton	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Yes
	Ms. Barker	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	No

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE AND ONE OPPOSED.
THE MOTION WAS AGREED TO.

VIII(B). DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF CONTRACT FOR LEGAL SERVICES WITH THE OFFICE OF THE ATTORNEY GENERAL FOR FY 2006.

A Motion was made by Mr. Burton to approve the contract with the Office of the Attorney General for FY 2006. A copy of the contract is attached as Exhibit J. The motion was seconded by Ms. Barker. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Burton	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Yes
	Ms. Barker	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	No

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

XI. **NEW BUSINESS.**

XII. **ADJOURNMENT.** A Motion for adjournment was made by Ms. Barker and seconded by Mr. Burton. The Board adjourned by general consent.

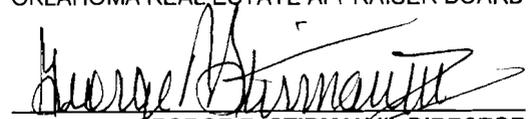
OFFICIAL MINUTES.

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



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



GEORGE R. STIRMAN III, DIRECTOR
OKLAHOMA REAL ESTATE APPRAISER BOARD