



STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD

OFFICIAL MINUTES

June 3, 2005

Date

157

Number

The Real Estate Appraiser Board, established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, held its one hundred fifty seventh regular meeting on June 3, 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 Tuesday, May 24, 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 June 1, 2005 at 2:00 p.m. This addendum was posted to the Insurance Department website, and was emailed to the members of the Board on June 1, 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.
Travis L. Parsons

Excused were: Kim Holland, Chairperson.

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

Others in attendance were: William Q. Berberet; William D. Pielsticker; Joe Konarsky.; Kevin R. Ragoss; Jerry Jones, Molly Leatherwood; Stephen L. McCaleb, Board Prosecutor; Sue Wycoff, Board Prosecutor; Joann Stevenson, Board Counsel; Karl Kramer, Assistant General Counsel, Oklahoma Insurance Department; Linda L. Churchill, Licensing Administrator; 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
	Mr. Parsons	Yes

THE RESULT WAS SEVEN 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 or possible suspension of individuals for non-payment of annual fees.** See Exhibit B (1). Ms. Barker moved that the list of individuals presented by the Director as failing to pay their annual fees shall be suspended until either their license is expired or until dues

plus late fees are paid. The Director will have the authority to lift suspensions for payment and those meeting their educational requirements. The 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	Yes
	Mr. Parsons	Yes

THE RESULT WAS SEVEN 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 July 31, 2005. See Exhibit B (2). A motion was made by Ms. Fisher to approve issuance of certificates to those renewing by July 31, 2005. Mr. Burton seconded the motion.

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

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

By order of the chair, the agenda item regarding Complaint No. 05-039 was tabled until later in the session.

The Director introduced Linda Churchill the new Licensing Administrator.

IV. BOARD MEMBER REPORTS.

A. Disciplinary Procedures Committee. Discussion regarding Standards, Values , Education and fines. Meeting set for June 15, 2005 AT 1:00 pm for further discussion.

Mr. Parsons asked to be excused from the session at this point. Mr. Parsons term expires, June 31, 2005.

B. Education Experience & Testing Committee

Discussion and possible action regarding approval or disapproval of various applications received and authority to issue certificates. A motion was made by Mr. Hoyt to approve, IV (B)(2) pages 1 and 2 in its entirety for up-grade, Trainee and Certified Residential Appraisers, See **Exhibit D**. The motion was seconded Mr. Burton

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 AND A QUORUM RECOGNIZED.

C. Legislation and Rules Committee. No reports given.

D. Probable Cause Committee.

1. Discussion and possible action regarding committee recommendations.

By order of the Chair, this item was tabled until later in the session.

2. Discussion and possible action regarding appointing new members to the Probable Cause Committee

A motion was made by Mr. Hoyt to appoint Mr. Pat McGlamery on the Probable Cause Committee. Ms. Fisher 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
	Mr. Parsons	Yes

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

By order of the Chair, the tabled matter below was removed from the table and offered for consideration at this point in the session.

C. Discussion and possible action regarding approval of date, time, and place for disciplinary hearing of Complaint No. 05-039, in the Matter of Chad F. Stites.

Ms. Fisher and Mr. Hoyt recused themselves from consideration 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.

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 Ms. Jerry L. Jones and Ms. Margaret C. Leatherwood, both of Shawnee. Copies of their appointments, Oaths of Office, and Loyalty Oaths are attached as **Exhibit C**.

The Director offered a Draft: Notice of Disciplinary proceeding and Appointment of Hearing Panel and asked that the Board approve the date, time, and place for the Hearing (Exhibit D). Ms. Barker moved that the Board approve the date, time and place set. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

By order of the Chair item IV, D,1 was removed from the table and offered for consideration.

1. Discussion and possible action regarding Probable Cause Committee disciplinary recommendations. Ms. Fisher recused due to her involvement on the Probable Cause Committee and Mr. Burton recused due to geographic considerations. The Director offered a draft Notice of Disciplinary Proceedings and Appointment of Hearing Panel on Complaint No. 04-21, in the matter of Francis E. Harper and Eddie R. Peters (Exhibit E) and asked that the Board approve the date, time and place for the hearing. A motion for approval was made by Ms. Barker. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

V. DISCUSSION AND POSSIBLE ACTION REGARDING DISCIPLINARY HEARING PANEL RECOMMENDATION IN THE MATTER OF CARLTON L. SMITH AND DAVID E. REDDICK, COMPLAINT NO. 03-061, TO INCLUDE HEARING OF ORAL ARGUMENT UNDER THE PROVISIONS OF OAC 600:15-1-17.

Mr. Caesar and Mr. Hoyt recused themselves from consideration of this matter due to geographic considerations and Ms. Fisher recused due to service on the Probable Cause Committee.

The panel recommendation and other pleadings were in the hands of the Board (Exhibit F). Ms. Fisher 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. Fisher	Yes
	Mr. Burton	Yes
	Ms. Jones	Yes
	Ms. Leatherwood	Yes

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

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

ROLL CALL VOTE	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Burton	Yes
	Mr. Jones	Yes
	Mr. Leatherwood	Yes

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

A motion was made by Mr. Burton to accept the recommendation of the Disciplinary Hearing Panel with respect to Respondent Carlton L. Smith and with respect to Respondent David E. Reddick to accept the Disciplinary Hearing Panel's recommendation modified by adding a six month suspension. Ms. Fisher seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Burton	Yes
	Ms. Jones	Yes
	Ms. Leatherwood	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.

VI. DISCUSSION AND POSSIBLE ACTION REGARDING DISCIPLINARY HEARING PANEL RECOMMENDATION IN THE MATTER OF LEO D. HALL, COMPLAINT NUMBER 04-095. Mr. Burton recused himself due to geographic considerations. A motion was made by Mr. Hoyt to accept the recommendation of the Disciplinary Hearing Panel (Exhibit G) without change and revoke the license of Leo D. Hall. The motion was seconded by Ms. Fisher. The chair ordered a roll call vote with the following results:

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

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

VII. DISCUSSION AND POSSIBLE ACTION REGARDING DATA TRANSMITTALS TO THE ASC NATIONAL REGISTRY. Ms. Stevenson asked that data regarding disciplinary action not be forwarded to the ASC National Registry until the thirty day appeal period has expired. The Director will make that administrative adjustment.

VIII. DISCUSSION AND POSSIBLE ACTION REGARDING PUBLICATION OF A UNIFORM STANDARDS FOR MEASUREMENT POLICY FOR THE BOARD. Ms. Fisher asked that this item be tabled until the next session.

IX. DISCUSSION AND POSSIBLE ACTION REGARDING REINSTATEMENT OF APPRAISER CERTIFICATES.

A. In the Matter of William Q. Berberet, 90325TRA. (See Exhibit H.) A motion was made by Mr. Burton to reinstate the license of William Q. Berberet. Mr. Hoyt seconded the motion. The Chair ordered a roll call vote with the following results:

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

THE RESULT WAS FOUR VOTES IN THE AFFIRMATIVE AND TWO OPPOSED.
THE MOTION WAS AGREED TO.

B. In the Matter of Ryan Barnes, 90251TRA. (See Exhibit I) A motion was made by Mr. Burton to reinstate the license of Ryan Barnes. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results:

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

THE RESULT WAS FOUR VOTES IN THE AFFIRMATIVE AND TWO OPPOSED.
THE MOTION WAS AGREED TO.

C. In the Matter of William D. Pielsticker, 11131CRA. (See Exhibit J.) A motion was made by Mr. Snyder to reinstate the license of William D. Pielsticker. Mr. Burton seconded the motion. The Chair ordered a roll call vote with the following results:

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

THE RESULT WAS FOUR VOTES IN THE AFFIRMATIVE AND TWO OPPOSED.
THE MOTION WAS AGREED TO.

D. In the Matter of Kevin R. Ragoss, 11795SLA. (See Exhibit K.) A motion was made by Mr. Burton to reinstate the license of Kevin R. Ragoss. 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.

X. DISCUSSION AND POSSIBLE ACTION REGARDING REAB REPRESENTATION AT THE ARN CONFERENCE AND ASSOCIATED ACTIVITIES IN OMAHA NE, JULY 22-24, 2005. A motion was made by Ms Barker to send Rod Stirman to the ARN Conference in Omaha, NE. Mr. Burton 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.

XI. DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF CONTRACTS WITH PROSECUTING ATTORNEYS FOR FISCAL YEAR 2006. A motion was made by Ms. Barker to approve the contracts with Steve McCaleb and Sue Wycoff (Exhibit L) for \$26,500 each per year, to be paid quarterly, with either Steve McCaleb or Sue Wycoff attending each Probable Cause Committee meetings. 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.

XII. DISCUSSION AND POSSIBLE ACTION REGARDING APPOINTMENT OF COMMITTEE CO-CHAIRPERSONS FOR THE REMAINDER OF 2005. A motion was made by Mr. Snyder, that Mr. Hoyt and Ms. Barker Co-Chair the Legislation and Rules Committee, Mr. Burton and Mr. Snyder Co-Chair the Standards and Disciplinary Procedures Committee, and that Ms. Fisher and the new board member Co-Chair the Education, Experience and Testing Committee. The motion was 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	Yes

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

XIII. NEW BUSINESS.

Ms Barker requested that a thank you letter be written to those who act as Board members pro-tempore' and also the people who serve on the disciplinary hearing panels, and that a certificate be requested from the Office of the Governor commemorating Mr. Parsons' service to be presented in October at the Seminar.

XIV. ADJOURNMENT. A Motion for adjournment was made by Ms. Barker and seconded by Ms. Fisher. 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.

EXHIBITS are A through L.

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 3rd day of June, 2005.



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



LINDA L. CHURCHILL, SECRETARY
OKLAHOMA REAL ESTATE APPRAISER BOARD