



STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD

OFFICIAL MINUTES

July 8, 2005
Date

158
Number

The Real Estate Appraiser Board, established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, held its one hundred fifty eighth regular meeting on July 8, 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, June 28, 2005 at 11:00 a.m. A copy of the Agenda is attached as **Exhibit A**.

I. **CALL TO ORDER.** Vice-Chairman Lee Caesar, Jr., presiding, 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:

Kim Holland, Chairperson;
Lee R. Caesar, Vice-Chairman;
Jimmie R. Burton;
Jana S. Barker;
Harold J. Snyder;
Patti L. Fisher; and
James W. Hoyt.

Board member absent was Travis L. Parsons.

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

Others in attendance were: Devon Hubbard; Caleb Hubbard; Margaret Hubbard; Denton Hubbard; Stephen L. McCaleb, Board Prosecutor; Sue Wycoff, Board Prosecutor; Joann Stevenson, Board Counsel; Robert Noll, Assistant General Counsel, Oklahoma Insurance Department; Linda L. Churchill, Licensing Administrator; and Rod Stirman, Board Director.

By order of the Chair, Agenda item 5 was taken out of order and offered for consideration at this time.

V. **DISCUSSION AND POSSIBLE ACTION REGARDING DISCIPLINARY HEARING PANEL RECOMMENDATION IN THE MATTER OF R. DEVON HUBBARD AND DENTON L. HUBBARD, COMPLAINT NUMBER 03-078, TO INCLUDE HEARING OF ORAL ARGUMENT UNDER THE PROVISIONS OF OAC 600:15-1-17.** See Exhibits (C), (D), (E), (F).

Ms. Fisher recused from herself from consideration due to her service on Probable Cause Committee dealing with this matter. Mr. Burton recused himself from consideration of this matter due to his geographic location with respect to the Respondent.

R. Devon Hubbard and Denton Hubbard requested that due to new evidence that the matter be returned to the Hearing Panel for a second hearing.

Ms. Barker moved 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. Burton	Recused
	Ms. Fisher	Recused
	Mr. Snyder	Yes
	Ms. Barker	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	Yes
	Commissioner Holland	Yes

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

The Board, excepting those recused, then went into Executive Session.

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

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

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

Ms. Barker made a motion to deny the request for rehearing in the matter of R. Devon Hubbard and Denton L. Hubbard, on Complaint Number 03-078. Mr. Hoyt seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

Mr. Caesar moved that the Board approve the findings of fact and conclusions of law and amend the disciplinary sanctions to read as follows and that the recommended by the Disciplinary Hearing Panel be amended as follows:

1. With respect to Denton L. Hubbard:
 - a. That the Respondent successfully complete the 15 hour National USPAP Course, provided by one of the sponsoring organizations of the Appraisal Foundation, not by distance or online and transmit copies of the certificates of course completion to the administrative office of the Board no later than twelve (12) months from the date of the Board's order, and further that this course be considered corrective education and may not be used as continuing education.
 - b. That Respondent's appraiser credentials be suspended for a period of one (1) month in accordance with the Board's Administrative Rules.
2. With respect to R. Devon Hubbard:
 - a. That the Respondent successfully complete the 15 hour National USPAP Course, provided by one of the sponsoring organizations of the Appraisal Foundation, not by distance or online and transmit copies of the certificates of course completion to the administrative office of the Board no later than twelve (12) months from the date of the Board's order, and further that this course be considered corrective education and may not be used as continuing education.
 - b. That Respondent's appraiser credentials be suspended for a period of one (1) month in accordance with the Board's Administrative Rules.

Mr. Hoyt seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

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 with the exception of a correction of Item V. Ms. Fisher seconded. See Exhibit (G). 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
	Commissioner Holland	Yes

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

III. **CHAIRMAN'S REPORT.** The Chairman offered no report.

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

DIRECTOR'S REPORT. See Exhibit (H), (I), (J), and (K)

A. **Discussion and possible action regarding revocation or possible suspension of individuals for non-payment of annual fees due by April 30, 2005.** See Exhibit (I). Ms. Fisher moved that the list of individuals presented by the Director as failing to pay their annual fees be suspended. 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
	Commissioner Holland	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 August 31, 2005.** See Exhibit (J). A motion was made by Ms. Fisher to approve issuance of certificates to those renewing by August 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
	Commissioner Holland	Yes

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

IV. BOARD MEMBER REPORTS.

A. Disciplinary Procedures Committee. Discussion regarding Standards, Values, Education and fines. Waiting for additional in put from other states. Will schedule another meeting.

B. Education Experience & Testing Committee

1. Discussion and possible action regarding course submittals approval. Ms. Fisher 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
	Commissioner Holland	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. A motion was made by Ms. Fisher to approve the recommendation offered. See Exhibit (K). The motion was seconded Ms. Barker.

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

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

C. Legislation and Rules Committee. No report given.

D. Probable Cause Committee. See Exhibit (L). Mr. Snyder presented the report of the Probable Cause Committee, but recused himself from voting during his report.

Mr. Burton moved that the Probable Cause committee recommendation with respect to Complaint # 05-042 be accepted, that the Board file a formal complaint and refer the matter for prosecution. Ms. Barker 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	Recuse
	Ms. Barker	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	Yes
	Commissioner Holland	Yes

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

At this point in the meeting, Commissioner Holland excused herself from the meeting.

Ms. Barker Moved that the Probable Cause committee recommendation with the respect to Complaint # 05-048 be accepted. 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	Recuse
	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.

Mr. Hoyt moved that the Probable Cause committee recommendation with the respect to Complaint # 05-049 be accepted. Mr. Barker 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	Recuse
	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.

VI. OLD BUSINESS.

0506 Discussion and possible action regarding publication of a uniform standards for measurement policy for the Board. Action was postponed until the next session at the request of Ms. Fisher, the proponent.

VII. NEW BUSINESS. None

VIII. ADJOURNMENT. A Motion for adjournment was made by Ms. Fisher and seconded by Mr. Caesar. 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 8th day of July, 2005.



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



LINDA L. CHURCHILL, SECRETARY
OKLAHOMA REAL ESTATE APPRAISER BOARD