



STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD

OFFICIAL MINUTES

September 9, 2005
Date

160
Number

The Real Estate Appraiser Board, established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, held its one hundred sixtieth regular meeting on September 9, 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, August 30, 2005 at 11:00 a.m., and was mailed to the members and posted to the Insurance Department website on August 30, 2005. 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-Chairperson;
Jimmie R. Burton;
Jana S. Barker;
Patti L. Fisher;
James W. Hoyt; and
P. Lane Wheeler.

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

Others in attendance were: Christopher Turner; Leo Hall, 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. Ms. Barker seconded the motion. The Chair ordered a roll call vote with the following results:

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

By order of the Chair, Agenda Item XI was taken out of order and offered for consideration.

XI. **DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF REGULAR MEETING DATES FOR THE REAB FOR CALENDAR YEAR 2006.** See Exhibit B. Mr. Hoyt moved to adopt the Friday schedule for the future Board meeting dates. Mr. Burton seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

By order of the Chair, that part of Agenda Item XIII relating to the Matter of Christopher S. Turner was taken out of order and offered for consideration.

XIII. OLD BUSINESS.

0508 Discussion and possible action regarding disciplinary hearing panel recommendation in the Matter of Christopher S. Turner, Complaint No. 04-054.

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. Mr. Wheeler recused due to the fact he served on the Disciplinary Hearing Committee on this matter. The recusals left the Board without a quorum.

A motion was made by Mr. Burton to table this matter to the next regular session October 7, 2005. Mr. Hoyt seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

Commissioner Holland excused herself from the meeting at this point.

At this point the Board returned to regular order.

III. DIRECTOR'S REPORT.

A. Discussion and possible action regarding revocation or possible suspension of individuals for non-payment of annual fees due by July 31, 2005. See Exhibit C. Mr. Hoyt moved that the list of individuals presented by the Director as failing to pay their annual fees be suspended. The motion was seconded by Mr. Snyder. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Burton	Yes
	Mr. Wheeler	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Yes
	Ms. Barker	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	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 October 31, 2005. See Exhibit D. A motion was made by Ms. Fisher to approve issuance of certificates to those renewing by October 31, 2005. Mr. Burton seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Burton	Yes
	Mr. Wheeler	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Yes
	Ms. Barker	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	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. The Committee offered no report.

B. Education Experience & Testing Committee.

1. Discussion and possible action regarding course submittals approval. See Exhibit E. Ms. Fisher moved to approve all appraiser education items as reported in Exhibit E. The motion was seconded by Mr. Burton. The chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Burton	Yes
	Mr. Wheeler	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Yes
	Ms. Barker	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	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. See Exhibit F. A motion was made by Mr. Caesar to approve the recommendations offered in the Exhibit. Mr. Burton seconded the motion. The chair ordered a roll call vote with the following results:

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

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

3. Discussion and possible action regarding report of EET committee meeting August 29, 2005. See Exhibit G. Mr. Caesar moved to approve the topics for the Educational Seminar in October 2005. Mr. Burton seconded the motion. The chair ordered a roll call vote with the following results:

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

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

Ms. Fisher made a motion to accept the firm date approach to the Appraiser Qualification Criteria and only those qualifying courses submitted for approval in the modular format, i.e., in the number of hours and with the content specified by the Core Curriculum. Mr. Burton seconded the motion. The chair ordered a roll call vote with the following results:

ROLL CALL VOTE	Mr. Burton	Yes
	Mr. Wheeler	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 ONE OPPOSED.
THE MOTION WAS AGREED TO.

Ms. Fisher moved that by December 31, 2006 qualifying courses must be from the Core Curriculum established by AQB and that over a period of a year, the Director be given the authority to incrementally eliminate all course and providers in the system and require providers to resubmit all courses for review. Mr. Burton seconded the motion. The chair ordered a roll call vote with the following results:

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

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

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

V. DISCUSSION AND POSSIBLE ACTION REGARDING REQUEST FOR REHEARING IN THE MATTER OF BRYCE A. GADEN, COMPLAINT NO. 04-024.

DISCUSSION AND POSSIBLE ACTION REGARDING DISCIPLINARY HEARING PANEL RECOMMENDATION IN THE MATTER OF BRYCE A. GADEN, COMPLAINT NO 04-024, TO INCLUDE HEARING OF ORAL ARGUMENT UNDER THE PROVISIONS OF OAC 600:15-1-17.

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

A motion was offered by Ms. Barker to table this matter to the next regular session October 7, 2005. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Burton	Recuse
	Mr. Wheeler	Yes
	Ms. Fisher	Recuse
	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.

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

VII. DISCUSSION AND POSSIBLE ACTION REGARDING APPLICATION FOR REINSTATEMENT OF LEO D. HALL. A motion was made by Mr. Caesar to table this matter to the next regular session October 7, 2005. Ms. Fisher seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

At this point the Board returned to regular order.

B. Education Experience & Testing Committee. Continued

Ms. Fisher moved to approve courses for a three (3) year period of time, at which time the course will need to be renewed. Mr. Caesar seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Burton	Not present
	Mr. Wheeler	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.

Ms. Fisher moved to require course providers to provide a thirty day advance notification of course location and time. Mr. Wheeler seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

Ms. Fisher moved to require providers, as a condition of provider and course approval, to allow one individual from the Board, Board Committee, or Board staff to attend, on a complimentary basis, any course presented, for the purpose of monitoring provider and instructor performance and compliance with the Board requirements. The motion failed for lack of a second.

Ms. Fisher moved that staff draft a statute allowing the Board to establish fees by administrative rule for provider and course approval. The Chair ordered a roll call vote with the following results:

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

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

Mr. Hoyt moved that those SLA who wish to be SLA under criteria can accomplish this by the same method used by trainee appraisers to upgrade to SLA, eliminating the abbreviated application, REA Form 9. Mr. Caesar seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

Ms. Fisher moved to require the trainee and others to indicate on their appraisal log what approaches to value were used in the report, the reviewer will then request three samples based on the log, also on the log there will be a block to check if this was a demonstration report. After the reports are selected the applicant will have 10 days to forward the samples with the work files to the administrative office, to be sent out for review. Mr. Caesar seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

Ms. Fisher made a motion to send this issue to Legislation and Rules Committee to recommend a proposal. Mr. Burton seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

Ms. Fisher moved that applicants applying for upgrade whose experience submission was disapproved may not reapply for a period of 180 days. Mr. Hoyt seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

Mr. Caesar moved that experience review forms presently in use be replaced with the lowa Appraiser Board forms (Exhibits H through K) with the stipulation that minor changes be adopted to make them appropriate for the Oklahoma Real Estate Appraiser Board and the Board have final approval. Ms. Fisher seconded the motion. The Chair ordered a roll call vote with the following results:

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

THE RESULT WAS SEVEN VOTES IN THE AFFIRMATIVE AND NONE OPPOSED.

Legislation and Rules Committee. No report given.

D. Probable Cause Committee. Mr. Snyder reported there was a meeting of the Probable Cause Committee on September 6, 2005.

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

Mr. Snyder recused himself and offered the report. Mr. Burton moved that the PCC recommendation with respect to Complaint # 05-035 be accepted. Mr. Hoyt seconded the motion. The Chair ordered a roll call vote with the following results

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

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

Mr. Burton moved to accept the report of the Probable Cause Committee on Complaint # 05-030. Ms. Fisher seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

V. DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF CONSENT ORDER IN COMPLAINT NO. 05-039, IN THE MATTER OF CHAD F. STITES. By order of the Chair, this matter was tabled to the next regular session, October 7, 2005.

VIII. DISCUSSION AND POSSIBLE ACTION REGARDING REQUEST FROM DENTON L. HUBBARD, 12197CRA FOR PERMISSION TO RESUME SUPERVISORY RESPONSIBILITIES.

See Exhibit M. Mr. Burton recused himself from consideration of this matter due to his geographic location with respect to the Respondent. Mr. Caesar made a motion that Denton L. Hubbard be granted permission to resume supervisory responsibilities. Ms. Barker seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Burton	Recused
	Mr. Wheeler	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.

IX. DISCUSSION AND POSSIBLE ACTION REGARDING CHANGES TO THE OKLAHOMA REAL ESTATE APPRAISERS ACT AND THE ADMINISTRATIVE RULES OF THE BOARD RECOMMENDED BY THE STANDARDS AND DISCIPLINARY PROCEDURES COMMITTEE. See Exhibit N. (A).

Ms. Barker moved to approve changes on a. through l, amending b. to read suspension of the certificate for a specified period of time and amending i. to read, the payment of costs expended by the Board for any legal fees and costs and probation and monitoring fees, including but not limited to, administrative costs, witness fees and attorney fees. Mr. Burton seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Burton	Recuse
	Mr. Wheeler	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.

Ms. Barker made a motion to approve the recommendations at Exhibit V. (B). Mr. Burton seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

X. DISCUSSION AND POSSIBLE ACTION REGARDING ELECTION OF A VICE-CHAIRMAN FOR THE OKLAHOMA REAL ESTATE APPRAISER BOARD. Mr. Hoyt moved that Mr. Lee Caesar, the existing Co-Chairman remain for another term. Ms. Fisher seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Burton	No
	Mr. Wheeler	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 ONE OPPOSED. THE MOTION WAS AGREED TO.

XIII. DISCUSSION AND POSSIBLE ACTION REGARDING OK REAB ATTENDANCE AT SRAG AND AARO FALL CONFERENCE IN WASHINGTON D.C., OCTOBER 7-11, 2005. It was agreed by general consensus the Director would attend. To allow the Director to attend, Ms. Barker moved to change the regular October 7, 2005 Real Estate Appraiser Board meeting to October 6, 2005. Mr. Burton seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

XIV. NEW BUSINESS. None

IX. ADJOURNMENT. A Motion for adjournment was made by Ms. Barker 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 N.

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 6th day of October 2005.



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



LINDA L. CHURCHILL, SECRETARY
OKLAHOMA REAL ESTATE APPRAISER BOARD