



STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD

OFFICIAL MINUTES

November 4, 2005
Date

162
Number

The Real Estate Appraiser Board, established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, held its one hundred sixty second regular meeting on November 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., the agenda for this meeting was posted in the main entrance to the offices of the Oklahoma Insurance Department on Tuesday, October 25, 2005 at 11:00 a.m., and was posted to the Insurance Department website on October 25, 2005. Copies were hand-delivered or mailed by the undersigned to the office of the aforementioned members on Tuesday, October 25, 2005. See Exhibit A

I. **CALL TO ORDER.** The Director, Rod Stirman, 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: Jimmie R. Burton;
Joey Snyder
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.

Board members excused were: Kim Holland, Chairperson; and
Lee Caesar Jr., Vice-Chair

Others in attendance were; Jerry Jones, Nena Henderson, Margaret Leatherwood, Greg A. Farrar, Stephen L. McCaleb, Board Prosecutor; Joann Stevenson, Board Counsel; Karl Kramer, Assistant General Counsel, Oklahoma Insurance Department; Linda L. Churchill, Licensing Administrator; and Rod Stirman, Board Director.

Mr. Hoyt moved that Mr. Burton serve the position of temporary Vice-Chairman to conduct the meeting. There were no other nominations. A roll called was ordered 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

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

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 corrected, corrections are: page 3, paragraph 2 relating to appointing PCC members, renumbered to read paragraph 4. 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

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. The Vice-Chairman was excused.

DIRECTOR'S REPORT.

A. Discussion and possible action regarding revocation or possible suspension of individuals for non-payment of annual fees due by August 31, 2005. See Exhibit B. Ms. Barker 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. Hoyt. 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

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 December 31, 2005. See Exhibit C. A motion was made by Ms. Barker to approve issuance of certificates to those renewing by December 31, 2005. Mr. Hoyt seconded the motion.

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

THE RESULT WAS SIX 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. Ms. Fisher moved to approve all appraiser education items as reported in Exhibit E. The motion was seconded by Ms. Barker. 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

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. See Exhibit F. A motion was made by Mr. Hoyt to approve the recommendations offered in paragraphs A through G of the Exhibit. The motion was seconded by Ms. Barker. 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

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

3. Discussion and possible action regarding approval or disapproval of experience documentation of applicants. See Exhibit G. A motion was made by Mr. Hoyt to approve the recommendations offered in paragraphs A through D of the Exhibit. The motion was seconded by Ms. Barker. An exception was made for Paragraph C that this Upgrade will be sent to another reviewer because of a difference of opinion. 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

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

4. Discussion and possible action regarding policy and procedures of EET Committee. No report.

C. Legislation and Rules Committee. No report given. Will schedule a meeting after the December Board Meeting.

D. Probable Cause Committee.

1. Discussion and possible action regarding Probable Cause Committee disciplinary recommendations. Mr. Snyder reported there was a meeting October 28, 2005. In attendance were: Mr. McGlamery, Mr. Bradshaw, Mr. Snyder, Mr. McCaleb and the Director. Their report is at Exhibit H.

Mr. Hoyt moved that the Probable Cause committee recommendation with respect to Complaint # 05-088 be accepted. 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	Recused
	Ms. Barker	Yes
	Mr. Hoyt	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 respect to Complaint # 05-070 be accepted. 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	Recused
	Ms. Barker	Yes
	Mr. Hoyt	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 respect to Complaint # 05-082 be accepted. 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	Recused
	Ms. Barker	Yes
	Mr. Hoyt	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 respect to Complaint # 05-059 be accepted. 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	Recused
	Ms. Barker	Yes
	Mr. Hoyt	Yes

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

2. Discussion and possible action regarding standing operating procedures for the Probable Cause Committee. No action taken.

3. Discussion and possible action regarding appointment of volunteers and/or committee members to assist Probable Cause Committee. Ms. Fisher made a motion to appoint Mr. Wheeler to the Probable Cause Committee. 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

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

By order of the Chair, agenda item VI was taken out of order and offered for consideration at this point in the session.

VI. DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF CONSENT ORDER IN COMPLAINT NO. 04-053, 04-041 AND 03-022, IN THE MATTER OF WILLIAM A. WOOD.
See Exhibit I.

Ms. Fisher and Mr. Burton recused themselves from consideration due to their service on Probable Cause Committees dealing with this matter. Mr. Hoyt and Mr. Wheeler recused themselves 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 three appointments of Board Members Pro Tempore. The individuals appointed were Ms. Jerry L. Jones and Ms. Margaret C. Leatherwood, both of Shawnee and Ms. Nena Henderson of Edmond; Copies of their appointments, Oaths of Office, and Loyalty Oaths are attached as Exhibit J.

The Chair ordered a roll call vote to establish a quorum with the following results:

ROLL CALL VOTE:	Mr. Burton	Recused
	Mr. Wheeler	Recused
	Ms. Fisher	Recused
	Mr. Snyder	Yes
	Ms. Barker	Yes
	Mr. Hoyt	Recused
	Ms. Leatherwood	Yes
	Ms. Jones	Yes
	Ms. Henderson	Yes

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

Ms. Barker made a motion that the Consent Order be approved as presented: That the Respondent surrender his license, the surrender is made freely and voluntarily and that the Respondent is fully aware of the consequences of the license surrender. Ms. Leatherwood seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Burton	Recused
	Mr. Wheeler	Recused
	Ms. Fisher	Recused
	Mr. Snyder	Yes
	Ms. Barker	Yes
	Mr. Hoyt	Recused
	Ms. Leatherwood	Yes
	Ms. Jones	Yes
	Ms Henderson	Yes

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

By order of the Chair, agenda item VIII 0509A was taken out of order and offered for consideration at this point in the session.

VIII. OLD BUSINESS.

0509A Discussion and possible action regarding disciplinary hearing panel recommendation in the Matter of Bryce A. Gaden, Complaint Number 04-024, to include hearing of oral arguments under the provisions of OAC 600:15-1-17. See Exhibit K.

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.

Ms. Fisher recused herself from consideration due to her 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 Margaret Leatherwood both of Shawnee and Ms. Nena W. Henderson of Edmond. Copies of their appointments, Oaths of Office, and Loyalty Oaths are attached as Exhibit J.

A recess was called to allow the attorneys to address procedural issues involved with presentation of this matter.

The session returned to order. A roll call was taken to establish a quorum 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
	Ms. Leatherwood	Yes
	Ms. Jones	Yes
	Ms. Henderson	Yes

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

Ms. Barker made a motion to not allow evidence outside of the hearing. Mr. Hoyt 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
	Ms. Leatherwood	Yes
	Ms. Jones	Yes
	Ms. Henderson	Yes

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

Ms. Barker made a motion the Board go into Executive Session. Ms. Henderson 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
	Ms. Leatherwood	Yes
	Ms. Jones	Yes
	Ms. Henderson	Yes

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

Ms. Henderson 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. Burton	Recuse
	Mr. Wheeler	Yes
	Ms. Fisher	Recuse
	Mr. Snyder	Yes
	Ms. Barker	Yes
	Mr. Hoyt	Yes
	Ms. Leatherwood	Yes
	Ms. Jones	Yes
	Ms. Henderson	Yes

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

Mr. Hoyt made a motion that the Board finds the material facts to be true but that a 6 month suspension is excessive. The suspension will be for one month, that as recommended by the Hearing Panel, the Respondent is required to successfully complete the initial 75 hours of qualifying education including thirty (30) hour qualifying courses in appraisal principal and appraisal practices, and the 15 hour National USPAP Course, from one of the sponsoring organizations of The Appraisal Foundation and transmit the certificates of course completion to the administrative office of the Board, and that these courses may not be used as continuing education and that the suspension is in place until the 75 hours is return to the Administrative office. Following the termination of the suspension, Respondent must submit a log of all appraisal activity to the administrative office of the Board by not later than the first day of each month for a period of six months, with the understanding that reports may be selected from the log for review by the Board. Ms. Henderson 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	No
	Ms. Barker	No
	Mr. Hoyt	Yes
	Ms. Leatherwood	Yes
	Ms. Jones	Yes
	Ms. Henderson	Yes

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

At this point the he pro-tem members were discharged and the regular members reseated. The Chair ordered a roll call with the following results:

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

By order of the Chair, agenda item VII was taken out of order and offered for consideration at this point in the session.

VII. DISCUSSION AND POSSIBLE ACTION REGARDING ACCEPTANCE OF MDC ACCESS FOR OFFICIAL BOARD USE ONLY. Ms. Barker made a motion to accept access with the understanding that the Board is not endorsing MDC in any way. Mr. Wheeler seconded the motion.

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

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

By order of the Chair, the Board returned to regular order.

V. DISCUSSION AND POSSIBLE ACTION REGARDING CHANGES TO THE OKLAHOMA REAL ESTATE APPRAISER ACT AND THE ADMINISTRATIVE RULES OF THE BOARD. See Exhibit L.

Mr. Burton made a motion to accept the proposed changes to the Oklahoma Real Estate Appraisers Act and authorize the Legislative and Rules Committee to get sponsored by legislature with the following amendment. In 59 O.S. § 858-703 (2), the definition is amended by adding the words "or oral" after the word "written." 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

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

Mr. Hoyt made a motion for rule making as amended at this meeting be accepted by the Board and the Director is authorized to issue a notice of Rule Making Intent on the behalf of the Board. 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

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

IX. NEW BUSINESS. None.

X. ADJOURNMENT. A motion for adjournment was made by Mr. Burton 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 C and E 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 4th day of November 2005.



JIMMIE R. BURTON, VICE-CHAIRMAN
OKLAHOMA REAL ESTATE APPRAISER BOARD

LINDA L. CHURCHILL, SECRETARY
OKLAHOMA REAL ESTATE APPRAISER BOARD