



STATE OF OKLAHOMA  
REAL ESTATE APPRAISER BOARD

**OFFICIAL MINUTES**

April 5, 2006  
*Date*

167  
*Number*

The Real Estate Appraiser Board, established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, held its one hundred sixty seventh regular meeting on April 5, 2006 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, March 24, 2006 at 11:00 a.m., and was posted to the Insurance Department website on March 24, 2006. Copies were hand-delivered or mailed by the undersigned to the office of the aforementioned members on Friday, March 24, 2006. 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;
- Jimmy 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.

Others in attendance were; Robert Noll, Assistant General Counsel, Oklahoma Insurance Department; Janet Braswell, Myloe Wilson, Sandra Collins, Lance Newsom, Larry Nelson, Don Riley, K. Jill Dickson, Stacey Hensley, Greg Goodpasture, Annemiere Roell Linda L. Churchill, Board Secretary; and Rod Stirman, Board Director.

II. **READING AND APPROVAL OF MINUTES.** Mr. Hoyt moved that the reading of the minutes of the previous sessions, be waived and that they stand approved as printed and distributed. 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.

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

**VICE-CHAIRPERSON'S REPORT.** The Vice-Chairman reported a meeting was held on March 15, 2006 regarding the prosecutors contracts.

**DIRECTOR'S REPORT.**

The Director announced that the 2006 annual Educational Seminar in Oklahoma City will be October 13, and Tulsa on October 27, 2006.

Also, the appraiser testing company will change from the Promissor to PSI.

**A. Discussion and possible action regarding revocation or possible suspension of individuals for non-payment of annual fees.** See Exhibit B. 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 Ms. Fisher. 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 May 31, 2006.** See Exhibit C. A motion was made by Mr. Hoyt to approve issuance of certificates to those due to renew by May 31, 2006. 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.

Mr. Hoyt made a motion to approve the letter by the Director in response to the AQB Exposure Draft dated March 22, 2006. See Exhibit D. 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.

#### **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.**

Mr. Hoyt moved to accept all the recommendations for appraiser education items as reported in Exhibit E, with the exception of number 2, be approved and number 9 be disapproved. The motion was seconded by Mr. Wheeler. 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	No
	Mr. Hoyt	Yes
	Mr. Caesar	Yes

THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE AND ONE 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 C 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
	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 approval or disapproval of experience documentation of applicants.** See Exhibit G. Mr. Hoyt made a motion that the upgrade application be accepted as recommended. 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
	Mr. Caesar	Yes

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

4. **Discussion and possible action regarding policy and procedures of EET Committee to include reconsideration of previously disapproved CE Course submittals.** See Exhibit H. A motion was made by Mr. Caesar to approve the a la mode, inc. and CCIM courses as presented. 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	No
	Mr. Snyder	No
	Ms. Barker	No
	Mr. Hoyt	No
	Mr. Caesar	Yes

THE RESULT WAS THREE VOTES IN THE AFFIRMATIVE AND FOUR OPPOSED.  
THE MOTION FAILED.

5. **Discussion and possible action regarding appointment of additional volunteers for the purpose of work product review.** A motion was made by Ms. Barker to accept Mr. Hartsock, Mr. Ozan and Ms. Zea's offer to assist the Education, Experience and testing Committee in its WPR. 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
	Mr. Caesar	Yes

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

### C. **Legislation and Rules Committee.**

Bill 2911 has a do pass and going to the Senate floor. There was a hearing on the Senate

Joint Resolution with a do pass.

**D. Probable Cause Committee.**

**1. Discussion and possible action regarding Probable Cause Committee disciplinary recommendations.** There was a meeting Friday, March 27, 2006. In attendance were: Mr. Wheeler, Mr. Bradshaw, Mr. Bardsley, Mr. McCaleb, Ms Wycoff and the Director. Their report is Exhibit J.

Due to prior involvement with Complaints #05-107, 05-110, 05-111, and 05-118, Mr. Caesar recused himself from consideration. Mr. Wheeler was recused by administrative rule as a member of the Probable Cause Committee. The recusals left five members present and voting.

Mr. Hoyt moved that the Probable Cause Committee recommendation with respect to Complaint # 05-107 be accepted and forwarded to the prosecutor for action. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

Ms. Barker moved that the Probable Cause committee recommendation with respect to Complaint # 05-110 be accepted and forwarded to the prosecutor for action. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

Ms. Barker moved that the Probable Cause committee recommendation with respect to Complaint # 05-111 be accepted and forwarded to the prosecutor for action. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

Ms. Barker moved that the Probable Cause committee recommendation with respect to Complaint # 05-118 be accepted and forwarded to the prosecutor for action. Mr. Burton seconded the motion. The Chair ordered a roll call vote with the following results:

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



Mr. Caesar Yes

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

Ms. Barker moved that the Probable Cause Committee recommendation with respect to Complaint # 06-037 be adopted and referred to a prosecutor for action. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results:

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

Ms. Barker moved that the Probable Cause committee recommendation with respect to Complaint # 06-045 be forwarded to the FBI for inclusion with the Dale Owen files previously forwarded to that agency. Mr. Burton seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE	Mr. Burton	Yes
	Mr. Wheeler	Recuse
	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 moved that the Probable Cause committee recommendation with respect to Complaint # 06-046 be accepted, that the appraiser's file be noted and the grievance be placed in a pending file should the appraiser apply for reinstatement. Ms. Fisher seconded the motion. The Chair ordered a roll call vote with the following results:

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

**6. Discussion and possible action regarding appointment of volunteers and/or committee members to assist the Probable Cause Committee.** Mr. Caesar made a motion to appoint Mr. David Atkinson to the next 3 months on the Probable Cause Committee, or Mr. Dana Norton if Mr. Atkinson is not willing to serve. 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.

**VI. DISCUSSION AND POSSIBLE ACTION REGARDING THE BOARDS STATED POLICY OF FEBRUARY 2004 WITH RESPECT TO REQUESTS FOR EXCEPTION TO STATUTES AND ADMINISTRATIVE RULES.**

Ms. Fisher made a motion to table this issue until the next meeting when Counsel is present 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	No

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

**VII. DISCUSSION AND POSSIBLE ACTION REGARDING CORRECTIVE EDUCATION ISSUES WITH RESPECT TO ORDER # 05-010, IN THE MATTER OF BRYCE A. GADEN, COMPLAINT #04-024.**

**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 ATTORNEYS.**

Bryce A. Gaden nor his attorney were present. No action taken.

**VIII OLD BUSINESS.**

**0511 DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF CONSENT ORDER(S) IN COMPLAINT NO. 04-021, IN THE MATTER OF FRANCIS E. HARPER AND EDDIE R. PETERS.**

**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 ATTORNEYS.**

Mr. Burton recused himself from consideration of this matter due to his geographic location with respect to the Respondent.

Ms. Fisher made a motion 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	Recuse
	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.

In the matter of 04-021 Francis E. Harper and Eddie R. Peters, Ms. Barker made a motion that the Board accept the recommendation of counsel, regarding Eddie R. Peters. Mr. Wheeler 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	No
	Mr. Snyder	Yes
	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.

In the matter of 04-021 Francis E. Harper and Eddie R. Peters, Ms. Barker made a motion to accept the recommendation of counsel, regarding Francis E. Harper. Ms. Fisher 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.

IX. **NEW BUSINESS.**

**0603 DISCUSSION AND POSSIBLE ACTION REGARDING APPOINTMENT OF COMMITTEE MEMBERS TO FILL VACANCIES.**

Mr. Caesar made a motion to appoint Greg Goodpasture to the Standards and Disciplinary Procedures Committee. 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.

X. **ADJOURNMENT.**

A motion for adjournment was made by Ms. Barker and seconded by Mr. Snyder. 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, E through K.

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 5th day of April 2006.

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

  
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**LINDA L. CHURCHILL, SECRETARY**  
OKLAHOMA REAL ESTATE APPRAISER BOARD