



STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD

OFFICIAL MINUTES

May 5, 2006
Date

168
Number

The Real Estate Appraiser Board, established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, held its one hundred sixty eighth regular meeting on May 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, April 25, 2006 at 11:00 a.m., and was posted to the Insurance Department website on April 25, 2006. Copies were hand-delivered or mailed by the undersigned to the office of the aforementioned members on Friday, May 25, 2006. The Agenda and addendum are 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; David Wakefield; Tina and Jack Brumwell; Janet Rabin; Otis Key; Bryce Gaden; Greg Goodpasture; Annemieke Roelt; 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 session, 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 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. Mr. Snyder 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 Ms. Barker to approve issuance of certificates to those due to renew by June 30, 2006. 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.

C. Discussion and possible action regarding approval of new revised education provider forms. See Exhibit D. Ms. Fisher made a motion to approve the revised provider forms. 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.

IV. COMMITTEE 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. Barker moved to accept all the recommendations for appraiser education items as reported in Exhibit E. The motion was seconded by Mr. Hoyt. 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.

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 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	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 decided two month waiting period.** No action taken

5. **Discussion and possible action regarding appointment of additional volunteers for the purpose of work product review.** No action taken

C. **Legislation and Rules Committee.** No report given

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

V. **DISCUSSION AND POSSIBLE ACTION REGARDING BILLS INTRODUCED IN THE CURRENT LEGISLATIVE SESSION; HB 2911, SB 1865, AND SB 2005.** No action taken. HB 2911 was sent to the Governor. HB 1689 dormant pursuant to rules. SR 2005 passed the House. Jennifer Burchett Oklahoma Insurance Department, Liaison, briefed the Board on Legislative efforts.

VI. **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.

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

Mr. Hoyt made a motion to 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 SIX VOTES IN THE AFFIRMATIVE AND NONE OPPOSED.
THE MOTION WAS AGREED TO.

Mr. Caesar moved that the to 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	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.

Mr. Hoyt made a motion that a consent order be prepared modifying the previous order of the Board to allow Mr. Gaden's license to be reinstated and that he be given six months to successfully complete the corrective education as previously ordered; and following the termination of suspension, that he be supervised in the manner contemplated by OAC 600:10-1-16 for a period of six (6) months, submitting an appraisal log by no later than the first day of each month for a period of six (6) months; and that should the corrective education not be completed as directed, Mr. Gaden's license is revoked. Mr. Wheeler 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	No
	Ms. Barker	No
	Mr. Hoyt	Yes
	Mr. Caesar	No
	Commissioner Holland	Yes

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

By order of the Chair the meeting returned to regular order

D. Probable Cause Committee.

1. Discussion and possible action regarding Probable Cause Committee disciplinary recommendations. There was a meeting Friday, April 28, 2006. In attendance were: Mr. Wheeler, Mr. Bardsley, Mr. Norton, Mr. McCaleb, Ms Wycoff and the Director. Their report is Exhibit H.

Mr. Wheeler was recused by administrative rule as a member of the Probable Cause Committee. The recusal left six members present and voting.

Mr. Hoyt moved that the Probable Cause Committee recommendation with respect to Complaint # 05-124 be accepted and forwarded to the prosecutor for action. 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.

Mr. Hoyt moved that the Probable Cause committee recommendation with respect to Complaint # 06-008 be accepted and forwarded to the prosecutor for action. Ms. Barker 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.

Mr. Hoyt moved that the Probable Cause committee recommendation with respect to Complaint # 06-011 be closed without further action. 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.

Mr. Hoyt moved that the Probable Cause committee recommendation with respect to Complaint # 06-018 that a letter of warning be forwarded to the respondent and the matter be closed without further 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. Hoyt	Yes
	Mr. Caesar	Yes

THE RESULT WAS SIX 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 # 06-022 be accepted and closed with no further action. 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.

Mr. Hoyt moved that the Probable Cause committee recommendation with respect to Complaint # 06-030 be accepted and closed with no further action. Ms. Fisher seconded the

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

ROLL CALL VOTE	Ms. Barker	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.

Mr. Hoyt moved that the Probable Cause committee recommendation with respect to Complaint # 06-033 be accepted and the respondent be issued a letter postponing the decision of whether or not to file a formal complaint for six months and that if in the six month period the respondent take a course in comparable selection and residential report writing, that this matter be closed without further action. Ms. Fisher seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE	Ms. Barker	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.

3. Discussion and possible action regarding appointment of volunteers and/or committee members to assist the Probable Cause Committee. Ms. Fisher made a motion to appoint Mr. Lane Wheeler to another 3 months on the Probable Cause Committee. Mr. Hoyt 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	No
	Mr. Caesar	Yes

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

VII. DISCUSSION AND POSSIBLE ACTION REGARDING ORDER APPOINTING GREG GOODPASTURE AS APPRAISER HEARING OFFICER.

Ms. Fisher moved to approve the appointment of Greg Goodpasture as appraiser hearing officer. 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.

VIII OLD BUSINESS.

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

Mr. Hoyt made a motion to appoint Carl Snyder a State Licensed appraiser to serve on the Legislative and Rules 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.

Ms. Barker excused herself from the meeting.

0604 DISCUSSION AND POSSIBLE ACTION REGARDING THE BOARDS STATED POLICY OF FEBRUARY 2004 WITH RESPECT TO REQUESTS FOR EXCEPTION TO STATUES AND ADMINISTRATIVE RULES.

Mr. Hoyt made a motion to approve a new form, Supervisor affidavit in lieu of report of supervisory relationship. See Exhibit I. Mr. Wheeler 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
	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.

Mr. Hoyt made a motion for the attorney's fees to stay at \$110.00 per hour and caps at \$110,000 aggregate. 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
	Mr. Hoyt	Yes
	Mr. Caesar	Yes

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

Discussion regarding the potential hiring of a Lobbyist and Investigator. No action taken.

X. ADJOURNMENT.

A motion for adjournment was made by Ms. Fisher 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, E through I.

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.



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



LINDA L. CHURCHILL, SECRETARY
OKLAHOMA REAL ESTATE APPRAISER BOARD