



STATE OF OKLAHOMA  
REAL ESTATE APPRAISER BOARD

OFFICIAL MINUTES

July 7, 2006  
Date

170  
Number

The Real Estate Appraiser Board, established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, held its one hundred seventieth regular meeting on July 7, 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, June 27, 2006 at 11:00 a.m., and was posted to the Insurance Department website on June 27, 2006. Copies were hand-delivered or mailed by the undersigned to the office of the Board members on Tuesday, June 27, 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;  
Patti L. Fisher;  
James W. Hoyt; and  
P. Lane Wheeler.

Board member excused was: Jana S. Barker.

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

Others in attendance were: Joann Stevenson, Board Counsel; Robert Noll, Assistant General Counsel, Oklahoma Insurance Department; Roger DeSpain; Charles Barnes; Myloe Wilson; Greg Goodpasture; Todd Shepard; Annemieke Roell; Linda L. Churchill, Board Secretary; and Rod Stirman, Board Director

II. **READING AND APPROVAL OF MINUTES.** Ms Fisher moved that the reading of the minutes of the previous session, and the minutes of the special meeting, be waived and that they stand approved with the June 2 Minutes corrected to note that Ms. Fisher did not second the motion for the reading of the minutes. 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
	Mr. Hoyt	Yes
	Mr. Caesar	Yes

THE RESULT WAS SIX 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. 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
	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 Order No. NP 06-08 regarding Angela M. Kilburn be approved. Ms. Fisher seconded the motion. See Exhibit C. 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.

Mr. Hoyt moved that Order No. NP 06-09 regarding Blaine D. Henshaw be approved. Ms. Fisher seconded the motion. See Exhibit D. 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.

**B. Discussion and possible action regarding authority to issue certificates to those due to renew their licenses by August 31, 2006.** See Exhibit E. A motion was made by Mr. Hoyt to approve issuance of certificates to those due to renew by August 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
	Mr. Hoyt	Yes
	Mr. Caesar	Yes

THE RESULT WAS SIX 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.**

Mr. Hoyt moved to accept all the recommendations for appraiser education items as reported in Exhibit F. 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
	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 G. A motion was made by Mr. Hoyt to approve the recommendations offered. 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
	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 approval or disapproval of experience documentation of applicants.** See Exhibit H (A). Mr. Hoyt made a motion that the upgrade application of William K. McMinn be disapproved as recommended. 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
	Mr. Hoyt	Yes
	Mr. Caesar	Yes

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

See Exhibit H (B). Mr. Hoyt made a motion that the upgrade application of Clayton R. Donnell be disapproved as recommended. 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
	Mr. Hoyt	Yes
	Mr. Caesar	Yes

THE RESULT WAS SIX 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.

**VII. DISCUSSION AND POSSIBLE ACTION REGARDING DISCIPLINARY HEARING PANEL RECOMMENDATION IN COMPLAINT No. 04-001 and 04-016, IN THE MATTER OF LEO D. HALL.**

**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. Snyder served on the PCC and must recuse by rule.

Ms. Fisher made a motion to accept the Hearing Panels recommendation. Mr. Hoyt seconded the motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Wheeler	Yes
	Ms. Fisher	Yes
	Mr. Hoyt	Yes
	Mr. Caesar	Yes
	Chairperson Holland	Yes

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

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

**XI. DISCUSSION AND POSSIBLE ACTION REGARDING ENGAGEMENT OF LOBBYIST ON BEHALF OF THE BOARD.**

Mr. Snyder made a motion to appoint a committee, with Commissioner Holland, Mr. Burton and Mr. Hoyt to make a recommendation to the Board regarding the hiring of a lobbyist. 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.

**VIII. DISCUSSION AND POSSIBLE ACTION REGARDING SURRENDER OF CREDENTIAL IN LIEU OF DISCIPLINARY ACTION IN THE MATTER OF DENNIS D. MILLER, COMPLAINTS No. 05-060, 05-071, 05-072, 05-073, 05-074, 05-075, 05-076, 05-077, 05-078, 05-079, 05-080, 05-086, 05-087, 05-100, 05-102, AND 06-031.**

**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. Hoyt made a motion to accept the Director's recommendation that Mr. Miller's surrender in lieu of disciplinary action be approved and that an order be issued so indicating. 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.

**IX. DISCUSSION AND POSSIBLE ACTION REGARDING APPEAL OF ORDER OF SEQUOYAH COUNTY DISTRICT COURT IN CASE #CV-03-1027, GERALD DWAIN SPEARS VS. THE OKLAHOMA DEPARTMENT OF TRANSPORTATION, AND THE OKLAHOMA REAL ESTATE APPRASIER BOARD.**

**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.**

Ms. Fisher made a motion to go into executive session. 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.

Ms. Fisher made a motion to return from executive session. 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.

Ms. Fisher made a motion to have the Boards counsel, Ms. Stevenson, appeal the order of the Sequoyah County District Court to the Oklahoma Supreme Court. 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	Abstain
	Mr. Caesar	Yes

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

The Board returned to regular order.

**4. Discussion and possible action regarding report of EET Committee Meeting, June 16, 2006.** See Exhibit I. A motion was made by Mr. Hoyt to change the recommendations for the Annual Education Seminars from Flip, Fraud and the FBI to Disciplinary Case Studies and Scope of Work to The Upgrade process, Appraisers Helping Appraisers. 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
	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 to approve the recommended fees to be levied by Administrative Rule on education providers applying for approval of courses and instructors. Mr. Snyder 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.

Commissioner Holland excused herself from the session at this point.

Mr. Hoyt made a motion to approve the recommendation by the Education, Experience and Testing Committee regarding fees to be levied on applicants for work product reviews. Applicants applying for State Licensed and Certified Residential would be subject to a fee of \$150.00 and those applying for Certified General would be subject to a fee of \$225.00. 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	No

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

Mr. Hoyt made a motion to amend paragraph 3 of the report to read as indicated in Exhibit J. 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.

Mr. Burton made a motion to strike paragraph 4. Mr. Caesar 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	No
	Mr. Snyder	No
	Mr. Hoyt	Yes
	Mr. Caesar	Yes

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

Mr. Hoyt made a motion that the submission for upgrade return to previous requirement and the log form be revised. See Exhibit J. 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
	Mr. Hoyt	Yes
	Mr. Caesar	Yes

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

**5. Discussion and possible action regarding April 27, 2006 letter to education providers.** Mr. Hoyt made a motion to table this issue. 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
	Mr. Hoyt	Yes
	Mr. Caesar	Yes

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

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

**D. Probable Cause Committee.**

**1. Discussion and possible action regarding Probable Cause Committee disciplinary recommendations.** It was reported that the PCC had not met since the last session of the Board.

**3. 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. Terry Hinkle to the Probable Cause Committee. 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.

- V. **DISCUSSION AND POSSIBLE ACTION REGARDING ELECTION OF A VICE-CHAIRPERSON FOR THE REAL ESTATE APPRAISER FOR A TERM ENDING JUNE 30, 2007.** Mr. Caesar made a motion to elect Mr. Joey Snyder. 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.

- VI. **DISCUSSION AND POSSIBLE ACTION REGARDING USE OF INVESTIGATORS UNDER CONTRACT WITH THE REAL ESTATE APPRAISER BOARD IN THE DISCIPLINARY PROCESS.** Mr. Hoyt moved to approve the use of investigators. 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
	Mr. Hoyt	Yes
	Mr. Caesar	Yes

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

After discussion the Board agreed a committee was necessary to study how to proceed with the contracting of investigators. Mr. Hoyt, Ms. Fisher and Mr. Caesar volunteered for the committee and will report back next month.

- X. **DISCUSSION AND POSSIBLE ACTION REGARDING EMERGENCY RULEMAKING FOR CHAPTERS 10 AND 15, TITLE 600, OKLAHOMA ADMINISTRATIVE CODE.** This item was tabled until next month.

- XII. **DISCUSSION AND POSSIBLE ACTION REGARDING SCHEDULE OF REAL ESTATE APPRAISER BOARD MEETING DATES FOR THE CALENDAR YEAR 2007.** Mr. Caesar made a motion to accept the dates presented. 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
	Mr. Hoyt	Yes
	Mr. Caesar	Yes

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

By order of the Chair, Agenda Item 4(B)(5) was removed from the table and offered for consideration at this point in the session.

Mr. Hoyt made a motion to move the date to January 1, 2007 for provider course approval. 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.

VIII. **NEW BUSINESS.** None reported.

XIV. **ADJOURNMENT.** A motion for adjournment was made and 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 J.

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 7th day of July 2006.

  
HAROLD J. SNYDER III, VICE-CHAIRMAN  
OKLAHOMA REAL ESTATE APPRAISER BOARD

  
LINDA L. CHURCHILL, SECRETARY  
OKLAHOMA REAL ESTATE APPRAISER BOARD