



STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD

OFFICIAL MINUTES

November 3, 2006
Date

174
Number

The Real Estate Appraiser Board, established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, held its one hundred seventy fourth regular meeting November 3, 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 October 24, 2006, at 11:00 a.m. and was mailed to the offices of the Board members and posted to the REAB website on October 24, 2006. The agenda is attached as Exhibit A.

I. **CALL TO ORDER.** Vice-Chairman Joey Snyder called the meeting to order at 9:35 a.m. The roll of Board members was called to establish a quorum.

Board members present were: Joey Snyder, Vice-Chairperson;
 Jana S. Barker;
 Patti L. Fisher;
 James W. Hoyt;
 Lane Wheeler; and
 Kim N. Allen.

Board members excused were: Kim Holland, Chairperson; and
 Lee R. Caesar, Jr. until 11:25 a.m.

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

Others in attendance were: Rod Stirman, Director; Joann Stevenson, Board Counsel; Robert Noll, attorney for Commissioner Kim Holland; Tiffany Davis, Board Secretary; and Janice Owens, REAB Legal Secretary. Others present were: Jerry Jones, Board Member Pro-Tempore; Jimmie Burton, Board Member Pro-Tempore; Janet Braswell; Annemieke Roell; Greg Goodpasture; and Steve McCaleb, Board Prosecutor.

II. **READING AND APPROVAL OF MINUTES.** Mr. Hoyt moved that the reading of the minutes of the previous session be waived and approved as published as distributed. The motion was seconded by Ms. Fisher. The Chair ordered a roll call vote with the following results:

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

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

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

VICE-CHAIRPERSON'S REPORT. The Vice-Chairperson offered no report.

DIRECTOR'S REPORT.

A. **Discussion and possible action regarding suspension of individuals for non-payment of annual fees.** A motion was made by Mr. Hoyt and seconded by Ms. Barker to issue an order to suspend individuals listed in agenda item III, Director's Report A for non-payment of annual fees due by August 31, 2006. (Exhibit B) The Chair ordered a roll call vote with the following results:

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

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

B. Discussion and possible action regarding approval of renewal applications and authority to issue certificates. (Exhibit C) A motion was made by Mr. Allen and seconded by Ms. Barker to approve board staff to issue renewal certificates of individuals listed in agenda item III, Director's Report B upon receipt of proof of their CE and payment of appropriate fees.

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

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

IV. COMMITTEE REPORTS:

A. Standards and Disciplinary Procedures Committee. No report offered.

B. Education, Experience and Testing Committee:

1. **Discussion and possible action regarding approval of course submittals.** None

2. **Discussion and possible action regarding approval or disapproval of various applications received and authority to issue certificates.** (Exhibit D and E part C) A Motion was made by Mr. Hoyt and seconded by Ms. Barker to allow staff to be given authority to issue upgrade certificates to Wesley A. Holt and Lance P. Newsom, contingent upon successful completion of the exam and payment of any required fees as stated in agenda item IV B 2 (A). The Chair ordered a roll call vote with the following results:

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

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

A Motion was made by Ms. Barker and seconded by Mr. Hoyt to approve the individual appraisers named in agenda item IV B 2 (B) for licensure by reciprocity from a state with whom a reciprocity agreement is in place. The Chair ordered a roll call vote with the following results:

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

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

A Motion was made by Mr. Hoyt and seconded by Ms. Barker to approve Carolyn E. Berryhill for reinstatement as stated in agenda item IV B 2 (C).

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

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

3. Discussion and possible action regarding disapproval of experience documentation of applicants.

See Exhibit E (A). Ms. Barker made a motion that the upgrade application of Stephen W. Wainwright be disapproved as recommended. The motion was seconded by Mr. Hoyt. The chair ordered a roll call vote with the following results:

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

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

See Exhibit E (B). Ms. Barker made a motion that the upgrade application of Donald W. Riley be disapproved as recommended. The motion was seconded by Mr. Hoyt. The chair ordered a roll call vote with the following results:

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

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

C. Legislation and Rules Committee: The committee had no report.

D. Probable Cause Committee. The committee had no report.

A motion was made by Mr. Hoyt and seconded by Ms. Barker to reappoint Mr. Lee Caesar Jr. to the Probable Cause Committee for 3 more months.

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

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

V. DISCUSSION AND POSSIBLE ACTION REGARDING SCHEDULE OF SUGGESTED PENALTIES FOR VIOLATIONS OF THE OKLAHOMA CERTIFIED REAL ESTATE APPRAISERS ACT. No Action taken.

By order of the Chair, Agenda Items VII and VIII were taken out of order and offered for consideration at this point in the session

VII. DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF CONSENT AGREEMENT IN COMPLAINT NO. 05-088 and 05-037, IN THE MATTER OF JULIAN L. HARRIS.
(Exhibit H)

Mr. Wheeler, Mr. Hoyt, and Mr. Snyder recused themselves from consideration of this matter. The Director announced appointment of two Board members Pro-Tempore' by the Office of the Governor, Mr. Jimmie R. Burton and Ms. Jerry L. Jones. (Exhibit F)

Ms. Fisher now presiding.

A Motion was made by Ms. Barker and seconded by Mr. Allen that the Board to go into Executive Session. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Burton	Yes
	Mr. Allen	Yes
	Ms. Jones	Yes
	Ms. Fisher	Yes

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

The Board entered Executive Session.

The Board returned from Executive Session. The Secretary called the roll of Board members with the result that Ms. Barker, Mr. Burton, Mr. Allen, Ms. Jones, and Ms. Fisher were present and constituted a quorum.

A motion was made by Ms. Barker and seconded by Mr. Burton to accept the consent order as presented for complaint no. 05-088 and 05-037, in the matter of Julian L. Harris. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Burton	Yes
	Mr. Allen	Yes
	Ms. Jones	Yes
	Ms. Fisher	Yes

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

VIII. DISCUSSION AND POSSIBLE ACTION REGARDING RECOMMENDATION OF DISCIPLINARY HEARING PANEL IN COMPLAINT NO. 05-037, IN THE MATTER OF JERRY L. GILL AND JULIAN L. HARRIS. (Exhibit I)

Mr. Wheeler, Mr. Hoyt, and Mr. Snyder remained recused from consideration of this matter, with Mr. Burton and Ms. Jones still serving as Board Members Pro Tempore'.

A Motion was made by Ms. Barker and seconded by Mr. Allen that the Board to go into Executive Session. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Burton	Yes
	Mr. Allen	Yes
	Ms. Jones	Yes
	Ms. Fisher	Yes

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

The Board entered Executive Session.

The Board returned from Executive Session. The Secretary called the roll of Board members with the result that Ms. Barker, Mr. Burton, Mr. Allen, Ms. Jones, and Ms. Fisher were present and constituted a quorum.

A motion was made by Ms. Fisher and seconded by Ms. Barker to modify the disciplinary hearing panel recommendation on complaint #05-037, in the matter of Jerry L. Gill and Julian L. Harris, and order a 60 days suspension for Mr. Gill, order that Mr. Gill be forever barred from entering into supervisor- trainee relationships, order that Mr. Gill must successfully complete the 15 hour National USPAP Course, and order that the recommendation in relation to Mr. Harris be stricken altogether. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Burton	Yes
	Mr. Allen	Yes
	Ms. Jones	Yes
	Ms. Fisher	Yes

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

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

Mr. Snyder was reseated. The roll of Board members was called with the result that Mr. Snyder, Ms. Barker, Mr. Burton, Mr. Allen, Ms. Jones, and Ms. Fisher were present and constituted a quorum.

Mr. Snyder now presiding.

VI. DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF CONSENT AGREEMENTS IN COMPLAINT NO. 05-008, IN THE MATTER OF ROGER L. SMITH AND GORDON A. COOK. (Exhibit G)

A motion was made by Ms. Fisher and seconded by Ms. Jones that the Board to go into Executive Session. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Burton	Yes
	Mr. Allen	Yes
	Ms. Jones	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Yes

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

The Board entered Executive Session.

The Board returned from Executive Session. The Secretary called the roll of Board members with the result that Ms. Barker, Mr. Burton, Mr. Allen, Ms. Jones, Ms. Fisher, and Mr. Snyder were present and constituted a quorum.

A motion was made by Ms. Fisher and seconded by Ms. Barker to accept the consent order as presented for complaint no. 05-008, in the matter of Roger L. Smith and Gordon A. Cook. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Burton	Yes
	Mr. Allen	Yes
	Ms. Jones	Yes
	Ms. Fisher	Yes
	Mr. Snyder	Yes

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

Mr. Wheeler and Mr. Hoyt were reseated. Board member Caesar arrived and was seated. The roll of Board members was called with the result that Mr. Snyder, Ms. Barker, Mr. Wheeler, Mr. Hoyt, Mr. Allen, Mr. Caesar, and Ms. Fisher were present and constituted a quorum.

IX. Discussion and possible action regarding approval for Notice of Rulemaking Intent to be issued making the emergency rules changes approved at the September 8, 2006 permanent. (Exhibit J)

A motion was made by Mr. Caesar and seconded by Ms. Barker to approve issue of a Notice of Rulemaking Intent for permanent rules to replace the emergency rules effective November 1, 2006. The Chair ordered a roll call vote with the following results:

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

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

X. New Business. There was none.

XI. ADJOURNMENT.

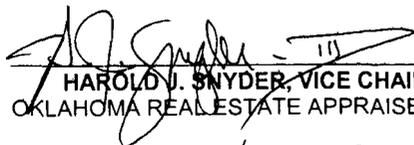
A motion for adjournment was made by Ms. Barker and seconded by Mr. Caesar. The Board adjourned by general consent.

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 J.


HAROLD J. SNYDER, VICE CHAIRPERSON
OKLAHOMA REAL ESTATE APPRAISER BOARD


TIFFANY A. DAVIS, BOARD SECRETARY
OKLAHOMA REAL ESTATE APPRAISER BOARD