



STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD

OFFICIAL MINUTES

October 10, 2008
Date

195
Number

The Real Estate Appraiser Board, established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, held its regularly scheduled meeting October 10, 2008 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 at the main entrance of the Oklahoma Insurance Department with a copy at Entrance A to Shepard Mall, at 2401 Northwest 23rd Street, Suite 28, Oklahoma City, Oklahoma on September 30, 2008 at 1:00 p.m. and was mailed or hand delivered to the offices of the Board members and posted to the REAB website on September 30, 2008. The agenda is attached as Exhibit A.

- I. **CALL TO ORDER.** Vice-Chairperson Lee R. Caesar Jr. 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: Lee R. Caesar Jr., Vice-Chairperson;
Patti L. Fisher;
James W. Hoyt;
Kim N. Allen;
Joey H. Snyder III; and
Jana S. Barker;

Board members excused were: Kim Holland, Chairperson
P. Lane Wheeler, Board Member

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

Others in attendance were: Rod Stirman, Director; John Mahoney, Assistant General Counsel; Preston Draper, Assistant Attorney General; Shannon Phipps, Board Secretary; and Christine McEntire, Board Legal Secretary. Others present were: Don Yeager; Hal Hartsock; Sue Wycoff, Board Prosecutor and Steve McCaleb, Board Prosecutor

- II. **READING AND APPROVAL OF MINUTES.** (Exhibit B) Mr. Hoyt moved that the reading of the minutes of the September 5, 2008 session be waived and approved as published and distributed. The motion was seconded by Ms. Barker. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	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 due July 31, 2008.** (Exhibit C) A motion was made by Ms. Fisher and seconded by Mr. Allen to issue an order to suspend individuals listed in agenda item III, Director's Report A. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Ms. Fisher	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 approval of renewal applications due November 30, 2008 and authority to issue certificates. (Exhibit D) A motion was made by Ms. Fisher and seconded by Ms. Barker to approve board staff to issue renewal certificates to the individuals listed in agenda item III, Director's Report B. The Chair ordered a roll call vote with the following results:

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

B. Education, Experience and Testing Committee:

1. Discussion and possible action regarding approval of course submittals. (Exhibit E)

A motion was made by Mr. Hoyt and seconded by Mr. Snyder to disapprove courses 6(a) and 13 as presented in Agenda item IV B (1). The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	No

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

A motion was made by Mr. Hoyt and seconded by Ms. Barker to approve courses 1(a-c), 2, 3(a-d), 4(a-g), 5(a-b), 6(b-c), 7, 8, 9(a-b), 10(a-b), 11(a-f) and 12(a-b) as presented in Agenda item IV B (1). The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Ms. Fisher	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. (Exhibit F)

2(A) A motion was made by Mr. Hoyt and seconded by Mr. Snyder to allow staff to be given authority to issue Trainee certificates to the individuals listed 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. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	Yes

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

2(B) A motion was made by Mr. Hoyt and seconded by Mr. Snyder to allow staff to be given authority to issue reciprocal licenses to the individuals listed in agenda item IV B 2 (B). The Chair ordered a roll call vote with the following results:

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

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

2(C) A motion was made by Mr. Hoyt and seconded by Ms. Barker to allow staff to approve reinstatement of licensure of the individual listed in agenda item IV B 2 (C). The Chair ordered a roll call vote with the following results:

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

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

2(D) A motion was made by Mr. Hoyt and seconded by Mr. Snyder to approve transfer of licensure of the individual listed in agenda item IV B 2 (D). The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Ms. Fisher	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 applicant. No action.

C. Legislation and Rules Committee. No action.

1. Discussion and possible action regarding report from Legislative Liaison. No action.

2. Discussion and possible action regarding possible legislation concerning anonymous complaints. No action.

D. Probable Cause Committee.

1. Discussion and possible action regarding appointment of volunteers and/or committee members to assist Probable Cause Committee. No action.

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

3. Discussion and possible action regarding Probable Cause Committee disciplinary recommendations. No action.

V. DISCUSSION AND POSSIBLE ACTION REGARDING INVESTIGATOR SERVICES IN SUPPORT OF REAB. Agenda item V tabled to the November 7, 2008 Board Meeting.

At this point, Item VII was taken out of order, by order of the Chair

VII. DISCUSSION AND POSSIBLE ACTION REGARDING RECOMMENDATION OF DISCIPLINARY HEARING PANEL IN THE MATTER OF DON M. YEAGER, COMPLAINT NUMBER 07-036, TO INCLUDE HEARING OF ORAL ARGUMENT AND ANY ASSOCIATED MOTIONS OR MATTERS.

(Exhibit G) Following a discussion concerning Complaint 07-036, a motion was made by Mr. Caesar and seconded by Mr. Hoyt to deny the request for oral argument from the prosecutor. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	No
	Mr. Hoyt	Yes
	Mr. Allen	No
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	Yes

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

A motion was made by Ms. Fisher and seconded by Mr. Hoyt to deny oral argument by both parties. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Hoyt	Yes
	Mr. Allen	No
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	Yes

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

Ms. Barker recused herself from consideration of Agenda Item VII due to Probable Cause Committee service.

Ms. Fisher made a motion for the Board to enter executive session. The motion was seconded by Mr. Snyder. The Chair ordered a roll call vote with the following results:

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

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

The Chair declared the Board to be back in open session. The Chair ordered a roll call to establish a quorum.

Board members present were:	Lee R. Caesar, Jr., Vice-Chairperson;
	James W. Hoyt;
	Kim N. Allen;
	Joey H. Snyder, III; and
	Patti L. Fisher;

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

Ms. Fisher made a motion to agree with the conclusion of law as shown in line one, striking line two; modifying discipline to read that respondent receive a public reprimand and

successfully complete the 15-hour National USPAP course within one year from the date of the Order, and allowing the course to be counted toward respondent's continuing education. The motion was seconded by Mr. Snyder. The Chair ordered a roll call vote with the following results:

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

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

VIII. DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF A CONSENT ORDER IN THE MATTER OF MARK D. BRUNER, COMPLAINT NUMBER 08-008, TO INCLUDE ANY ASSOCIATED MOTIONS OR MATTERS.

(Exhibit H) Ms. Fisher made a motion to accept the consent order as presented. The motion was seconded by Mr. Allen. The Chair ordered a roll call vote with the following results:

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

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

At this point, the Session returned to regular order.

VI. DISCUSSION AND POSSIBLE ACTION REGARDING NOTICE TO APPEAR AND ORDER TO SHOW CAUSE IN THE MATTER OF SHERI L. LOVIN, COMPLAINT NUMBER 06-017, TO INCLUDE ANY ASSOCIATED MOTIONS OR MATTERS.

(Exhibit I) A motion was made by Ms. Fisher and seconded by Ms. Barker to enter an Order stating that, upon receipt of future applications, applicant must appear before the Board prior to obtaining licensure. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	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 Ms. Fisher to approve the Order as presented, adjusting the verbiage to read that, for renewal and/or reinstatement applicant must appear before the Board prior to obtaining licensure and to add 2008 to the date contained in the Order. The Chair ordered a roll call vote with the following results:

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

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

VIII(A). DISCUSSION AND POSSIBLE ACTION REGARDING APPEAL OF CHEROKEE COUNTY DISTRICT COURT DECISION IN CASE #CV-2006-679, DEVIN R. GORDON V. OKLAHOMA REAL ESTATE APPRAISER BOARD, STATE OF OKLAHOMA.

A motion was made by Mr. Allen and seconded by Ms. Fisher to give Director authority to begin preparing an appeal of the district court's decision, should one be needed. The Chair ordered a roll call vote with the following results:

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

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

IX. **NEW BUSINESS.** No new business.

X. **ADJOURNMENT.**

The Board adjourned by general consent.

OFFICIAL MINUTES.

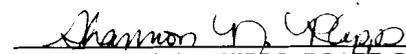
The action taken by the Oklahoma Real Estate Appraiser Board on the items for consideration after motion duly made and seconded has been noted herein and made a part of these minutes.

The Board caused the entire proceeding of the meeting, excepting any executive sessions, to be recorded on a digital audio recording device to be retained as a record in the office of the Board.

Exhibits are A through I.



LEE R. CAESAR JR., VICE-CHAIRPERSON
OKLAHOMA REAL ESTATE APPRAISER BOARD



SHANNON N. PHIPPS, BOARD SECRETARY
OKLAHOMA REAL ESTATE APPRAISER BOARD