



STATE OF OKLAHOMA  
REAL ESTATE APPRAISER BOARD

**OFFICIAL MINUTES**

March 6, 2009  
Date

200  
Number

The Real Estate Appraiser Board, established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, held its regularly scheduled meeting March 6, 2009 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 February 24, 2009 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 February 24, 2009. The addendum to the agenda was posted in the main entrance to the offices of the Oklahoma Insurance Department on March 3, 2009 at 9:30 a.m., and was e-mailed or hand-delivered to the offices of the Board members and posted to the REAB website on March 3, 2009. The agenda and addenda are 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;  
P. Lane Wheeler;  
Kim N. Allen;  
Jana S. Barker; and  
Harold J. Snyder III;

Board members excused were: Kim Holland, Chairperson

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

Others in attendance were: Rod Stirman, Director; Sandra Lavenue, attorney for Commissioner Kim Holland; Bryan Neal, Assistant Attorney General; Shannon Phipps, Board Secretary; and Christine McEntire, Board Legal Secretary. Others present were: Kevin Broderick; Kelly Bounds; Annemieke Roell; Mack Barnes; Brett Robinson, Legislative Liaison; and Steve McCaleb, Board Prosecutor.

- II. **READING AND APPROVAL OF MINUTES.** (Exhibit B) Mr. Hoyt moved that the reading of the minutes of the February 6, 2009 session be waived and approved as published and 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
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	Yes

THE RESULT WAS SEVEN 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 December 31, 2008.** (Exhibit C) A motion was made by Mr. Allen and seconded by Mr. Wheeler 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. Wheeler	Yes
	Mr Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Ms. Fisher	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 approval of renewal applications due April 30, 2009 and authority to issue certificates.** (Exhibit D) A motion was made by Ms. Fisher and seconded by Mr. Allen 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. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Ms. Fisher	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 suspension of individuals for failure to complete the 7-Hour National USPAP Update Course due December 31, 2008.** (Exhibit E) A motion was made by Ms. Fisher and seconded by Mr. Wheeler to issue an order to suspend individuals listed in agenda item III, Director's Report C; striking the names of Anthony W. Ratcliffe and Jess W. Hummel. 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. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	Yes

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

**D. Discussion and possible action regarding administrative fines for individuals for failure to timely complete the 7-Hour National USPAP Update Course due December 31, 2008.** (Exhibit F) A motion was made by Mr. Wheeler and seconded by Ms. Fisher to approve board staff to issue administrative fines to the individuals listed in agenda item III, Director's Report D; appending the names of Anthony W. Ratcliffe and Jess W. Hummel. 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. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	Yes

THE RESULT WAS SEVEN 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 G) A motion was made by Mr. Hoyt and seconded by Ms. Barker to approve the courses 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. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	Yes

THE RESULT WAS SEVEN 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 H)

**2(A)** A motion was made by Ms. Barker and seconded by Mr. Hoyt to approve the application for Trainee certification for 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. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	Yes

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

**2(B)** A motion was made by Ms. Barker and seconded by Mr. Snyder to allow staff to be given authority to issue a reciprocal license to the individual 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. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	Yes

THE RESULT WAS SEVEN 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 approve transfer 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. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	Yes

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

**2(D)** A motion was made by Mr. Wheeler and seconded by Ms. Barker to allow staff to be given authority to issue upgrade certificates to the individuals listed in agenda item IV B 2 (D) contingent upon receipt of proof of acceptable examination results and

payment of required fees. 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. Snyder	Yes
	Ms. Fisher	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. (Exhibit I)**

**3(1)** A motion was made by Ms. Barker and seconded by Mr. Allen to disapprove experience documentation of applicant listed in agenda item IV B 3 (1). 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. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	Yes

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

**3(2)** A motion was made by **Ms. Barker** and seconded by Mr. Wheeler to disapprove experience documentation of applicant listed in agenda item IV B 3 (2). 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. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	Yes

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

**3(3)** A motion was made by Ms. Barker and seconded by Mr. Wheeler to disapprove experience documentation of applicant listed in agenda item IV B 3 (3). 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. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	Yes

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

**3(4)** A motion was made by Ms. Barker and seconded by Mr. Wheeler to disapprove experience documentation of applicant listed in agenda item IV B 3 (4). 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. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	Yes

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

**3(5)** A motion was made by Mr. Allen and seconded by Ms. Barker to disapprove experience documentation of applicant listed in agenda item IV B 3 (5). 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. Snyder	Yes
	Ms. Fisher	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.** No action.

At this time the Board took a five (5) minute recess.

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;  
Patti L. Fisher;  
James W. Hoyt;  
P. Lane Wheeler;  
Kim N. Allen;  
Jana S. Barker; and  
Harold J. Snyder III;

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

**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.** (Exhibit J)

Mr. Wheeler recused himself from consideration of Agenda Item IV D 3 (1) due to Probable Cause Committee service.

Following a short discussion of the issues pertaining to 08-078, a motion was made by Ms. Barker that the matter be adopted as a formal complaint and forwarded to a prosecutor for 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	Recused
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	Yes

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

Following discussion of Grievance 08-087, a motion was made by Mr. Allen that the matter be adopted as a formal complaint and forwarded to a prosecutor for 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	Recused
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	Yes

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

Following discussion of the issues pertaining to 08-098, a motion was made by Ms. Fisher that the matter be adopted as a formal complaint and forwarded to a prosecutor for action. Ms. Barker seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

Following discussion of Grievance 09-001, a motion was made by Ms. Barker that the 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	Recused
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	Yes

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

At this point, Agenda Item VI was taken out of order, by order of the Chair.

VI. **DISCUSSION AND POSSIBLE ACTION REGARDING REQUEST BY DIANE SCHUMAKER TO MODIFY THE TERMS AND CONDITIONS OF ORDER #08-007.** Agenda item VI tabled to April 10th, 2009 Board Meeting.

VII. **DISCUSSION AND POSSIBLE ACTION REGARDING RECOMMENDATION OF DISCIPLINARY HEARING PANEL IN THE MATTER OF KEVIN F. BRODERICK AND PEGGY S. THOMPSON, AS TO RESPONDENT BRODERICK ONLY, COMPLAINT #08-026, TO INCLUDE ANY ASSOCIATED MOTIONS OR MATTERS.** (Exhibit K)

Mr. Wheeler recused himself from consideration of Agenda Item VII due to Probable Cause Committee service.

A motion was made by Mr. Hoyt to grant the motion to strike the brief. Ms. Barker seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

Mr. Hoyt made a motion for the Board to enter executive session. 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. Wheeler	Recused
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	Yes

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

During the conduct of the executive session, Ms. Barker recused herself from further consideration.

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.;  
Patti L. Fisher;  
James W. Hoyt;  
Kim N. Allen; and  
Harold J. Snyder III;

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

A motion was made by Ms. Fisher to accept the findings of fact, amending to strike additional two (2) year suspension and supervision and modify suspension to thirty (30) days, beginning May 24, 2010. Mr. Hoyt seconded the motion. The Chair ordered a roll call vote with the following results:

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

THE RESULT WAS THREE VOTES IN THE AFFIRMATIVE, TWO OPPOSED AND TWO RECUSED. THE MOTION WAS AGREED TO.

VIII. DISCUSSION AND POSSIBLE ACTION REGARDING RECOMMENDATION OF DISCIPLINARY HEARING PANEL IN THE MATTER OF MICHAEL C. CLEVINGER, COMPLAINT #08-046, TO INCLUDE ANY ASSOCIATED MOTIONS OR MATTERS.  
(Exhibit L)

Mr. Wheeler recused himself from consideration of Agenda Item VIII due to Probable Cause Committee service. Ms. Barker was reseated.

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	No
	Mr. Wheeler	Recused
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	Yes

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, ONE 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.;  
Patti L. Fisher;  
James W. Hoyt;  
Kim N. Allen;  
Jana S. Barker; and  
Harold J. Snyder III;

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

A motion was made by Ms. Fisher to accept the findings of fact, amending to strike the following portion concerning education, "the courses must be tested and provided by one of the sponsoring organizations" and modified to read as follows, "the courses must be tested and must be live courses attended in person by Respondent, not distance and/or correspondence." This modification is to include the ethics course. The portion of Paragraph B which provided for Respondent to submit work logs to the Board shall also be stricken. Under Paragraph C, the administrative fine of \$500 shall be modified to read \$2,500 within thirty (30) days. Mr. Hoyt seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

IX. **DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF A CONSENT ORDER IN THE MATTER OF JERRY L. GILL, COMPLAINTS #08-063 AND 08-077, TO INCLUDE ANY ASSOCIATED MOTIONS OR MATTERS.** Agenda Item IX tabled to April 10th, 2009 Board Meeting.

X. **DISCUSSION AND POSSIBLE ACTION REGARDING ACCEPTANCE OF AFFIDAVIT OF VOLUNTARY SURRENDER OF CREDENTIAL IN LIEU OF DISCIPLINARY PROCEEDINGS IN THE MATTER OF DEVIN R. GORDON, COMPLAINTS #02-041 AND 06-119, TO INCLUDE ANY ASSOCIATED MOTIONS OR MATTERS.** Agenda Item X tabled to April 10th, 2009 Board Meeting.

At this point, the Session returned to regular order.

V. **DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSED PERMANENT AMENDMENTS TO CHAPTER 10, TITLE 600, OKLAHOMA ADMINISTRATIVE CODE TO INCLUDE RECEIPT OF COMMENTS, CONDUCT OF PUBLIC HEARING, AND POSSIBLE ADOPTION.** (Exhibit M)

Mr. Hoyt made a motion to accept the amendments as presented. 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. Wheeler	Yes
	Mr. Hoyt	Yes
	Mr. Allen	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Caesar	Yes

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

XI. **NEW BUSINESS.** No new business.

XII. **ADJOURNMENT.**

The Board adjourned by general consent.

**OFFICIAL MINUTES.**

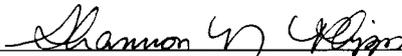
The action taken by the Oklahoma Real Estate Appraiser Board on the items for consideration after motion duly made and seconded has been noted herein and made a part of these minutes.

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 M.



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



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