



STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD

OFFICIAL MINUTES

November 6, 2009
Date

208
Number

The Real Estate Appraiser Board, established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, held its regularly scheduled meeting November 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 October 27, 2009 at 1:30 p.m. and was mailed or hand delivered to the offices of the Board members and posted to the REAB website on October 27, 2009. 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.;
Patti L. Fisher;
James W. Hoyt;
Kim N. Allen;
Jana S. Barker; and
Harold J. Snyder III

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; Caleb Muckala, attorney for Commissioner Kim Holland; Bryan Neal, Assistant Attorney General; Shannon Gabbert, Board Secretary; and Christine McEntire, Board Legal Secretary. Others present were: Denny Hudacky; Hal Hartsock; Daniel Corff; Joe Garnand; Charla Slabotsky; Janet Braswell; Daniel Meier, and Steve McCaleb, Board Prosecutor.

- II. **READING AND APPROVAL OF MINUTES.** (Exhibit B) Mr. Hoyt moved that the reading of the minutes of the October 2, 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. 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.

Chairperson Kim Holland entered the room and was declared present.

DIRECTOR'S REPORT.

A. **Discussion and possible action regarding suspension of individuals for non-payment of annual fees due August 31, 2009.** (Exhibit C) A motion was made by Mr. Allen and seconded by Ms. Fisher 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 December 31, 2009 and authority to issue certificates. (Exhibit D) A motion was made by Ms. Fisher and seconded by Mr. Snyder 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. Allen to approve the recommendation 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 approve reinstatement of credential for the individual 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 approve applications for upgrade of applicants 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 Mr. Snyder to approve application for upgrade of applicant 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.

3. Discussion and possible action regarding approval or disapproval of experience documentation of applicants. (Exhibit G)

A motion was made by Ms. Fisher and seconded by Mr. Hoyt to disapprove experience documentation of applicant listed in agenda item IV B 3. 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.

C. Legislation and Rules Committee. No report.

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.

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:

Commissioner Holland;
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.

V. DISCUSSION AND POSSIBLE ACTION REGARDING A CONSENT ORDER IN THE MATTER OF CARL W. WIENS, COMPLAINT NUMBER 08-087, TO INCLUDE ANY ASSOCIATED MOTIONS OR MATTERS. (Exhibit H)

A motion was made by Ms. Fisher and seconded by Ms. Barker to approve consent order as presented. 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.

VI. DISCUSSION AND POSSIBLE ACTION REGARDING RECOMMENDATION OF DISCIPLINARY HEARING PANEL IN THE MATTER OF TONY M. HENSLEY, COMPLAINT NUMBER 08-076, TO INCLUDE ANY ASSOCIATED MOTIONS OR MATTERS. (Exhibit I)

Mr. Allen made a motion to adopt the hearing panel recommendations. The motion was seconded by Mr. Snyder. 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.

VII. DISCUSSION AND POSSIBLE ACTION REGARDING RECOMMENDATION OF DISCIPLINARY HEARING PANEL IN THE MATTER OF DANIEL G. MEIER, COMPLAINT NUMBER 08-089, TO INCLUDE PRESENTATION OF ORAL ARGUMENT AND ANY ASSOCIATED MOTIONS OR MATTERS. (Exhibit J)

Ms. Barker 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	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.

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: Commissioner Holland;
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.

Ms. Barker made a motion to retain the six (6) month probation and thirty (30) hour qualifying education course requirements. The \$500 and \$2,500 fines will remain the same, with the payment date beginning January 11, 2010. The first \$500 will be applied to the \$500 fine; all additional payments will be applied to the \$2,000 fine. Payment of the full amount is due no later than December 31, 2011. 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. 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.

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

Mr. Caesar recused himself from consideration of Agenda Item IX due to personal knowledge.

Mr. Snyder recused himself from consideration of Agenda Item IX due to professional conflict.

IX. **DISCUSSION AND POSSIBLE ACTION REGARDING A CONSET ORDER IN THE MATTER OF JUDD R. RAILEY, COMPLAINT NUMBER 08-098, TO INCLUDE ANY ASSOCIATED MOTIONS OR MATTERS.** (Exhibit K)

A motion was made by Ms. Fisher and seconded by Mr. Allen to approve consent order as presented. 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	Recused
	Ms. Fisher	Yes
	Mr. Caesar	Recused
	Commissioner Holland	Present

THE RESULT WAS FOUR VOTES IN THE AFFIRMATIVE, NONE OPPOSED AND TWO RECUSED. THE MOTION WAS AGREED TO.

Commissioner Holland excused herself.

At this point, the Session returned to regular order.

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

VIII. **DISCUSSION AND POSSIBLE ACTION REGARDING AN AFFIDAVIT OF VOLUNTARY SURRENDER OF APPRAISER CREDENTIAL IN LIEU OF DISCIPLINARY PROCEEDINGS IN THE MATTER OF JOHNNY W. CORFF, COMPLAINT NUMBER 09-012, TO INCLUDE ANY ASSOCIATED MOTIONS OR MATTERS.** (Exhibit L)

A motion was made by Mr. Hoyt and seconded by Ms. Barker to accept the voluntary surrender of appraiser credential in lieu of disciplinary action. The Chair ordered a roll call vote with the following results:

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

THE RESULT WAS FOUR VOTES IN THE AFFIRMATIVE, NONE OPPOSED AND TWO RECUSED. THE MOTION WAS AGREED TO.

X. **NEW BUSINESS.** No new business.

XI. **ADJOURNMENT.**

The Board adjourned by general consent.

OFFICIAL MINUTES.

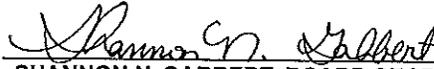
The action taken by the Oklahoma Real Estate Appraiser Board on the items for consideration after motion duly made and seconded has been noted herein and made a part of these minutes.

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 L.



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



**SHANNON N. GABBERT, BOARD SECRETARY
OKLAHOMA REAL ESTATE APPRAISER BOARD**