



STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD

OFFICIAL MINUTES

October 5, 2012
Date

242
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 5, 2012 at 9:30 a.m. The Meeting was held in the Public Meeting Room of the offices of the Oklahoma Insurance Department at 5 Corporate Plaza, 3625 NW 56th Street, Suite 100, 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 at 3625 NW 56th Street, Suite 100, Oklahoma City, Oklahoma on Tuesday, October 2, 2012 at 9:00 a.m. and was mailed or hand delivered to the offices of the Board members on Thursday, September 27, 2012 and posted to the REAB website on Tuesday, October 2, 2012. 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:

John D. Doak;
Lee R. Caesar, Jr.;
Patti L. Fisher;
Stephen C. Walton;
Betty J. Cagle;
Jana S. Barker;
P. Lane Wheeler; and
John P. Smithson

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

Others in attendance were: Christine McEntire, Director; Baron Brown, Counsel for Commissioner John D. Doak; Bryan Neal, Assistant Attorney General, and Rebecca Keesee, Legal Secretary. Others present were: Sue Wycoff, Mark Thompson, Cassie Everett, Jack Everett, Rachel Lawrence Mor, Jeremy McMillan; Joe Garnand and Connie Burk.

- II. **READING AND APPROVAL OF MINUTES.** (Exhibit B) Mr. Wheeler moved that the reading of the minutes of the September 7, 2012 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. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Yes

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

Mr. Caesar recused himself from consideration of Agenda Item III due to Probable Cause Committee service.

- III. **DISCUSSION AND POSSIBLE ACTION REGARDING A DISCIPLINARY HEARING PANEL RECOMMENDATION IN THE MATTER OF CASSIE A. EVERETT; COMPLAINT #11-072; TO INCLUDE ANY ASSOCIATED MATTERS OR MOTIONS.**
(Exhibit C)

Upon recusal of Mr. Caesar, Mr. Wheeler moved that Ms. Fisher be nominated as interim Vice-Chairperson. The Motion was seconded by Ms. Cagle. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Recused

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

Mr. Wheeler made a Motion go into executive session. The Motion was seconded by Ms. Cagle. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Recused

THE RESULT WAS SIX 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:

- Commissioner Doak
- Ms. Barker;
- Mr. Smithson;
- Ms. Fisher;
- Mr. Walton;
- Ms. Cagle;
- Mr. Wheeler

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

Mr. Wheeler made a Motion that the Board adopt the Findings of Fact and Conclusions of Law as stated in the Hearing Panel Recommendation presented but modify the Recommended Discipline as presented to issue a non-disciplinary letter of warning. Ms. Cagle seconded this Motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Recused

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

Ms. Cagle recused herself from consideration of Agenda Item IV due to personal knowledge.

IV. DISCUSSION AND POSSIBLE ACTION REGARDING A DISCIPLINARY HEARING PANEL RECOMMENDATION IN THE MATTER OF JEREMY E. MCMILLAN; COMPLAINT #10-034; TO INCLUDE ANY ASSOCIATED MATTERS OR MOTIONS.
(Exhibit D)

Ms. Fisher made a Motion go into executive session. The Motion was seconded by Mr. Walton. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Recused

Mr. Wheeler	Yes
Mr. Caesar	Yes

THE RESULT WAS SIX 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:

Commissioner Doak
Ms. Barker;
Mr. Smithson;
Ms. Fisher;
Mr. Walton;
Mr. Wheeler;
Mr. Caesar

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

Mr. Wheeler made a Motion that the Board adopt the Findings of Fact and Conclusions of Law as presented in the Disciplinary Hearing Panel Recommendation dated May 16, 2012 and adopts the disciplinary actions presented but modifies the Recommended Discipline to require the Respondent to reimburse the Board for the amounts expended for the initial prosecution of this matter not to exceed \$4,000.00. Ms. Barker seconded this Motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Recused
	Mr. Wheeler	Yes
	Mr. Caesar	Yes

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

V. DISCUSSION AND POSSIBLE ACTION REGARDING A PETITION FOR JUDICIAL REVIEW FILED BY AARON A. SCOTT; OKLAHOMA COUNTY, CASE #CV 2011-1466 (COMPLAINT #10-065; IN THE MATTER OF AARON A. SCOTT). (Exhibit E)

Mr. Walton made a Motion go into 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. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Yes

THE RESULT WAS SEVEN 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 Doak
Ms. Barker;
Mr. Smithson;
Ms. Fisher;
Mr. Walton;
Ms. Cagle;
Mr. Wheeler;
Mr. Caesar

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

Mr. Wheeler made a Motion that the Board modify the previously adopted recommended discipline to a private reprimand and any other disciplinary stipulations as presented. Ms. Barker seconded this Motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Yes

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

VI. **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 on July 31, 2012. (Exhibit F) Ms. Fisher made a Motion and it was seconded by Mr. Wheeler to approve Board staff to issue renewal certificates to the individuals listed in Agenda Item VI, Director's Report A. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	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 by November 30, 2012 and authority to issue certificates. (Exhibit G) Ms. Fisher made a Motion and it was seconded by Ms. Barker to approve Board staff to issue renewal certificates to the individuals listed in Agenda Item VII, Director's Report B. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	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 approval of original certificates of registration for Appraisal Management Companies. (Exhibit H) Mr. Wheeler made a Motion and it was seconded by Ms. Barker to issue renewal certificates to the companies listed in Agenda Item VII, Director's Report C. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes

Mr. Wheeler	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 approval of AMC renewal applications due by November 30, 2012 and authority to issue certificates. (Exhibit I)
Ms. Fisher made a Motion and it was seconded by Ms. Barker to issue renewal certificates to the companies listed in Agenda Item VII, Director's Report D. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Yes

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

VII. 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 J) Ms. Fisher made a Motion and it was seconded by Ms. Barker to approve the recommendation as presented in Agenda Item VII B 1. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	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 K)

2(A) Ms. Fisher made a Motion and it was seconded by Ms. Barker to approve the application for approval of original licensure for the individual listed in Agenda Item VII B 2 (A). The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Yes

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

2(B) Ms. Fisher made a Motion and it was seconded by Mr. Wheeler to allow staff to be given authority to issue a reciprocal license to the individuals listed in Agenda Item VII B 2 (B). The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Yes

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

2(C) Ms. Fisher made a Motion and it was seconded by Ms. Barker to approve the applications for upgrade for the individual listed in Agenda Item VII B 2 (C). The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Yes

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

2(D) Ms. Fisher made a Motion and it was seconded by Mr. Wheeler to approve the applications for upgrade for the individual listed in Agenda Item VII B 2 (D). The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	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. No Action.

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. (Exhibit L)

Following discussion of Grievance 12-030, a Motion was made by Ms. Fisher that the matter be dismissed, the file closed and no further action be taken. Ms. Barker seconded the Motion. The Chair ordered a roll call vote with the following results

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Recused

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

Following discussion of Grievance 12-031, a Motion was made by Ms. Fisher that the matter be dismissed, the file closed and no further action be taken. Ms. Barker seconded the Motion. The Chair ordered a roll call vote with the following results

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Recused

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

Following discussion of Grievance 12-032, a Motion was made by Ms. Fisher that the matter be dismissed, the file closed and no further action be taken. Ms. Barker seconded the Motion. The Chair ordered a roll call vote with the following results

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Recused

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

Following discussion of Grievance 12-033, a Motion was made by Ms. Fisher that the matter be dismissed, the file closed and no further action be taken. Ms. Barker seconded the Motion. The Chair ordered a roll call vote with the following results

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Recused

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

Following discussion of Grievance 12-034, a Motion was made by Mr. Wheeler that the matter be forwarded to prosecution for further handling. Ms. Barker seconded the Motion. The Chair ordered a roll call vote with the following results

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Recused
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Recused

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

Following discussion of Grievance 12-036, a Motion was made by Ms. Fisher that the matter be forwarded to prosecution for further handling. Ms. Barker seconded the Motion. The Chair ordered a roll call vote with the following results

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Recused

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

Following discussion of Grievance 12-037, a Motion was made by Ms. Fisher that a non-disciplinary letter of warning be issued in the matter, the file closed and no further action be taken. Ms. Barker seconded the Motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Recused

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

Following discussion of Grievance 12-038, a Motion was made by Ms. Fisher that the matter be dismissed, the file closed and no further action be taken. Ms. Barker seconded the Motion. The Chair ordered a roll call vote with the following results

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Recused

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

Following discussion of Grievance 12-039, a Motion was made by Ms. Barker that the matter be dismissed, the file closed and no further action be taken. Mr. Walton seconded the Motion. The Chair ordered a roll call vote with the following results

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Recused
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Recused

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

Following discussion of Grievance 12-040, a Motion was made by Ms. Fisher that the matter be dismissed, the file closed and no further action be taken. Ms. Barker seconded the Motion. The Chair ordered a roll call vote with the following results

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Recused

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

Following discussion of Grievance 12-051, a Motion was made by Ms. Fisher that the matter be dismissed, the file closed and no further action be taken. Mr. Wheeler seconded the Motion. The Chair ordered a roll call vote with the following results

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Smithson	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Recused

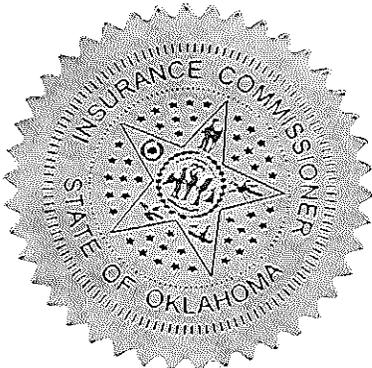
THE RESULT WAS SIX VOTES IN THE AFFIRMATIVE, NONE OPPOSED AND ONE RECUSED. THE MOTION WAS AGREED TO.

VIII. **NEW BUSINESS.** No new business.

IX. **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



REBECCA KEESEE, BOARD SECRETARY
OKLAHOMA REAL ESTATE APPRAISER BOARD