



STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD

OFFICIAL MINUTES
(Amended)

November 2, 2012
Date

243
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 2, 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 30, 2012 at 10:00 a.m., and was mailed or hand delivered to the offices of the Board members on Thursday, October 25, 2012 and posted to the REAB website on Tuesday, October 30, 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: Lee R. Caesar, Jr.;
Patti L. Fisher;
Betty J. Cagle;
P. Lane Wheeler;
Stephen C. Walton;
Jana S. Barker; 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; Barron Brown, Counsel for Commissioner John D. Doak; Bryan Neal, Assistant Attorney General, and Rebecca Keesee, Legal Secretary. Others present were: Stephen McCaleb; Jeffrey Phillips; and Zachary Phillips.

- II. **READING AND APPROVAL OF MINUTES.** (Exhibit B) Mr. Wheeler moved that the reading of the minutes of the October 5, 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. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	Yes
	Mr. Caesar	Yes

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

- III. **PUBLIC HEARING RE: NOTICE OF RULEMAKING INTENT AS TO TITLE 600: REAL ESTATE APPRAISER BOARD; CHAPTER 10. LICENSURE AND CERTIFICATION REQUIREMENTS: ADDING 600:10-1-18. NATIONAL REGISTRY FEE.**
(Exhibit C)

After acknowledging that there was no one in attendance for the public meeting and upon notification by Ms. McEntire that no written comments were received, Ms. Fisher moved that the public hearing be closed. The Motion was seconded by Mr. Wheeler. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes

Mr. Wheeler	Yes
Mr. Walton	Yes
Ms. Barker	Yes
Mr. Smithson	Yes
Mr. Caesar	Yes

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

Ms. Fisher moved that the rule change outlined in Agenda Item III be approved. The Motion was seconded by Mr. Wheeler. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	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 IV due to Probable Cause Committee service.

IV. **DISCUSSION AND POSSIBLE ACTION REGARDING A DISCIPLINARY HEARING PANEL RECOMMENDATION IN THE MATTER OF DONALD W. RILEY; COMPLAINT #11-078; TO INCLUDE ANY ASSOCIATED MATTERS OR MOTIONS.** (Exhibit D)

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

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	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 Mr. Walton. The Chair ordered a roll call vote with the following results:

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

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

Commissioner Doak joined the meeting during executive session.

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;
Mr. Caesar;
Ms. Fisher;

Ms. Cagle;
Mr. Wheeler;
Mr. Walton;
Ms. Barker;
Mr. Smithson

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 as presented but modify the Recommended Discipline as presented to accept number one and strike number two and number three. Ms. Cagle seconded this Motion. The Chair ordered a roll call vote with the following results:

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

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 NOTICE TO APPEAR AND ORDER TO SHOW CAUSE IN THE MATTER OF JEFFREY D. PHILLIPS AND ZACHARY A. PHILLIPS; COMPLAINT #10-102; TO INCLUDE ANY ASSOCIATED MATTERS OR MOTIONS.** (Exhibit E)

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

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

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

Ms. Fisher made a Motion that the Board take no action on this Order to Show Cause. Mr. Walton seconded this Motion. The Chair ordered a roll call vote with the following results:

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

THE RESULT WAS SEVEN VOTES IN THE AFFIRMATIVE, NONE OPPOSED AND ONE RECUSED. 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 August 31, 2012. (Exhibit F) **Ms. Fisher made a Motion and it was seconded by Ms. Barker to issue an order to suspend the individuals listed in Agenda Item VI, Director's Report A¹.** The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	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 December 31, 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 VI, Director's Report B. The Chair ordered a roll call vote with the following results:

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

D. Discussion and possible action regarding approval of AMC renewal applications due by December 31, 2012 and authority to issue certificates. (Exhibit H) Ms. Fisher made a Motion and it was seconded by Ms. Barker to issue renewal certificates to the companies listed in Agenda Item VI, Director's Report D. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	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 I) Mr. Walton made a Motion and it was seconded by Ms. Fisher 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. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	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 J)

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. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	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 Ms. Barker to approve the application for reinstatement for the individual listed in Agenda Item VII B 2 (B). The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	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 application for reinstatement 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. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	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. Barker to allow staff to be given authority to issue a reciprocal license to the individuals listed in Agenda Item VII B 2 (D). The Chair ordered a roll call vote with the following results:

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

Following discussion of Grievance 12-035, a Motion was made by Mr. Wheeler that the matter be dismissed, the file closed and no further action be taken. Ms. Fisher seconded the Motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	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 12-041, a Motion was made by Ms. Fisher that a non-disciplinary letter of warning be issued to both Respondents, 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. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	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 12-042, a Motion was made by Ms. Barker that the matter be forwarded to prosecution for further handling. Mr. Wheeler seconded the Motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	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 12-043, a Motion was made by Mr. Wheeler that the matter be dismissed, the file closed and no further action be taken. Ms. Fisher seconded the Motion. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	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 12-044, 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. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	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 12-045, 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. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	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 12-046, a Motion was made by Mr. Wheeler 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. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	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 12-047, 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. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	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 12-048, 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. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	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 12-050, 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. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Walton	Yes
	Ms. Barker	Yes
	Mr. Smithson	Yes
	Mr. Caesar	Recused

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

VIII. DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED REVISIONS TO THE APPRAISAL SUBCOMMITTEE'S POLICY STATEMENTS AND A REQUEST FOR COMMENT PRIOR TO NOVEMBER 29, 2012. (EXHIBIT L)

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;
	Mr. Caesar;
	Ms. Fisher;
	Ms. Cagle;
	Mr. Wheeler;
	Mr. Walton;
	Ms. Barker;
	Mr. Smithson

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

Commissioner Doak exited the meeting.

- IX. DISCUSSION AND POSSIBLE ACTION REGARDING ATTENDANCE BY BOARD MEMBERS AND STAFF AT THE FALL CONFERENCE OF THE ASSOCIATION OF APPRAISER REGULATORY OFFICIALS. (EXHIBIT M)
- X. DISCUSSION AND POSSIBLE ACTION REGARDING APPOINTMENT OF INDIVIDUALS TO EDUCATION, EXPERIENCE AND TESTING COMMITTEE; LEGISLATION AND RULES COMMITTEE; AND INDIVIDUALS TO STANDARDS AND DISCIPLINARY PROCEDURES COMMITTEE WITH CONCURRENT APPOINTMENT AS APPRAISER HEARING OFFICERS FOR THE CALENDAR YEAR 2013. (EXHIBIT N)

Mr. Caesar made a Motion and it was seconded by Mr. Wheeler that Connie Burk be appointed to the Education, Experience and Testing Committee. The Chair ordered a roll call vote with the following results:

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

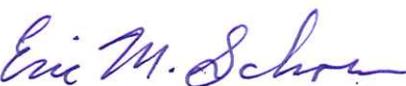
OFFICIAL MINUTES.

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 N.





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



ERIC M. SCHOEN, BOARD SECRETARY
OKLAHOMA REAL ESTATE APPRAISER BOARD

¹ The official Minutes of the November 2, 2012 meeting have been amended to reflect the actual Motion that was made under this Agenda Item. The previous Minutes reflected that the Board voted to issue renewal certificates to the appraisers discussed in this Agenda item; however, this agenda item relates to non-payment of annual dues and the actual Motion was to suspend the appraisers.