



STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD

OFFICIAL MINUTES

August 5, 2011
Date

228
Number

The Real Estate Appraiser Board, established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, held it's regularly scheduled meeting August 5, 2011 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 June 26, 2011 at 12:30 p.m. and was mailed or hand delivered to the offices of the Board members and posted to the REAB website on June 26, 2011. 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;
Kim N. Allen;
Jana S. Barker; and
Harold J. Snyder III.

Board members excused were: John D. Doak, 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; Susan Dobbins, counsel for Commissioner John D. Doak; Bryan Neal, Assistant Attorney General; and Shannon N. Gabbert, Board Secretary. Others present were: Mike Cordell; Hal Hartsock; Aaron Scott; Lewis Simms; Mark Willingham; Sue Wycoff, Board Prosecutor; and Steve McCaleb, Board Prosecutor.

- II. **READING AND APPROVAL OF MINUTES.** (Exhibit B) Mr. Allen moved that the reading of the minutes of the July 8, 2011 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:	Mr. Allen	Yes
	Ms. Barker	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Ms. Cagle	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 May 31, 2011. (Exhibit C) A motion was made by Ms. Fisher and seconded by Mr. Snyder 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:	Mr. Allen	Yes
	Ms. Barker	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Ms. Cagle	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 September 30, 2011 and authority to issue certificates. (Exhibit D) A motion was made by Ms. Barker 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:	Mr. Allen	Yes
	Ms. Barker	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Ms. Cagle	Yes
	Mr. Caesar	Yes

THE RESULT WAS SIX 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 E) A motion was made by Mr. Allen and seconded by Ms. Fisher to issue original certificates to the companies listed in Agenda Item III, Director's Report C. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Allen	Yes
	Ms. Barker	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Ms. Cagle	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 V was taken out of order, by order of the Chair.

Chairperson John Doak entered the room and was declared present.

Mr. Snyder recused himself from consideration of Agenda Item V due to Probable Cause Committee service.

V. DISCUSSION AND POSSIBLE ACTION REGARDING DISCIPLINARY HEARING PANEL RECOMMENDATION IN THE MATTER OF AARON A. SCOTT, COMPLAINT NUMBER 10-065, TO INCLUDE ANY ASSOCIATED MATTERS OR MOTIONS. (Exhibit F)

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

ROLL CALL VOTE:	Mr. Allen	Yes
	Ms. Barker	Yes
	Mr. Snyder	Recuse
	Ms. Fisher	Yes
	Ms. Cagle	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.;
Patti L. Fisher;
Betty J. Cagle;
Kim N. Allen; and
Jana S. Barker.

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

Ms. Fisher made a motion to accept the Hearing Panel Recommendation as presented. The motion was seconded by Ms. Cagle. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Allen	Yes
	Ms. Barker	Yes
	Mr. Snyder	Recuse
	Ms. Fisher	Yes
	Ms. Cagle	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.

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. Allen and seconded by Ms. Barker to approve the recommendation as presented in Agenda Item IVB (1). The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Allen	Yes
	Ms. Barker	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Ms. Cagle	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 H)

2(A) A motion was made by Mr. Allen and seconded by Ms. Barker to approve the application for transfer 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:	Mr. Allen	Yes
	Ms. Barker	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Ms. Cagle	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. Allen and seconded by Ms. Barker to disapprove the request for 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:	Mr. Allen	Yes
	Ms. Barker	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Ms. Cagle	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 IV B 2 (D) was taken out of order, by order of the Chair.

2(D) A motion was made by Mr. Allen and seconded by Ms. Cagle to allow staff to be given authority to issue a reciprocal license to the individual listed in Agenda Item IV B 2 (D). The Chair ordered a roll call vote with the following results:

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

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

At this point, the Session returned to regular order.

2(C) A motion was made by Mr. Allen and seconded by Ms. Cagle to approve the application for upgrade for the individual listed in Agenda Item IV B 2 (C). The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Mr. Allen	Yes
	Ms. Barker	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Ms. Cagle	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 I) A motion was made by Mr. Allen and seconded by Mr. Snyder to disapprove experience documentation for the applicant listed in Agenda Item IV B 3. The Chair ordered a roll call vote with the following results:

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

Ms. Fisher recused herself from consideration of Agenda Item IV D 3 due to Probable Cause Committee service.

3. Discussion and possible action regarding Probable Cause Committee disciplinary recommendations. (Exhibit J)

Following discussion of Grievance 11-019, a motion was made by Mr. Allen that the grievance be adopted as a formal complaint and forwarded to a prosecutor for further action. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

Following discussion of Grievance 11-033, a motion was made by Mr. Allen that a Letter of Warning be issued. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

Following discussion of the issues pertaining to Grievance 11-034, a motion was made by Mr. Allen that this case be pended against the appraiser's license and that, should she apply for reinstatement, it would be necessary for her to face prosecution as a prerequisite to any favorable action by the Board. Ms. Barker seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

Following discussion of Grievance 11-039, a motion was made by Mr. Allen that this matter be forwarded to prosecution for further action. Mr. Snyder seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

Following discussion of Grievance 11-041, a motion was made by Mr. Allen that the grievance be adopted as a formal complaint and forwarded to a prosecutor for further action. Ms. Barker seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

Mr. Caesar recused himself from consideration of Agenda Item IV D 3, Grievance A11-001 due to personal knowledge.

Following discussion of the issues pertaining to Grievance A11-001, a motion was made by Mr. Allen that the grievance be adopted as a formal complaint and forwarded to a prosecutor for further action. Ms. Barker seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

Ms. Fisher recused herself from consideration of Agenda Item VI due to being the grievant.

Mr. Snyder recused himself from consideration of Agenda Item VI due to Probable Cause Committee service.

VI. DISCUSSION AND POSSIBLE ACTION REGARDING MOTION TO RECONSIDER ("DEFENDANT'S REQUEST TO RECONSIDER DECISION, IN THE MATTER OF 11-015 AND 11-016") IN THE MATTER OF HAL A. HARTSOCK AND JUDY K. OLIVER, COMPLAINT NUMBER 10-041 TO INCLUDE ANY ASSOCIATED MATTERS OR MOTIONS. (Exhibit K)

Ms. Barker made a motion to deny the Motion to Reconsider. The motion was seconded by Ms. Cagle. The Chair ordered a roll call vote with the following results:

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

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

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

VII. DISCUSSION AND POSSIBLE ACTION REGARDING REQUEST BY LEWIS C. SIMMS FOR MONTHLY PAYMENT PLAN FOR COMPLIANCE WITH THE MANDATES OF ORDER NUMBER 11-018, COMPLAINT NUMBER 10-060, IN THE MATTER OF LEWIS C. SIMMS. (Exhibit L)

Ms. Fisher made a motion to accept the payment schedule as presented, amending to include a down payment date of September 1, 2011, with payment being due the first day of each month thereafter. The motion was seconded by Mr. Allen. The Chair ordered a roll call vote with the following results:

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

THE RESULT WAS FIVE 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.

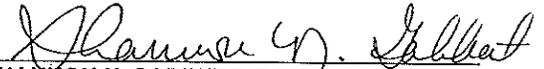
OFFICIAL MINUTES.

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



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