



STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD

OFFICIAL MINUTES

February 3, 2012
Date

234
Number

The Real Estate Appraiser Board, established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, held its regularly scheduled meeting February 3, 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 January 31, 2012 at 10:00 a.m. and was mailed or hand delivered to the offices of the Board members and posted to the REAB website on January 31, 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
Harold J. Snyder III.

Board members excused were: John D. Doak, Chairperson.

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

Others in attendance were: Christine McEntire, Director; Mike Copeland, counsel for Commissioner John D. Doak; Mark Willingham, counsel for Commissioner John D. Doak; Bryan Neal, Assistant Attorney General; Shannon N. Gabbert, Board Secretary; and Christen Watson, Legal Secretary. Others present were: Joe Garnand; Mike Cordell; Glinda Cordell; Anne McGarry; Scott McGarry; Mark Thompson; Rachel Mor; Dr. Rick Farmer; Matt Wilson; Brett Robinson, Legislative Liaison; and Steve McCaleb, Board Prosecutor.

- II. **READING AND APPROVAL OF MINUTES.** (Exhibit B) Mr. Wheeler moved that the reading of the minutes of the January 6, 2012 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. Snyder	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.

- 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 November 30, 2011.** (Exhibit C) A motion was made by Ms. Fisher and seconded by Ms. Barker 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. Snyder	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 March 31, 2012 and authority to issue certificates. (Exhibit D) A motion was made by Ms. Fisher and seconded by Ms. Barker 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. Snyder	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 E) A motion was made by Ms. Fisher and seconded by Ms. Barker 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:	Ms. Barker	Yes
	Mr. Snyder	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 renewal applications for Appraisal Management Companies due March 31, 2012 and authority to issue certificates. (Exhibit F) A motion was made by Ms. Fisher and seconded by Ms. Barker to issue original certificates to the companies listed in Agenda Item III, Director's Report D. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Snyder	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.

E. Discussion and possible action regarding attendance at spring, 2012 AARO Conference in Chicago, Illinois beginning April 21st, to include attendance at AQB and SRAG meetings on April 20th; request for authorization of staff attendance in addition to four Board members and the Board's prosecutor. No action.

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 Ms. Fisher and seconded by Ms. Barker 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. Snyder	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 H) A motion was made by Ms. Barker and seconded by Mr. Wheeler to approve the applications for the individuals listed in Agenda Item IV B 2. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:	Ms. Barker	Yes
	Mr. Snyder	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 report.

C. Legislation and Rules Committee. Legislative Liaison Brett Robinson presented his oral 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.

Mr. Caesar recused himself 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 I)

Following discussion of Grievance 11-040, a motion was made by Mr. Wheeler that this matter be dismissed, the file closed, and that 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. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Recuse

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

Following discussion of Grievance 11-068, a motion was made by Mr. Wheeler that no action be taken, the file closed and the matter dismissed. Ms. Fisher seconded the motion. The Chair ordered a roll call vote with the following results:

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

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 Grievance 11-070, a motion was made by Ms. Fisher that no action be taken, the file closed and the matter dismissed. Mr. Wheeler seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

Following discussion of Grievance 11-071, a motion was made by Ms. Fisher that this 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. Barker	Yes
	Mr. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Recuse

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

Following discussion of Grievance 11-072, a motion was made by Ms. Fisher that this 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. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Recuse

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 Grievance 11-074, a motion was made by Ms. Fisher that a non-disciplinary letter of warning concerning the need for additional comments and explanations be issued to the appraiser, that the file be closed and that 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. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Recuse

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

Following discussion of Grievance 11-075, a motion was made by Ms. Fisher that this matter be dismissed, the file closed and that 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. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Recuse

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

Following discussion of Grievance 11-076, a motion was made by Ms. Fisher that this matter be dismissed, the file closed and that 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. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Walton	Yes
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Recuse

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

Following discussion of Grievance A11-003, a motion was made by Ms. Fisher that this matter be pended against the individuals who are the principals of this AMC and, should they apply for registration under the name of another AMC, their application will be denied. Ms. Barker seconded the motion. The Chair ordered a roll call vote with the following results:

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

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

Mr. Walton recused himself from consideration of Agenda Item V due to previous service as a hearing panel officer.

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

V. DISCUSSION AND POSSIBLE ACTION REGARDING A DISCIPLINARY HEARING PANEL RECOMMENDATION IN THE MATTER OF WILLIAM S. MCGARRY, COMPLAINT NUMBER 09-133, TO INCLUDE ORAL ARGUMENT AND ANY ASSOCIATED MATTERS OR MOTIONS. (Exhibit J)

A motion was made by Mr. Wheeler and seconded by Mr. Snyder to elect Ms. Fisher as temporary Vice-Chair for Agenda Item V. The Chair ordered a roll call vote with the following

results:

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

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

Ms. Barker made a motion 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. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Walton	Recuse
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Recuse

THE RESULT WAS FIVE VOTES IN THE AFFIRMATIVE, NONE OPPOSED AND TWO 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: Patti L. Fisher;
Betty J. Cagle;
P. Lane Wheeler;
Jana S. Barker; and
Harold J. Snyder III.

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

Mr. Wheeler made a motion to strike item one, accept item two, amend item three to include twelve months of probation, strike cost and include payment of administrative fines in the amount of \$2,000 within six months of the issuance of the Order, and to accept item four. 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. Snyder	Yes
	Ms. Fisher	Yes
	Mr. Walton	Recuse
	Ms. Cagle	Yes
	Mr. Wheeler	Yes
	Mr. Caesar	Recuse

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

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

VI. DISCUSSION AND POSSIBLE ACTION REGARDING BOARD ORDER 09-028 IN THE MATTER OF DANIEL G. MEIER; COMPLAINT NUMBER 08-089, WITH RESPECT TO THE MATTER OF UNPAID FINES AND COSTS BY AN INACTIVE APPRAISER, TO INCLUDE ANY ASSOCIATED MATTERS OR MOTIONS. (Exhibit K)

A motion was made by Ms. Fisher and seconded by Ms. Barker to not pursue the collection of fees and that the Order be pended against the appraiser's file in the event of receipt of an Application for Reinstatement. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:

Ms. Barker	Yes
Mr. Snyder	Yes
Ms. Fisher	Yes
Mr. Walton	Yes
Ms. Cagle	Yes
Mr. Wheeler	Recuse
Mr. Caesar	Yes

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

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

VII. DISCUSSION AND POSSIBLE ACTION REGARDING GRIEVANCE 11-013 IN THE MATTER OF GREGORY K. WARD, WITH RESPECT TO AN ACTION FOR INJUNCTIVE RELIEF IN TULSA COUNTY, TO INCLUDE ANY ASSOCIATED MATTERS OR MOTIONS. (Exhibit L)

A motion was made by Mr. Wheeler and seconded by Mr. Snyder to withdraw previous request for legal action by the Attorney General's Office and close the file without further action. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:

Ms. Barker	Yes
Mr. Snyder	Yes
Ms. Fisher	Yes
Mr. Walton	Yes
Ms. Cagle	Yes
Mr. Wheeler	Recuse
Mr. Caesar	Yes

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

VIII. DISCUSSION AND POSSIBLE ACTION REGARDING THE SEPTEMBER 8, 2006 STANDING ORDER OF THE BOARD WITH RESPECT TO DESIGNATION OF ITS ASSIGNED COUNSEL AS HEARING PANEL OFFICER FOR THE PURPOSE OF HEARING AND RULING ON PRE-HEARING MATTERS, TO INCLUDE ANY ASSOCIATED MATTERS OR MOTIONS. (Exhibit M)

A motion was made by Ms. Barker and seconded by Ms. Fisher to renew the Standing Order as presented. The Chair ordered a roll call vote with the following results:

ROLL CALL VOTE:

Ms. Barker	Yes
Mr. Snyder	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.

IX. DISCUSSION AND POSSIBLE ACTION REGARDING DIRECTOR'S NOTIFICATION TO MERCURY NETWORK BY A LA MODE, TO CEASE AND DESIST OPERATING AS AN UNLICENSED APPRAISAL MANAGEMENT COMPANY, TO INCLUDE ANY ASSOCIATED MATTERS OR MOTIONS.

Mr. Caesar made a motion to enter executive session. 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. Snyder	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: Lee R. Caesar Jr.;
 Patti L. Fisher;
 Betty J. Cagle;
 P. Lane Wheeler;
 Stephen C. Walton; 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 and seconded by Ms. Cagle to give Board staff authority to pursue the matter via legal avenues to determine whether or not Mercury Network is an Appraisal Management Company. The Chair ordered a roll call vote with the following results:

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

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

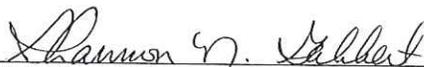
- X. DISCUSSION AND POSSIBLE ACTION REGARDING UPCOMING CHANGES TO THE REAL PROPERTY APPRAISER QUALIFICATION CRITERIA EFFECTIVE JANUARY 1, 2015. No action.
- XI. NEW BUSINESS. No new business.
- XII. ADJOURNMENT.
The Board adjourned by general consent.

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. GABBERT, BOARD SECRETARY
OKLAHOMA REAL ESTATE APPRAISER BOARD