



STATE OF OKLAHOMA
REAL ESTATE APPRAISER BOARD

OFFICIAL MINUTES

March 6, 2013
Date

247
Number

The Real Estate Appraiser Board, established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, held its regularly scheduled meeting March 6, 2013 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 Friday, March 1, 2013 at 10:00 a.m., and was mailed or hand delivered to the offices of the Board members on Tuesday, February 26, 2013 and posted to the REAB website on Friday, March 1, 2013. The agenda is attached as Exhibit A.

- I. **CALL TO ORDER.** Vice-Chairperson Lee R. Caesar, Jr. called the meeting to order at 9:31 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; and
John P. Smithson

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

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, Rebecca Keesee, Legal Secretary, and Eric Schoen, Board Secretary. Others present were: Sue Wycoff, Brett Robinson; Joe Garnand, Melissa Hadley and Carol Cooper.

Commissioner Doak entered the meeting.

- II. **READING AND APPROVAL OF MINUTES.** (Exhibit B) Mr. Wheeler moved that the reading of the minutes of the February 6, 2013 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. Fisher | Yes |
| | Ms. Cagle | Yes |
| | Mr. Wheeler | Yes |
| | Mr. Walton | Yes |
| | Ms. Pruitt | Excused |
| | Mr. Smithson | Yes |
| | Mr. Caesar | Yes |

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

- III. **DISCUSSION AND POSSIBLE ACTION REGARDING A NOTICE TO APPEAR AND ORDER TO SHOW CAUSE REGARDING BOARD ORDER #11-028 AND BOARD ORDER #12-024, MODIFYING BOARD ORDER #11-028, IN THE MATTER OF JEFFREY D. PHILLIPS AND ZACHARY A. PHILLIPS; COMPLAINT #10-102 FOR FAILURE TO COMPLY WITH AN ORDER OF THE BOARD** (Exhibit C)

Mr. Wheeler made a Motion to 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. Pruitt | Excused |
| | Mr. Smithson | Yes |
| | Mr. Caesar | Yes |

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

Shelley Pruitt entered the meeting.

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: John D. Doak, Chairperson;
Lee R. Caesar, Jr.;
Patti L. Fisher;
Betty J. Cagle;
P. Lane Wheeler
Stephen C. Walton;
Shelley Pruitt; and
John P. Smithson

Mr. Walton made a Motion to that the Trainee Certificate of Zachary A. Phillips be revoked for violation of compliance with an Order of the Board. Jeffrey Phillips' appraiser license was previously revoked. 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. Pruitt | Yes |
| | Mr. Smithson | Yes |
| | Mr. Caesar | Yes |

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

IV. **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 December 31, 2012.** No action.

B. **Discussion and possible action regarding approval of renewal applications due by April 30, 2013 and authority to issue certificates.** (Exhibit D)

Mr. Wheeler made a Motion and it was seconded by Ms. Fisher to approve Board staff to issue renewal certificates to the individuals listed in Agenda Item IV, 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. Pruitt | 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. (Exhibit E)

1. Mr. Wheeler made a Motion and it was seconded by Ms. Fisher to issue a certificate of registration to the company listed in Agenda Item IV, Director's Report C 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. Pruitt | Yes |
| | Mr. Smithson | Yes |
| | Mr. Caesar | Yes |

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

2. Agenda Item IV, Director's Report C 2 No Action.

D. Discussion and possible action regarding approval of AMC renewal applications due by April 30, 2013 and authority to issue certificates. (Exhibit F)

Ms. Fisher made a Motion and it was seconded by Mr. Wheeler to issue certificates of registration to the companies listed in Agenda Item IV, 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. Pruitt | Yes |
| | Mr. Smithson | 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 suspension of individual appraisers for failure to complete the 7-Hour National USPAP course which was due December 31, 2012. (Exhibit G)

Ms. Fisher made a Motion and it was seconded by Ms. Pruitt to issue certificates of registration to the companies listed in Agenda Item IV, Director's Report E. 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. Pruitt | Yes |
| | Mr. Smithson | Yes |
| | Mr. Caesar | Yes |

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

F. Discussion and possible action regarding imposed administrative fines in the amount of \$150.00 to individual appraisers for failure to complete the 7 –Hour National USPAP prior to the deadline of December 31, 2012. (Exhibit H)

Ms. Fisher made a Motion and it was seconded by Ms. Pruitt to issue certificates of registration to the companies listed in Agenda Item IV, Director's Report F. 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. Pruitt | Yes |
| | Mr. Smithson | Yes |
| | Mr. Caesar | Yes |

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

G. Discussion and possible action regarding imposed administrative fines in the amount of \$150.00 to individual appraisers for failure to complete the 7 –Hour National USPAP prior to the deadline of December 31, 2012 and acknowledgment that said individual appraisers have voluntarily remitted said fine. (Exhibit I)

Ms. Fisher made a Motion and it was seconded by Ms. Pruitt to issue certificates of registration to the companies listed in Agenda Item IV, Director's Report G. 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. Pruitt | Yes |
| | Mr. Smithson | Yes |
| | Mr. Caesar | Yes |

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

V. 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)

Mr. Wheeler made a Motion and it was seconded by Ms. Fisher to approve the recommendation as presented in Agenda Item V. 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. Pruitt | 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 K)

2(A) Ms. Fisher made a Motion and it was seconded by Ms. Pruitt to allow staff to be given authority to issue reciprocal licenses to the individuals listed in Agenda Item V 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. Pruitt | 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 Mr. Wheeler to allow staff to be given authority to issue trainee appraiser credentials to the individuals listed in Agenda Item V 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. Pruitt | 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 Mr. Wheeler to allow staff to approve the application for transfer and to allow staff to be given authority to issue an Oklahoma certificate to the individual listed in Agenda Item V 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. Pruitt | 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. Wheeler to allow staff to approve the application for reinstatement and be given authority to issue a credential to the individual listed in Agenda Item V 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. Pruitt | 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. (Exhibit L)

3(A) Mr. Wheeler made a Motion and it was seconded by Ms. Fisher to allow the staff be given authority to approve the application for upgrade and be given authority to issue an upgrade certificate to the individual listed in Agenda Item V B 3(A), contingent upon receipt of proof of acceptable examination results and payment of required fees. 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. Pruitt | Yes |
| | Mr. Smithson | Yes |
| | Mr. Caesar | Yes |

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

3(B) Ms. Fisher made a Motion and it was seconded by Mr. Wheeler to allow the staff be given authority to deny the application for upgrade of the individual listed in Agenda Item V B 3(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. Pruitt | Yes |
| | Mr. Smithson | Yes |
| | Mr. Caesar | Yes |

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

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.

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

Following discussion of Complaint #12-024 and #12-034, a Motion was made by Mr. Wheeler that the Board pend both Complaints against the appraiser's license in the event the appraiser chooses to apply for reinstatement in the future, the files 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. Pruitt | 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 12-056, a Motion was made by Ms. Fisher that the Board reject the recommendation of the probable cause committee. Ms. Cagle 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 | No |
| | Mr. Walton | No |
| | Ms. Pruitt | No |

| | |
|--------------|---------|
| Mr. Smithson | No |
| Mr. Caesar | Recused |

THE RESULT WAS TWO VOTES IN THE AFFIRMATIVE, FOUR OPPOSED AND ONE RECUSED. THE MOTION WAS NOT AGREED TO.

A Motion was made by Mr. Wheeler that the matter be forwarded to prosecution for further handling. Mr. Walton seconded the Motion. The Chair ordered a roll call vote with the following results:

| | | |
|-----------------|--------------|---------|
| ROLL CALL VOTE: | Ms. Fisher | No |
| | Ms. Cagle | No |
| | Mr. Wheeler | Yes |
| | Mr. Walton | Yes |
| | Ms. Pruitt | Yes |
| | Mr. Smithson | Yes |
| | Mr. Caesar | Recused |

THE RESULT WAS FOUR VOTES IN THE AFFIRMATIVE, TWO OPPOSED AND ONE RECUSED. THE MOTION WAS AGREED TO.

Following discussion of Grievance 12-058, a Motion was made by Mr. Wheeler that the matter be dismissed, the file closed and no further action be taken. Mr. Smithson 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. Pruitt | 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 12-059, a Motion was made by Mr. Wheeler that the matter be dismissed, the file closed and no further action be taken. Ms. Pruitt 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. Pruitt | 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. Caesar exited the meeting.

- VI. DISCUSSION AND POSSIBLE ACTION REGARDING COLLECTION ACTIONS FOR NON-PAYMENT OF FINES AND COSTS UNDER BOARD ORDER #12-013; IN THE MATTER OF RUSSELL S. MCINTOSH; COMPLAINT #11-041; AND BOARD ORDER #12-016; IN THE MATTER OF RUSSELL S. MCINTOSH; COMPLAINT #11-063; TO INCLUDE ANY ASSOCIATED MATTERS OR MOTIONS. (Exhibit N) No Action.
- VII. NEW BUSINESS.
- VIII. ADJOURNMENT. The Board adjourned by general consent.

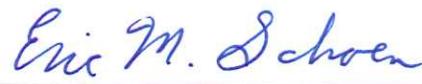
OFFICIAL MINUTES.

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