



- (c) the site area square footage on the report is reported as one hundred and eleven square feet larger than its actual square footage;
  - (d) Respondent lists the west wall as 1.1 feet longer than its actual size; and
  - (e) Respondent lists the south wall as 1.1 feet longer than its actual size.
6. That Respondent used inappropriate comparables, for which appropriate adjustments were not made.
7. That comparable properties were available in the subject neighborhood.
8. That Respondent's appraised value of the property was \$245,000.
9. That on May 11, 2004, a review appraisal on the subject property resulted in an estimated value of \$153,936.
10. The Board alleges that the series of intentional inaccuracies and omissions were for the purpose of deriving a higher appraised value than what the property was worth, which Respondent denies.

**Agreed Violations of Law as to Complaint 04-053**

11. The Board alleges that Respondent has violated 59 OKLA. STAT. tit. § 858-723(A)(5) "An act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the certificate holder or another person or with the intent to substantially injure another person" which Respondent denies.
12. That Respondent has violated 59 OKLA. STAT. tit. § 858-723(A)(6) through 59 OKLA. STAT. tit. § 858-726, in that Respondent violated:
- (a) The Conduct Section of the 2002 Edition of the Uniform Standards of Professional Appraisal Practice Ethics Rule;
  - (b) The Competency Rule in the 2002 Edition of the Uniform Standards of Professional Appraisal Practice;
  - (c) Standards Rule 1-1(a) in the 2002 Edition of the Uniform Standards of Professional Appraisal Practice;
  - (d) Standards Rule 1-1(b) in the 2002 Edition of the Uniform Standards of Professional Appraisal Practice;
  - (e) Standards Rule 1-1(c) in the 2002 Edition of the Uniform Standards of Professional Appraisal Practice;
  - (f) Standards Rule 1-2 (e)(i) and (e)(iv) in the 2002 Edition of the Uniform Standards of Professional Appraisal Practice;
  - (g) Standards Rule 1-3(a) and (b) in the 2002 Edition of the Uniform Standards of Professional Appraisal Practice;

- (h) Standards Rule 1-4(a) and (b)(iii) in the 2002 Edition of the Uniform Standards of Professional Appraisal Practice;
- (i) Standards Rule 1-5(a) and (c) in the 2002 Edition of the Uniform Standards of Professional Appraisal Practice;
- (j) Standards Rule 2 in the 2002 Edition of the Uniform Standards of Professional Appraisal Practice;
- (k) Standards Rule 2-1(a) in the 2002 Edition of the Uniform Standards of Professional Appraisal Practice;
- (l) Standards Rule 2-2(b)(iii),(ix),(x) and (xii) in the 2002 Edition of the Uniform Standards of Professional Appraisal Practice;
- (m) Standards Rule 2-3 in the 2002 Edition of the Uniform Standards of Professional Appraisal Practice;

13. That Respondent has violated 59 OKLA. STAT. tit. § 858-723(A)(7): "Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal."

14. That Respondent has violated 59 OKLA. STAT. tit. § 858-723(A)(9): "Willfully disregarding or violating any of the provisions of the Oklahoma Certified Real Estate Appraisers Act or the regulations of the Board for the administration and enforcement of the provisions of the Oklahoma Certified Real Estate Appraisers Act."

15. The Board alleges that Respondent has violated 59 OKLA. STAT. tit. § 858-723(A)(10): "Accepting an appraisal assignment when the employment itself is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion, or where the fee to be paid is contingent upon the opinion, conclusion or valuation reached, or upon the consequences resulting from the appraisal assignment" which Respondent denies.

16. That Respondent has violated 59 OKLA. STAT. tit. § 858-723(A)(13), in that Respondent violated 59 OKLA. STAT. tit. § 858-732(A)(1): "An appraiser must perform ethically and competently and not engage in conduct that is unlawful, unethical or improper. An appraiser who could reasonably be perceived to act as a disinterested third party in rendering an unbiased real property valuation must perform assignments with impartiality, objectivity and independence and without accommodation of personal interests."

**Agreed Facts as to Complaint 03-022**

17. The Respondent is a State Licensed Real Estate Appraiser in the State of Oklahoma, license number 12001.

18. On January 9, 2004, the Oklahoma Real Estate Appraiser Board issued Consent Order No. 04-001 in settlement of Complaint #03-022 against Respondent.

19. Order No. 04-001 placed a requirement on Respondent that he report to the Board's Probable Cause Committee ("Committee") with certain documents to be reviewed by the Committee.

20. That upon the review of Respondent's documents, the Committee made the determination that additional corrective action was necessary and recommended to the Board that Order No. 04-001 be amended.

21. On April 5, 2004, the Board issued an amended Order, numbered as 04-001a, which required the following additional requirements to the Consent Order:

- (a) That Respondent agrees to successfully complete a thirty (30) hour course in Fundamentals of Real Estate Appraising sponsored by a Board- approved provider and to transmit a copy of the course completion certificate to the Board's administrative office not later than July 9, 2004; and
- (b) That Respondent agrees to have the first thirty appraisal reports beginning with his receipt of this amendment to Board Order 04-001 co-signed by a certified residential or certified general appraiser duly licensed by this Board, to provide an REA Form 8 reflecting this supervisory relationship to the Board's administrative office, and to provide a monthly appraisal log reflecting these appraisals to the Board's administrative office until completion of this requirement.

22. That on April 24, 2004, Respondent appraised a property located at 808 Willow Run, Yukon, Oklahoma.

23. That said appraisal was not co-signed by a certified residential or certified general appraiser duly licensed by this Board.

#### **Agreed Violations of Law as to Complaint 03-022**

24. That Respondent has violated 59 OKLA. STAT. tit. § 858-723(A)(9): "Willfully disregarding or violating any of the provisions of the Oklahoma Certified Real Estate Appraisers Act or the regulations of the Board for the administration and enforcement of the provisions of the Oklahoma Certified Real Estate Appraisers Act," by his failure to adhere to the requirements of Board Order 04-001a as authorized by OKLA. ADMIN. CODE §600:15-1-14.

#### **Agreed Facts as to Complaint 04-041**

25. That Wells Fargo Home Mortgage hired Respondent to appraise a parcel of real estate located at 612 West Elder Drive, Mustang Heights 4th, Lot 3, Block 23, Mustang, Oklahoma 73064-3204.

26. That on or about June 16, 2004, Respondent prepared an Uniform Residential Appraisal Report on the property and transmitted said report to Wells Fargo Home Mortgage. Said report indicated that the report was signed on June 18, 2004.

27. That said report contained numerous inaccuracies and omissions, including but not limited to the following:

- (a) Respondent did not choose the best comparables available to determine his estimate of value and failed to make appropriate adjustments for the ones he chose;
- (b) Report states that land use is 95% single family but only 25-75% of the land is built up;
- (c) The report states the marketing time is 3-6 months. However, per MLS, the marketing time for subject subdivision is an average of 42 days;
- (d) The neighborhood boundaries are not described adequately;
- (e) The zoning classification is not described adequately; and
- (f) The report fails to state the intended user of intended use.

**Agreed Violations of Law as to Complaint 04-041**

28. The Board alleges that Respondent has violated 59 OKLA. STAT. tit. § 858-723(A)(5) "An act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the certificate holder or another person or with the intent to substantially injure another person" which Respondent denies.

29. That Respondent has violated 59 OKLA. STAT. tit. § 858-723(A)(6) through 59 OKLA. STAT. tit. § 858-726, in that Respondent violated:

- (a) The Conduct Section of the 2004 Edition of the Uniform Standards of Professional Appraisal Practice Ethics Rule;
- (b) The Competency Rule in the 2004 Edition of the Uniform Standards of Professional Appraisal Practice;
- (c) Standards Rule 1-2(a) in the 2004 Edition of the Uniform Standards of Professional Appraisal Practice;
- (d) Standards Rule 1-2(b) in the 2004 Edition of the Uniform Standards of Professional Appraisal Practice;
- (e) Standards Rule 1-2(f) in the 2004 Edition of the Uniform Standards of Professional Appraisal Practice;
- (f) Standards Rule 1-4(g) in the 2004 Edition of the Uniform Standards of Professional Appraisal Practice;
- (g) Standards Rule 1-4(b) in the 2004 Edition of the Uniform Standards of Professional Appraisal Practice;
- (h) Standards Rule 1-6(a) in the 2004 Edition of the Uniform Standards of

- Professional Appraisal Practice;
- (i) Standards Rule 2-1(a) in the 2004 Edition of the Uniform Standards of Professional Appraisal Practice;
- (j) Standards Rule 2-2 in the 2004 Edition of the Uniform Standards of Professional Appraisal Practice;
- (k) Standards Rule 2-2(b)(i), (ii), (v), (vii) and (ix) in the 2004 Edition of the Uniform Standards of Professional Appraisal Practice;

30. That Respondent has violated 59 OKLA. STAT. tit. § 858-723(A)(7): "Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal."

31. That Respondent has violated 59 OKLA. STAT. tit. § 858-723(A)(9): "Willfully disregarding or violating any of the provisions of the Oklahoma Certified Real Estate Appraisers Act or the regulations of the Board for the administration and enforcement of the provisions of the Oklahoma Certified Real Estate Appraisers Act."

32. The Board alleges that Respondent has violated 59 OKLA. STAT. tit. § 858-723(A)(10): "Accepting an appraisal assignment when the employment itself is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion, or where the fee to be paid is contingent upon the opinion, conclusion or valuation reached, or upon the consequences resulting from the appraisal assignment" which Respondent denies.

33. That Respondent has violated 59 OKLA. STAT. tit. § 858-723(A)(13), in that Respondent violated 59 OKLA. STAT. tit. § 858-732(A)(1): "An appraiser must perform ethically and competently and not engage in conduct that is unlawful, unethical or improper. An appraiser who could reasonably be perceived to act as a disinterested third party in rendering an unbiased real property valuation must perform assignments with impartiality, objectivity and independence and without accommodation of personal interests."

34. That Respondent has violated 59 OKLA. STAT. tit. § 858-719(B): "Each trainee, state licensed, state certified residential or state certified general real estate appraiser shall place that appraiser's certificate number adjacent to or immediately below the title Trainee Appraiser, State Licensed Appraiser, State Certified Residential Appraiser or State Certified General Appraiser when used in an appraisal report or in a contract or other instrument used by the certificate holder in conducting real property appraisal activities."

#### **AGREED SETTLEMENT**

Based on the foregoing, the Board and Respondent consent to the issuance of the following in settlement of this matter:

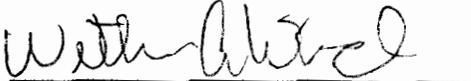
1. That Respondent waives the right to hearing and any procedural rights afforded to him pursuant to the Oklahoma Real Estate Appraisers Act.

2. Respondent herewith surrenders his license. Said surrender is made freely and voluntarily and that Respondent is fully aware of the consequences of the license surrender.

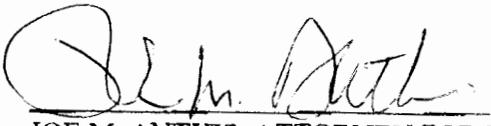
3. Respondent's license is hereby revoked, notwithstanding that at the expiration of two years from the date of this revocation, Respondent may make application for re-licensing. The Board is under no obligation to approve said application for license.

IT IS SO ORDERED on this 4<sup>th</sup> NOVEMBER day of ~~September~~, 2005.

APPROVED BY:

  
WILLIAM WOOD, RESPONDENT

9-30-05  
Date

  
JOE M. ANTHIS, ATTORNEY FOR RESPONDENT

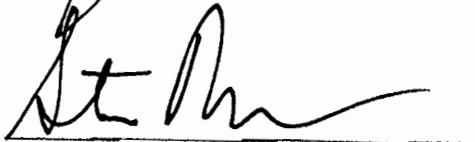
10/10/05  
Date

  
KIM HOLLAND, CHAIRPERSON  
Real Estate Appraiser Board

11-7-05  
Date

  
JOANN STEVENSON, Asst. Attorney General  
Counsel to the Real Estate Appraiser Board

11/4/05  
Date

  
STEPHEN McCALEB  
Real Estate Appraiser Board Prosecutor

10-12-05  
Date

**CERTIFICATE OF MAILING**

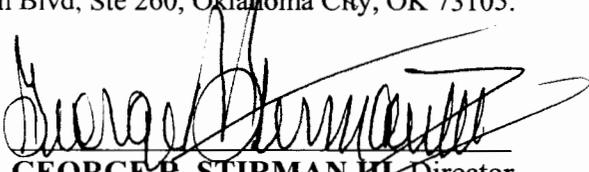
I, George R. Stirman III, hereby certify that a true and correct copy of the above and foregoing Board's Decision on Disciplinary Hearing Panel Recommendation was mailed by certified mail, return receipt requested, on the 9th day of November, 2005 to:

William A. Wood  
c/o Joe Anthis, Anthis & Willey  
Glenbrook Center West  
1140 NW 63<sup>rd</sup> St, Ste 400  
Oklahoma City, Oklahoma 73116

**VIA CERTIFIED MAIL**  
**7001 0320 0004 0219 8786**

and that copies were mailed by first class mail to:

Stephen L. McCaleb, Derryberry Law Firm, 4800 N. Lincoln Blvd, Oklahoma City, OK 73105;  
Rusty Hartsell, PO Box 542, Weatherford, OK 73096;  
Donald H. Justice, PO Box 988, Watonga, OK 73772;  
Bill R. Moon, PO Box 2047, Ada, OK 74821;  
Frank Priegel Jr., PO Box 627, Okmulgee, OK 74447;  
Nena W. Henderson, 1408 Sims Ave, Edmond, OK 73013;  
Fannie Mae, Attn: Richard J. Walker, Two Galleria Tower, 13455 Noel Rd, Ste 600, Dallas, TX 75240;  
and  
Joann Stevenson, Asst Atty General, 4545 N Lincoln Blvd, Ste 260, Oklahoma City, OK 73105.

  
**GEORGE R. STIRMAN III**, Director  
Real Estate Appraiser Board